

Calendar No. 267

114TH CONGRESS
1ST SESSION**S. 1203****[Report No. 114–153]**

To amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Mr. HELLER (for himself, Mr. CASEY, Mr. MORAN, Mr. MANCHIN, Mr. TOOMEY, Mr. HEINRICH, Mr. VITTER, Mr. TESTER, Ms. COLLINS, Mr. COCHRAN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 19, 2015

Reported by Mr. ISAKSON, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “21st Century Veterans Benefits Delivery Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BENEFITS CLAIMS SUBMISSION

Sec. 101. Improvements to Transition Assistance Program.

Sec. 102. Requirement that decisions on claims explain advantages of filing appeals within 180 days.

Sec. 103. Determination of manner of appearance for hearings before Board of Veterans’ Appeals.

TITLE II—PRACTICES OF REGIONAL OFFICES

Sec. 201. Required Comptroller General audit of regional offices of Veterans Benefits Administration.

Sec. 202. Requirement for management training program for veterans service center managers of Veterans Benefits Administration.

Sec. 203. Analysis of communication between regional offices of Department of Veterans Affairs and veterans service organizations and Congressional caseworkers.

Sec. 204. Review of practices of regional offices regarding use of suspense dates.

Sec. 205. Annual report on capacity of Veterans Benefits Administration to process benefits claims.

Sec. 206. Requirement to complete efforts to revise resource allocation model of Department of Veterans Affairs.

Sec. 207. Semiannual report on progress in implementing Veterans Benefits Management System.

Sec. 208. Report on plans of Secretary of Veterans Affairs to reduce inventory of claims for dependency and indemnity compensation and claims for pension.

Sec. 209. Increased transparency in Monday Morning Workload Report.

Sec. 210. Reports on appeals of decisions on benefits claims.

Sec. 211. Modification of pilot program for use of contract physicians for disability examinations.

TITLE III—GOVERNMENT RESPONSE

Sec. 301. Increased cooperation across Government.

Sec. 302. Report on interoperability between electronic health records systems of Department of Defense and Department of Veterans Affairs.

TITLE I—BENEFITS CLAIMS SUBMISSION

SEC. 101. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.

(a) MODIFICATION TO ENABLE ONLINE ACCESS.—

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **ONLINE ACCESS.**—(1) The Secretary of Labor, in conjunction with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, shall take such actions and make such modifications to the eBenefits Internet website as may be necessary to ensure that members of the armed forces and spouses described in subsection (a)(1) can access materials from the program carried out under this section through an Internet website.

“(2) An individual subject to a requirement under subsection (c) may not satisfy such requirement by participating in the program carried out under this section solely through an Internet website.”.

(b) PARTICIPATION OF VETERANS SERVICE ORGANIZATIONS.—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense, in collaboration with the Secretary of Labor, the Secretary of

1 Homeland Security, and the Secretary of Veterans
 2 Affairs, should establish a process by which a rep-
 3 resentative of a veterans service organization may be
 4 present at any portion of the program carried out
 5 under section 1144 of title 10, United States Code,
 6 relating to the submittal of claims to the Secretary
 7 of Veterans Affairs for compensation under chapter
 8 11 or 13 of title 38, United States Code.

9 ~~(2) REPORT.—~~

10 ~~(A) IN GENERAL.—~~Not later than one year
 11 after the date of the enactment of this Act, the
 12 Secretary of Defense shall submit to Congress
 13 a report on participation of veterans service or-
 14 ganizations in the program carried out under
 15 section 1144 of title 10, United States Code.

16 ~~(B) CONTENTS.—~~The report required by
 17 subparagraph (A) shall include the following:

18 ~~(i) An assessment of the compliance~~
 19 of facilities of the Department of Defense
 20 with the directives included in the memo-
 21 randum of the Secretary of Defense enti-
 22 tled “Installation Access and Support
 23 Services for Nonprofit Non-Federal Enti-
 24 ties” and dated December 23, 2014.

1 (ii) The number of military bases that
2 have complied with such directives.

3 (iii) How many veterans service orga-
4 nizations have been present at a portion of
5 a program as described in paragraph (1).

6 ~~(3) VETERANS SERVICE ORGANIZATION DE-~~
7 ~~FINED.—~~In this subsection, the term “veterans serv-
8 ice organization” means any organization recognized
9 by the Secretary for the representation of veterans
10 under section 5902 of title 38.

11 **SEC. 102. REQUIREMENT THAT DECISIONS ON CLAIMS EX-**
12 **PLAIN ADVANTAGES OF FILING APPEALS**
13 **WITHIN 180 DAYS.**

14 Section 5104(a) of title 38, United States Code, is
15 amended—

16 (1) by inserting “(1)” before “In the case”; and

17 (2) by striking the second sentence and insert-
18 ing the following new paragraph:

19 “(2) The notice shall include the following:

20 “(A) An explanation of the procedure for ob-
21 taining review of the decision.

22 “(B) An explanation of the advantages of filing
23 for review of the decision within 180 days.”.

1 **SEC. 103. DETERMINATION OF MANNER OF APPEARANCE**
 2 **FOR HEARINGS BEFORE BOARD OF VET-**
 3 **ERANS' APPEALS.**

4 (a) IN GENERAL.—Section 7107 of title 38, United
 5 States Code, is amended—

6 (1) by striking subsection (e);

7 (2) by redesignating subsections (d) and (f) as
 8 subsections (f) and (g), respectively;

9 (3) by inserting after subsection (e) the fol-
 10 lowing new subsections (d) and (e):

11 “(d)(1) Subject to paragraph (2), a hearing before
 12 the Board shall be conducted, as the Board considers ap-
 13 propriate—

14 “(A) in person; or

15 “(B) through picture and voice transmission, by
 16 electronic or other means, in such manner that the
 17 appellant is not present in the same location as the
 18 members of the Board during the hearing.

19 “(2) Upon request by an appellant, a hearing before
 20 the Board shall be conducted, as the appellant considers
 21 appropriate—

22 “(A) in person; or

23 “(B) through picture and voice transmission as
 24 described in paragraph (1)(B).

25 “(e)(1) In a case in which a hearing before the Board
 26 is to be conducted through picture and voice transmission

1 as described in subsection (d)(1)(B), the Secretary shall
 2 provide suitable facilities and equipment to the Board or
 3 other components of the Department to enable an appel-
 4 lant located at an appropriate facility within the area
 5 served by a regional office to participate as so described.

6 “(2) Any hearing conducted through picture and
 7 voice transmission as described in subsection (d)(1)(B)
 8 shall be conducted in the same manner as, and shall be
 9 considered the equivalent of, a personal hearing.”; and

10 (4) in subsection (f)(1), as redesignated by
 11 paragraph (2), by striking “An appellant may re-
 12 quest” and all that follows through “office of the
 13 Department” and inserting “In a case in which a
 14 hearing before the Board is to be conducted in per-
 15 son, the hearing shall be held at the principal loca-
 16 tion of the Board or at a facility of the Department
 17 located within the area served by a regional office of
 18 the Department.”.

19 (b) EFFECTIVE DATE.—The amendment made by
 20 subsection (a) shall apply with respect to cases received
 21 by the Board of Veterans’ Appeals pursuant to notices of
 22 disagreement submitted on or after the date of the enact-
 23 ment of this Act.

TITLE II—PRACTICES OF REGIONAL OFFICES

SEC. 201. REQUIRED COMPTROLLER GENERAL AUDIT OF REGIONAL OFFICES OF VETERANS BENEFITS ADMINISTRATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall complete an audit of the regional offices of the Veterans Benefits Administration—

(1) to assess the consistency of decisions being made with respect to claims for benefits under laws administered by the Secretary of Veterans Affairs; and

(2) to identify ways in which the consistency of such decisions can be improved.

(b) IDENTIFICATION OF FACTORS AND BEST PRACTICES.—The audit conducted under subsection (a) shall include the following:

(1) Identification of the factors, including management practices, that distinguish higher performing regional offices from other regional offices.

(2) Identification of best practices employed by higher performing regional offices that distinguish the performance of such offices from other regional offices.

1 (c) REPORT.—Not later than 90 days after the date
 2 on which the Comptroller General completes the audit re-
 3 quired by subsection (a), the Comptroller General shall
 4 submit to Congress a report on the results of the audit.

5 **SEC. 202. REQUIREMENT FOR MANAGEMENT TRAINING**
 6 **PROGRAM FOR VETERANS SERVICE CENTER**
 7 **MANAGERS OF VETERANS BENEFITS ADMIN-**
 8 **ISTRATION.**

9 The Secretary of Veterans Affairs shall establish a
 10 training program for veterans service center managers; or
 11 for employees in successor positions in regional offices of
 12 the Veterans Benefits Administration, on matters con-
 13 cerning managerial skills and such other skills as the Sec-
 14 retary considers appropriate for such managers.

15 **SEC. 203. ANALYSIS OF COMMUNICATION BETWEEN RE-**
 16 **GIONAL OFFICES OF DEPARTMENT OF VET-**
 17 **ERANS AFFAIRS AND VETERANS SERVICE OR-**
 18 **GANIZATIONS AND CONGRESSIONAL CASE-**
 19 **WORKERS.**

20 (a) IN GENERAL.—The Secretary of Veterans Affairs
 21 shall ensure that each systemic analysis of operations that
 22 is completed by a veterans service center manager in a
 23 regional office of the Department of Veterans Affairs in-
 24 cludes an analysis of the communication between the re-

1 gional office and veterans service organizations and ease-
 2 workers employed by Members of Congress.

3 (b) **VETERANS SERVICE ORGANIZATION DEFINED.**—

4 In this section, the term “veterans service organization”
 5 means any organization recognized by the Secretary for
 6 the representation of veterans under section 5902 of title
 7 38, United States Code.

8 **SEC. 204. REVIEW OF PRACTICES OF REGIONAL OFFICES**
 9 **REGARDING USE OF SUSPENSE DATES.**

10 (a) **REVIEW REQUIRED.**—Not later than 180 days
 11 after the date of the enactment of this Act, the Inspector
 12 General of the Department of Veterans Affairs shall con-
 13 duct a review of the practices of regional offices of the
 14 Department regarding the use of suspense dates during
 15 the disability claim assessment process.

16 (b) **REPORT.**—Not later than 270 days after the date
 17 of the enactment of this Act, the Inspector General of the
 18 Department shall submit to Congress a report on the find-
 19 ings of the Inspector General with respect to the review
 20 conducted under subsection (a).

21 (c) **SUSPENSE DATE DEFINED.**—In this section, the
 22 term “suspense date” means a measure used by the Vet-
 23 erans Benefits Administration to set incremental deadlines
 24 for disability claims as they progress through the disability
 25 claim assessment process.

1 **SEC. 205. ANNUAL REPORT ON CAPACITY OF VETERANS**
2 **BENEFITS ADMINISTRATION TO PROCESS**
3 **BENEFITS CLAIMS.**

4 (a) **IN GENERAL.**—Along with the supporting infor-
5 mation included in the budget submitted by the President
6 for fiscal year 2017 pursuant to section 1105(a) of title
7 31, United States Code, and with the supporting informa-
8 tion included in each budget submittal under such section
9 thereafter, the President shall include a report that the
10 Secretary of Veterans Affairs shall prepare on the capacity
11 of the Veterans Benefits Administration to process claims
12 for benefits under laws administered by the Secretary dur-
13 ing the fiscal year covered by the budget with which the
14 report is submitted.

15 (b) **CONTENTS.**—Each report submitted under sub-
16 section (a) shall include, for the period covered by the re-
17 port, the following:

18 (1) The number of claims for benefits under
19 laws administered by the Secretary that the Sec-
20 retary expects the Veterans Benefits Administration
21 to process.

22 (2) The number of full-time equivalent employ-
23 ees of the Veterans Benefits Administration who are
24 dedicated to processing such claims.

25 (3) An estimate of the average number of such
26 claims a single full-time equivalent employee of the

1 Administration can process in a year, based on a
 2 time and motion study that the Secretary shall con-
 3 duct on the processing of such claims.

4 (4) An assessment of whether the Administra-
 5 tion requires additional or fewer full-time equivalent
 6 employees to process such claims during the next
 7 one-year, five-year, and ten-year periods.

8 (5) A description of the actions the Secretary
 9 will take to improve the processing of such claims.

10 (6) An assessment of the actions identified by
 11 the Secretary in the previous report submitted under
 12 subsection (a) and identification of the effects of
 13 those actions.

14 (c) PUBLIC AVAILABILITY.—The Secretary shall
 15 make each report required by subsection (a) available to
 16 the public on an Internet website of the Department of
 17 Veterans Affairs.

18 **SEC. 206. REQUIREMENT TO COMPLETE EFFORTS TO RE-**
 19 **VISE RESOURCE ALLOCATION MODEL OF DE-**
 20 **PARTMENT OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—Not later than 180 days after the
 22 date of the enactment of this Act, the Secretary of Vet-
 23 erans Affairs shall complete the efforts of the Department
 24 of Veterans Affairs to revise the resource allocation model
 25 of the Veterans Benefits Administration.

1 (b) ~~REPORT.~~—Not later than 180 days after the date
 2 of the enactment of this Act, the Secretary shall submit
 3 to the Committee on Veterans' Affairs of the Senate and
 4 the Committee on Veterans' Affairs of the House of Rep-
 5 resentatives a report on the resource allocation model re-
 6 vised pursuant to subsection (a).

7 **SEC. 207. SEMIANNUAL REPORT ON PROGRESS IN IMPLE-**
 8 **MENTING VETERANS BENEFITS MANAGE-**
 9 **MENT SYSTEM.**

10 (a) ~~IN GENERAL.~~—Not later than 180 days after the
 11 date of the enactment of this Act and not less frequently
 12 than once every 180 days thereafter until the date that
 13 is three years after the date of the enactment of this Act,
 14 the Secretary of Veterans Affairs shall submit to Congress
 15 a report on the progress of the Secretary in implementing
 16 the Veterans Benefits Management System.

17 (b) ~~CONTENTS.~~—The report required by subsection
 18 (a) shall include the following:

19 (1) An assessment of the current functionality
 20 of the Veterans Benefits Management System.

21 (2) Recommendations submitted to the Sec-
 22 retary by employees of the Department of Veterans
 23 Affairs who are involved in processing claims for
 24 benefits under laws administered by the Secretary,
 25 including veteran service representatives, rating vet-

1 eran service representatives, and decision review offi-
 2 cers, for such legislative or administrative action as
 3 the employees consider appropriate to improve the
 4 processing of such claims.

5 (3) Recommendations submitted to the Sec-
 6 retary by veterans service organizations who use the
 7 Veterans Benefits Management System for such leg-
 8 islative or administrative action as the veterans serv-
 9 ice organization consider appropriate to improve
 10 such system.

11 **SEC. 208. REPORT ON PLANS OF SECRETARY OF VETERANS**
 12 **AFFAIRS TO REDUCE INVENTORY OF CLAIMS**
 13 **FOR DEPENDENCY AND INDEMNITY COM-**
 14 **PENSATION AND CLAIMS FOR PENSION.**

15 Not later than 90 days after the date of the enact-
 16 ment of this Act, the Secretary of Veterans Affairs shall
 17 submit to Congress a report that details the plans of the
 18 Secretary to reduce the inventory of—

19 (1) claims submitted to the Secretary for com-
 20 pensation under chapter 13 of title 38, United
 21 States Code; and

22 (2) claims submitted to the Secretary for pen-
 23 sion under chapter 15 of such title.

1 **SEC. 209. INCREASED TRANSPARENCY IN MONDAY MORN-**
 2 **ING WORKLOAD REPORT.**

3 (a) **DISAGGREGATION OF CLAIMS BY DECISIONS RE-**
 4 **QUIRING DISABILITY RATING.**—The Secretary of Vet-
 5 erans Affairs shall include in each Monday Morning Work-
 6 load Report published by the Secretary the number of
 7 claims for benefits under laws administered by the Sec-
 8 retary that have been received by a regional office of the
 9 Department of Veterans Affairs and are pending a deci-
 10 sion, disaggregated by—

11 (1) claims that have been pending for more
 12 than 125 days;

13 (2) claims that have been pending for 125 days
 14 or fewer; and

15 (3) claims that do not require a decision con-
 16 cerning a disability rating.

17 (b) **INCLUSION OF INFORMATION ON ASSIGNMENT OF**
 18 **PARTIAL RATINGS.**—The Secretary of Veterans Affairs
 19 shall include in each Monday Morning Workload Report
 20 published by the Secretary in the portion of the report
 21 entitled “Transformation” and in the portion of the report
 22 entitled “Aggregate” the number of partial ratings as-
 23 signed.

24 (c) **REPORT ON FULLY DEVELOPED CLAIMS.**—The
 25 Secretary of Veterans Affairs shall include in each Monday

1 Morning Workload Report published by the Secretary the
2 following:

3 (1) The total number of fully developed claims
4 for benefits under laws administered by the Sec-
5 retary that—

6 (A) have been received by a regional office
7 of the Department of Veterans Affairs; and

8 (B) are pending a decision.

9 (2) The total number of such claims that have
10 been pending for more than 125 days, disaggregated
11 by station.

12 (d) STATION DEFINED.—In this section, the term
13 “station” means the location of a regional office of the
14 Department where claims for disability compensation are
15 processed.

16 **SEC. 210. REPORTS ON APPEALS OF DECISIONS ON BENE-**
17 **FITS CLAIMS.**

18 (a) PUBLIC AVAILABILITY.—The Secretary of Vet-
19 erans Affairs shall make the reports of the Department
20 of Veterans Affairs entitled “Appeals Pending” and “Ap-
21 peals Workload By Station” available to the public on an
22 Internet website of the Department.

23 (b) APPEALS GRANTED BY STATION.—The Secretary
24 shall include in one of the reports described in subsection

25 (a) the percentage of appeals granted by station.

1 (c) CLAIMS PREVIOUSLY ADJUDICATED BY APPEALS
 2 MANAGEMENT CENTER.—The Secretary shall include in
 3 one of the reports described in subsection (a) the percent-
 4 age of claims previously adjudicated by the Appeals Man-
 5 agement Center that were either subsequently granted or
 6 remanded by the Board of Veterans' Appeals.

7 (d) STATION DEFINED.—In this section, the term
 8 “station” means the location of a regional office of the
 9 Department where claims for disability compensation are
 10 processed.

11 **SEC. 211. MODIFICATION OF PILOT PROGRAM FOR USE OF**
 12 **CONTRACT PHYSICIANS FOR DISABILITY EX-**
 13 **AMINATIONS.**

14 Section 504 of the Veterans' Benefits Improvement
 15 Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note)
 16 is amended—

17 (1) by redesignating subsections (c) and (d) as
 18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the fol-
 20 lowing new subsection (c):

21 “(c) LICENSURE OF CONTRACT PHYSICIANS.—

22 “(1) IN GENERAL.—Notwithstanding any law
 23 regarding the licensure of physicians, a physician de-
 24 scribed in paragraph (2) may conduct an examina-
 25 tion pursuant to a contract entered into under sub-

1 section (a) at any location in any State, the District
 2 of Columbia, or a Commonwealth, territory, or pos-
 3 session of the United States, so long as the examina-
 4 tion is within the scope of the authorized duties
 5 under such contract.

6 “(2) PHYSICIAN DESCRIBED.—A physician de-
 7 scribed in this paragraph is a physician who—

8 “(A) has a current license to practice the
 9 health care profession of the physician; and

10 “(B) is performing authorized duties for
 11 the Department of Veterans Affairs pursuant to
 12 a contract entered into under subsection (a).”.

13 **TITLE III—GOVERNMENT** 14 **RESPONSE**

15 **SEC. 301. INCREASED COOPERATION ACROSS GOVERN-** 16 **MENT.**

17 (a) APPOINTMENT OF LIAISONS.—

18 (1) DEPARTMENT OF DEFENSE.—The Sec-
 19 retary of Defense shall appoint individuals as fol-
 20 lows:

21 (A) At least one individual to act as a liai-
 22 son under this section between the Department
 23 of Defense and the Department of Veterans Af-
 24 fairs.

1 ~~(B)~~ At least one individual for each of the
 2 reserve components of the Armed Forces to act
 3 as a liaison under this section between the re-
 4 spective component of the Armed Forces and
 5 the Department of Veterans Affairs.

6 ~~(2)~~ NATIONAL ARCHIVES AND RECORDS ADMIN-
 7 ISTRATION.—The Archivist of the United States
 8 shall appoint at least one individual to act as a liai-
 9 son under this section between the National Archives
 10 and Records Administration and the Department of
 11 Veterans Affairs.

12 ~~(b)~~ DUTIES OF LIAISONS.—Each individual acting as
 13 a liaison under this section shall expedite the timely provi-
 14 sion to the Secretary of Veterans Affairs of such informa-
 15 tion as the Secretary requires to process claims submitted
 16 to the Secretary for benefits under laws administered by
 17 the Secretary.

18 ~~(c)~~ PROCEDURES.—

19 ~~(1)~~ IN GENERAL.—The Secretary of Veterans
 20 Affairs, the Secretary of Defense, and the Archivist
 21 of the United States shall jointly develop and imple-
 22 ment procedures to improve the timely provision to
 23 the Secretary of Veterans Affairs of such informa-
 24 tion as the Secretary requires to process claims sub-

1 mitted to the Secretary for benefits under laws ad-
 2 ministered by the Secretary.

3 ~~(2) TIMELY PROVISION.~~—The procedures devel-
 4 oped and implemented under paragraph ~~(1)~~ shall en-
 5 sure that the information provided to the Secretary
 6 of Veterans Affairs is provided to the Secretary not
 7 later than 30 days after the date on which the Sec-
 8 retary requests the information.

9 ~~(d) ANNUAL REPORTS.~~—Not less frequently than
 10 once each year, the Secretary of Veterans Affairs shall
 11 submit to Congress a report on—

12 ~~(1)~~ the requests for information made by the
 13 Secretary during the most recent one-year period for
 14 information from the Secretary of Defense and the
 15 Archivist of the United States required by the Sec-
 16 retary of Veterans Affairs to process claims sub-
 17 mitted to the Secretary for benefits under laws ad-
 18 ministered by the Secretary; and

19 ~~(2)~~ the timeliness of responses to such requests.

20 **SEC. 302. REPORT ON INTEROPERABILITY BETWEEN ELEC-**
 21 **TRONIC HEALTH RECORDS SYSTEMS OF DE-**
 22 **PARTMENT OF DEFENSE AND DEPARTMENT**
 23 **OF VETERANS AFFAIRS.**

24 Not later than one year after the date of the enact-
 25 ment of this Act, the Secretary of Defense and the Sec-

1 retary of Veterans Affairs shall jointly submit to Congress
 2 a report that sets forth a timeline with milestones for
 3 achieving interoperability between the electronic health
 4 records systems of the Department of Defense and the De-
 5 partment of Veterans Affairs.

6 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) *SHORT TITLE.*—*This Act may be cited as the “21st*
 8 *Century Veterans Benefits Delivery and Other Improve-*
 9 *ments Act”.*

10 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 11 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE MATTERS

Subtitle A—Expansion and Improvement of Health Care Benefits

Sec. 101. Improved access to appropriate immunizations for veterans.

Sec. 102. Expansion of provision of chiropractic care and services to veterans.

Subtitle B—Health Care Administration

Sec. 111. Expansion of availability of prosthetic and orthotic care for veterans.

*Sec. 112. Public access to Department of Veterans Affairs research and data shar-
 ing between Departments.*

*Sec. 113. Revival of Intermediate Care Technician Pilot Program of Department
 of Veterans Affairs.*

*Sec. 114. Transfer of health care provider credentialing data from Secretary of
 Defense to Secretary of Veterans Affairs.*

*Sec. 115. Examination and treatment by Department of Veterans Affairs for
 emergency medical conditions and women in labor.*

Subtitle C—Improvement of Medical Workforce

*Sec. 121. Inclusion of mental health professionals in education and training pro-
 gram for health personnel of the Department of Veterans Affairs.*

*Sec. 122. Expansion of qualifications for licensed mental health counselors of the
 Department of Veterans Affairs to include doctoral degrees.*

*Sec. 123. Requirement that physician assistants employed by the Department of
 Veterans Affairs receive competitive pay.*

Sec. 124. Report on medical workforce of the Department of Veterans Affairs.

TITLE II—COMPENSATION AND OTHER BENEFITS MATTERS

Subtitle A—Benefits Claims Submission

- Sec. 201. Participation of veterans service organizations in Transition Assistance Program.*
- Sec. 202. Requirement that Secretary of Veterans Affairs publish the average time required to adjudicate timely and untimely appeals.*
- Sec. 203. Determination of manner of appearance for hearings before Board of Veterans' Appeals.*

Subtitle B—Practices of Regional Offices Relating to Benefits Claims

- Sec. 211. Comptroller General review of claims processing performance of regional offices of Veterans Benefits Administration.*
- Sec. 212. Inclusion in annual budget submission of information on capacity of Veterans Benefits Administration to process benefits claims.*
- Sec. 213. Report on staffing levels at regional offices of Department of Veterans Affairs after transition to National Work Queue.*
- Sec. 214. Annual report on progress in implementing Veterans Benefits Management System.*
- Sec. 215. Report on plans of Secretary of Veterans Affairs to reduce inventory of non-rating workload.*
- Sec. 216. Sense of Congress on increased transparency relating to claims for benefits and appeals of decisions relating to benefits in Monday Morning Workload Report.*

Subtitle C—Other Benefits Matters

- Sec. 221. Modification of pilot program for use of contract physicians for disability examinations.*
- Sec. 222. Development of procedures to increase cooperation with National Guard Bureau.*
- Sec. 223. Review of determination of certain service in Philippines during World War II.*
- Sec. 224. Reports on Department disability medical examinations and prevention of unnecessary medical examinations.*
- Sec. 225. Sense of Congress on submittal of information relating to claims for disabilities incurred or aggravated by military sexual trauma.*

TITLE III—EDUCATION MATTERS

- Sec. 301. Retention of entitlement to educational assistance during certain additional periods of active duty.*
- Sec. 302. Reports on progress of students receiving Post-9/11 Educational Assistance.*
- Sec. 303. Secretary of Defense report on level of education attained by those who transfer entitlement to Post-9/11 educational assistance.*
- Sec. 304. Reports on educational levels attained by certain members of the Armed Forces at time of separation from the Armed Forces.*

TITLE IV—EMPLOYMENT AND TRANSITION MATTERS

- Sec. 401. Required coordination between Directors for Veterans' Employment and Training with State departments of labor and veterans affairs.*
- Sec. 402. Report on job fairs attended by one-stop career center employees at which such employees encounter veterans.*

Sec. 403. Review of challenges faced by employers seeking to hire veterans and sharing of information among Federal agencies that serve veterans.

Sec. 404. Review of Transition GPS Program Core Curriculum.

Sec. 405. Modification of requirement for provision of preseparation counseling.

TITLE V—VETERAN SMALL BUSINESS MATTERS

Sec. 501. Modification of treatment under contracting goals and preferences of Department of Veterans Affairs for small businesses owned by veterans of small businesses after death of disabled veteran owners.

Sec. 502. Treatment of businesses after deaths of servicemember-owners for purposes of Department of Veterans Affairs contracting goals and preferences.

TITLE VI—BURIAL MATTERS

Sec. 601. Department of Veterans Affairs study on matters relating to burial of unclaimed remains of veterans in national cemeteries.

TITLE VII—OTHER MATTERS

Sec. 701. Honoring as veterans certain persons who performed service in the reserve components of the Armed Forces.

Sec. 702. Report on Laotian military support of Armed Forces of the United States during Vietnam War.

Sec. 703. Restoration of prior reporting fee multipliers.

TITLE I—HEALTH CARE MATTERS

Subtitle A—Expansion and Improvement of Health Care Benefits

SEC. 101. IMPROVED ACCESS TO APPROPRIATE IMMUNIZATIONS FOR VETERANS.

(a) INCLUSION OF RECOMMENDED ADULT IMMUNIZATIONS AS MEDICAL SERVICES.—

(1) COVERED BENEFIT.—Subparagraph (F) of section 1701(9) of title 38, United States Code, is amended to read as follows:

1 “(F) immunizations against infectious dis-
 2 eases, including each immunization on the rec-
 3 ommended adult immunization schedule at the
 4 time such immunization is indicated on that
 5 schedule;”.

6 (2) *RECOMMENDED ADULT IMMUNIZATION*
 7 *SCHEDULE DEFINED.*—Section 1701 of such title is
 8 amended by adding after paragraph (9) the following
 9 new paragraph:

10 “(10) The term ‘recommended adult immuniza-
 11 tion schedule’ means the schedule established (and pe-
 12 riodically reviewed and, as appropriate, revised) by
 13 the Advisory Committee on Immunization Practices
 14 established by the Secretary of Health and Human
 15 Services and delegated to the Centers for Disease Con-
 16 trol and Prevention.”.

17 (b) *INCLUSION OF RECOMMENDED ADULT IMMUNIZA-*
 18 *TIONS IN ANNUAL REPORT.*—Section 1704(1)(A) of such
 19 title is amended—

20 (1) in clause (i), by striking “and” at the end;

21 (2) in clause (ii), by striking the period at the
 22 end and inserting “; and”; and

23 (3) by inserting after clause (ii) the following
 24 new clause:

1 “(iii) to provide veterans each immu-
 2 nization on the recommended adult immu-
 3 nization schedule at the time such immuni-
 4 zation is indicated on that schedule.”.

5 (c) *REPORT TO CONGRESS.*—

6 (1) *IN GENERAL.*—Not later than two years after
 7 the date of the enactment of this Act, the Secretary of
 8 Veterans Affairs shall submit to the Committee on
 9 Veterans’ Affairs of the Senate and the Committee on
 10 Veterans’ Affairs of the House of Representatives a re-
 11 port on the development and implementation by the
 12 Department of Veterans Affairs of quality measures
 13 and metrics, including targets for compliance, to en-
 14 sure that veterans receiving medical services under
 15 chapter 17 of title 38, United States Code, receive
 16 each immunization on the recommended adult immu-
 17 nization schedule at the time such immunization is
 18 indicated on that schedule.

19 (2) *RECOMMENDED ADULT IMMUNIZATION*
 20 *SCHEDULE DEFINED.*—In this subsection, the term
 21 “recommended adult immunization schedule” has the
 22 meaning given that term in section 1701(10) of title
 23 38, United States Code, as added by subsection (a)(2).

1 **SEC. 102. EXPANSION OF PROVISION OF CHIROPRACTIC**
 2 **CARE AND SERVICES TO VETERANS.**

3 (a) *PROGRAM FOR PROVISION OF CHIROPRACTIC CARE*
 4 *AND SERVICES TO VETERANS.*—Section 204(c) of the De-
 5 partment of Veterans Affairs Health Care Programs En-
 6 hancement Act of 2001 (Public Law 107–135; 115 Stat.
 7 2459; 38 U.S.C. 1710 note) is amended—

8 (1) by inserting “(1)” before “The program”;
 9 and

10 (2) by adding at the end the following new para-
 11 graph:

12 “(2) The program shall be carried out at not fewer
 13 than two medical centers or clinics in each Veterans Inte-
 14 grated Service Network by not later than two years after
 15 the date of the enactment of the 21st Century Veterans Bene-
 16 fits Delivery and Other Improvements Act, and at not fewer
 17 than 50 percent of all medical centers in each Veterans Inte-
 18 grated Service Network by not later than three years after
 19 such date of enactment.”.

20 (b) *EXPANDED CHIROPRACTOR SERVICES AVAILABLE*
 21 *TO VETERANS.*—

22 (1) *MEDICAL SERVICES.*—Paragraph (6) of sec-
 23 tion 1701 of title 38, United States Code, is amended
 24 by adding at the end the following new subparagraph:

25 “(H) Chiropractic services.”.

1 (2) *REHABILITATIVE SERVICES*.—Paragraph (8)
 2 of such section is amended by inserting “chiro-
 3 practic,” after “counseling,”.

4 (3) *PREVENTIVE HEALTH SERVICES*.—Paragraph
 5 (9) of such section is amended—

6 (A) by redesignating subparagraphs (F)
 7 through (K) as subparagraphs (G) through (L),
 8 respectively; and

9 (B) by inserting after subparagraph (E) the
 10 following new subparagraph (F):

11 “(F) periodic and preventive chiropractic
 12 examinations and services;”.

13 ***Subtitle B—Health Care***
 14 ***Administration***

15 ***SEC. 111. EXPANSION OF AVAILABILITY OF PROSTHETIC***
 16 ***AND ORTHOTIC CARE FOR VETERANS.***

17 (a) *ESTABLISHMENT OR EXPANSION OF ADVANCED*
 18 *DEGREE PROGRAMS TO EXPAND AVAILABILITY OF PROVI-*
 19 *SION OF CARE.*—The Secretary of Veterans Affairs shall
 20 work with institutions of higher education to develop part-
 21 nerships for the establishment or expansion of programs of
 22 advanced degrees in prosthetics and orthotics in order to
 23 improve and enhance the availability of high quality pros-
 24 thetic and orthotic care for veterans.

1 (b) *REPORT.*—Not later than one year after the effec-
2 tive date specified in subsection (d), the Secretary shall sub-
3 mit to the Committee on Veterans' Affairs of the Senate and
4 the Committee on Veterans' Affairs of the House of Rep-
5 resentatives a report setting forth a plan for carrying out
6 subsection (a). The Secretary shall develop the plan in con-
7 sultation with veterans service organizations, institutions
8 of higher education with accredited degree programs in
9 prosthetics and orthotics, and representatives of the pros-
10 thetics and orthotics field.

11 (c) *FUNDING.*—

12 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
13 There is hereby authorized to be appropriated for fis-
14 cal year 2017 for the Department of Veterans Affairs,
15 \$5,000,000 to carry out this section.

16 (2) *AVAILABILITY.*—The amount authorized to be
17 appropriated by paragraph (1) shall remain available
18 for expenditure until September 30, 2019.

19 (d) *EFFECTIVE DATE.*—This section shall take effect
20 on the date that is one year after the date of the enactment
21 of this Act.

1 **SEC. 112. PUBLIC ACCESS TO DEPARTMENT OF VETERANS**
 2 **AFFAIRS RESEARCH AND DATA SHARING BE-**
 3 **TWEEN DEPARTMENTS.**

4 (a) *ESTABLISHMENT OF INTERNET WEBSITE.*—The
 5 Secretary of Veterans Affairs shall make available on an
 6 Internet website of the Department of Veterans Affairs
 7 available to the public the following:

8 (1) *Data files that contain information on re-*
 9 *search of the Department.*

10 (2) *A data dictionary on each data file.*

11 (3) *Instructions for how to obtain access to each*
 12 *data file for use in research.*

13 (b) *PUBLIC ACCESS TO MANUSCRIPTS ON DEPART-*
 14 *MENT FUNDED RESEARCH.*—

15 (1) *IN GENERAL.*—Beginning not later than 18
 16 months after the effective date specified in subsection
 17 (e), the Secretary shall require, as a condition on the
 18 use of any data gathered or formulated from research
 19 funded by the Department, that any final, peer-re-
 20 viewed manuscript prepared for publication that uses
 21 such data be submitted to the Secretary for deposit in
 22 the digital archive under paragraph (2) and publica-
 23 tion under paragraph (3).

24 (2) *DIGITAL ARCHIVE.*—Not later than 18
 25 months after the effective date specified in subsection
 26 (e), the Secretary shall—

1 (A) *establish a digital archive consisting of*
 2 *manuscripts described in paragraph (1); or*

3 (B) *partner with another executive agency*
 4 *to compile such manuscripts in a digital archive.*

5 (3) *PUBLIC AVAILABILITY.—*

6 (A) *AVAILABILITY OF ARCHIVE.—The Sec-*
 7 *retary shall ensure that the digital archive under*
 8 *paragraph (2) and the contents of such archive*
 9 *are available to the public via a publicly acces-*
 10 *sible Internet website at no cost to the public.*

11 (B) *AVAILABILITY OF MANUSCRIPTS.—The*
 12 *Secretary shall ensure that each manuscript sub-*
 13 *mitted to the Secretary under paragraph (1) is*
 14 *available to the public under subparagraph (A)*
 15 *not later than one year after the official date on*
 16 *which the manuscript is otherwise published.*

17 (4) *CONSISTENT WITH COPYRIGHT LAW.—The*
 18 *Secretary shall carry out this subsection in a manner*
 19 *consistent with applicable copyright law.*

20 (5) *ANNUAL REPORT.—*

21 (A) *IN GENERAL.—Not later than one year*
 22 *after the date the Secretary begins making*
 23 *manuscripts available to the public under this*
 24 *subsection and not less frequently than once each*
 25 *year thereafter, the Secretary shall submit to the*

1 *Committee on Veterans' Affairs of the Senate*
 2 *and the Committee on Veterans' Affairs of the*
 3 *House of Representatives a report on the imple-*
 4 *mentation of this subsection during the most re-*
 5 *cent one-year period.*

6 (B) *CONTENTS.—Each report submitted*
 7 *under subparagraph (A) shall include for the pe-*
 8 *riod of the report:*

9 (i) *The number of manuscripts sub-*
 10 *mitted under paragraph (1).*

11 (ii) *The titles of such manuscripts.*

12 (iii) *The authors of such manuscripts.*

13 (iv) *For each such manuscript, the*
 14 *name and issue number or volume number,*
 15 *as the case may be, of the journal or other*
 16 *publication in which such manuscript was*
 17 *published.*

18 (c) *RECOMMENDATIONS FOR DATA SHARING BETWEEN*
 19 *DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF*
 20 *DEFENSE.—Not later than one year after the effective date*
 21 *specified in subsection (e), the Department of Veterans Af-*
 22 *fairs-Department of Defense Joint Executive Committee es-*
 23 *tablished by section 320(a) of title 38, United States Code,*
 24 *shall submit to the Secretary of Veterans Affairs and the*
 25 *Secretary of Defense options and recommendations for the*

1 *establishment of a program for long-term cooperation and*
 2 *data sharing between and within the Department of Vet-*
 3 *erans Affairs and the Department of Defense to facilitate*
 4 *research on outcomes of military service, readjustment after*
 5 *combat deployment, and other topics of importance to the*
 6 *following:*

7 (1) *Veterans.*

8 (2) *Members of the Armed Forces.*

9 (3) *Family members of veterans.*

10 (4) *Family members of members of the Armed*
 11 *Forces.*

12 (5) *Members of communities that have a signifi-*
 13 *cant population of veterans or members of the Armed*
 14 *Forces.*

15 (d) *EXECUTIVE AGENCY DEFINED.*—*In this section,*
 16 *the term “executive agency” has the meaning given that*
 17 *term in section 133 of title 41, United States Code.*

18 (e) *EFFECTIVE DATE.*—*This section shall take effect on*
 19 *the date that is one year after the date of the enactment*
 20 *of this Act.*

21 **SEC. 113. REVIVAL OF INTERMEDIATE CARE TECHNICIAN**
 22 **PILOT PROGRAM OF DEPARTMENT OF VET-**
 23 **ERANS AFFAIRS.**

24 (a) *REVIVAL.*—*The Secretary of Veterans Affairs shall*
 25 *revive the Intermediate Care Technician Pilot Program of*

1 *the Department of Veterans Affairs that was carried out*
2 *by the Secretary between January 2013 and February*
3 *2014.*

4 *(b) TECHNICIANS.—*

5 *(1) SELECTION.—The Secretary shall select not*
6 *less than 45 intermediate care technicians to partici-*
7 *pate in the pilot program.*

8 *(2) FACILITIES.—*

9 *(A) IN GENERAL.—Any intermediate care*
10 *technician hired pursuant to paragraph (1) may*
11 *be assigned to a medical facility of the Depart-*
12 *ment as determined by the Secretary for pur-*
13 *poses of this section.*

14 *(B) PRIORITY.—In assigning intermediate*
15 *care technicians under subparagraph (A), the*
16 *Secretary shall give priority to facilities at*
17 *which veterans have the longest wait times for*
18 *appointments for the receipt of hospital care or*
19 *medical services from the Department, as deter-*
20 *mined by the Secretary for purposes of this sec-*
21 *tion.*

22 *(c) TERMINATION.—The Secretary shall carry out the*
23 *pilot program under subsection (a) during the three-year*
24 *period beginning on the effective date specified in subsection*
25 *(e).*

1 (d) *HOSPITAL CARE AND MEDICAL SERVICES DE-*
 2 *FINED.*—*In this section, the terms “hospital care” and*
 3 *“medical services” have the meanings given such terms in*
 4 *section 1701 of title 38, United States Code.*

5 (e) *EFFECTIVE DATE.*—*This section shall take effect on*
 6 *the date that is one year after the date of the enactment*
 7 *of this Act.*

8 **SEC. 114. TRANSFER OF HEALTH CARE PROVIDER**
 9 **CREDENTIALING DATA FROM SECRETARY OF**
 10 **DEFENSE TO SECRETARY OF VETERANS AF-**
 11 **FAIRS.**

12 (a) *IN GENERAL.*—*In a case in which the Secretary*
 13 *of Veterans Affairs hires a covered health care provider, the*
 14 *Secretary of Defense shall, after receiving a request from*
 15 *the Secretary of Veterans Affairs for the credentialing data*
 16 *of the Secretary of Defense relating to such health care pro-*
 17 *vider, transfer to the Secretary of Veterans Affairs such*
 18 *credentialing data.*

19 (b) *COVERED HEALTH CARE PROVIDERS.*—*For pur-*
 20 *poses of this section, a covered provider is a health care*
 21 *provider who—*

22 (1) *is or was employed by the Secretary of De-*
 23 *fense;*

24 (2) *provides or provided health care related serv-*
 25 *ices as part of such employment; and*

1 (3) *was credentialed by the Secretary of Defense.*

2 (c) *POLICIES AND REGULATIONS.—The Secretary of*
 3 *Veterans Affairs and the Secretary of Defense shall establish*
 4 *such policies and promulgate such regulations as may be*
 5 *necessary to carry out this section.*

6 (d) *CREDENTIALING DEFINED.—In this section, the*
 7 *term “credentialing” means the systematic process of*
 8 *screening and evaluating qualifications and other creden-*
 9 *tials, including licensure, required education, relevant*
 10 *training and experience, and current competence and health*
 11 *status.*

12 (e) *EFFECTIVE DATE.—This section shall take effect on*
 13 *the date that is one year after the date of the enactment*
 14 *of this Act.*

15 **SEC. 115. EXAMINATION AND TREATMENT BY DEPARTMENT**
 16 **OF VETERANS AFFAIRS FOR EMERGENCY**
 17 **MEDICAL CONDITIONS AND WOMEN IN**
 18 **LABOR.**

19 (a) *IN GENERAL.—Subchapter VIII of chapter 17 of*
 20 *title 38, United States Code, is amended by inserting after*
 21 *section 1784 the following new section:*

22 **“§1784A. Examination and treatment for emergency**
 23 **medical conditions and women in labor**

24 “(a) *IN GENERAL.—In the case of a hospital of the*
 25 *Department that has an emergency department, if any in-*

1 *dividual comes to the hospital or the campus of the hospital*
 2 *and a request is made on behalf of the individual for exam-*
 3 *ination or treatment for a medical condition, the hospital*
 4 *must provide for an appropriate medical screening exam-*
 5 *ination within the capability of the emergency department,*
 6 *including ancillary services routinely available to the emer-*
 7 *gency department, to determine whether or not an emer-*
 8 *gency medical condition exists.*

9 “(b) *NECESSARY STABILIZING TREATMENT FOR*
 10 *EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If*
 11 *any individual comes to a hospital of the Department that*
 12 *has an emergency department or the campus of such a hos-*
 13 *pital and the hospital determines that the individual has*
 14 *an emergency medical condition, the hospital must provide*
 15 *either—*

16 “(A) *within the staff and facilities available at*
 17 *the hospital, for such further medical examination*
 18 *and such treatment as may be required to stabilize*
 19 *the medical condition; or*

20 “(B) *for transfer of the individual to another*
 21 *medical facility in accordance with subsection (c).*

22 “(2) *A hospital is deemed to meet the requirement of*
 23 *paragraph (1)(A) with respect to an individual if the hos-*
 24 *pital offers the individual the further medical examination*
 25 *and treatment described in that paragraph and informs the*

1 *individual (or a person acting on behalf of the individual)*
 2 *of the risks and benefits to the individual of such examina-*
 3 *tion and treatment, but the individual (or a person acting*
 4 *on behalf of the individual) refuses to consent to the exam-*
 5 *ination and treatment. The hospital shall take all reason-*
 6 *able steps to secure the written informed consent of the indi-*
 7 *vidual (or person) to refuse such examination and treat-*
 8 *ment.*

9 “(3) *A hospital is deemed to meet the requirement of*
 10 *paragraph (1) with respect to an individual if the hospital*
 11 *offers to transfer the individual to another medical facility*
 12 *in accordance with subsection (c) and informs the indi-*
 13 *vidual (or a person acting on behalf of the individual) of*
 14 *the risks and benefits to the individual of such transfer, but*
 15 *the individual (or a person acting on behalf of the indi-*
 16 *vidual) refuses to consent to the transfer. The hospital shall*
 17 *take all reasonable steps to secure the written informed con-*
 18 *sent of the individual (or person) to refuse such transfer.*

19 “(c) *RESTRICTING TRANSFERS UNTIL INDIVIDUAL*
 20 *STABILIZED.—(1) If an individual at a hospital of the De-*
 21 *partment has an emergency medical condition that has not*
 22 *been stabilized, the hospital may not transfer the individual*
 23 *unless—*

24 “(A)(i) *the individual (or a legally responsible*
 25 *person acting on behalf of the individual), after being*

1 *informed of the obligations of the hospital under this*
 2 *section and of the risk of transfer, requests, in writ-*
 3 *ing, transfer to another medical facility;*

4 *“(ii) a physician of the Department has signed*
 5 *a certification that, based upon the information*
 6 *available at the time of transfer, the medical benefits*
 7 *reasonably expected from the provision of appropriate*
 8 *medical treatment at another medical facility out-*
 9 *weigh the increased risks to the individual and, in the*
 10 *case of labor, to the unborn child from effecting the*
 11 *transfer; or*

12 *“(iii) if a physician of the Department is not*
 13 *physically present in the emergency department at the*
 14 *time an individual is transferred, a qualified medical*
 15 *person (as defined by the Secretary for purposes of*
 16 *this section) has signed a certification described in*
 17 *clause (ii) after a physician of the Department, in*
 18 *consultation with the person, has made the deter-*
 19 *mination described in such clause, and subsequently*
 20 *countersigns the certification; and*

21 *“(B) the transfer is an appropriate transfer to*
 22 *that facility.*

23 *“(2) A certification described in clause (ii) or (iii) of*
 24 *paragraph (1)(A) shall include a summary of the risks and*
 25 *benefits upon which the certification is based.*

1 “(3) *For purposes of paragraph (1)(B), an appro-*
 2 *priate transfer to a medical facility is a transfer—*

3 “(A) *in which the transferring hospital provides*
 4 *the medical treatment within its capacity that mini-*
 5 *mizes the risks to the health of the individual and, in*
 6 *the case of a woman in labor, the health of the unborn*
 7 *child;*

8 “(B) *in which the receiving facility—*

9 “(i) *has available space and qualified per-*
 10 *sonnel for the treatment of the individual; and*

11 “(ii) *has agreed to accept transfer of the in-*
 12 *dividual and to provide appropriate medical*
 13 *treatment;*

14 “(C) *in which the transferring hospital sends to*
 15 *the receiving facility all medical records (or copies*
 16 *thereof) available at the time of the transfer relating*
 17 *to the emergency medical condition for which the in-*
 18 *dividual has presented, including—*

19 “(i) *observations of signs or symptoms;*

20 “(ii) *preliminary diagnosis;*

21 “(iii) *treatment provided;*

22 “(iv) *the results of any tests; and*

23 “(v) *the informed written consent or certifi-*
 24 *cation (or copy thereof) provided under para-*
 25 *graph (1)(A);*

1 “(D) in which the transfer is effected through
 2 qualified personnel and transportation equipment, in-
 3 cluding the use of necessary and medically appro-
 4 priate life support measures during the transfer; and

5 “(E) that meets such other requirements as the
 6 Secretary considers necessary in the interest of the
 7 health and safety of individuals transferred.

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘campus’ means, with respect to a
 10 hospital of the Department—

11 “(A) the physical area immediately adja-
 12 cent to the main buildings of the hospital;

13 “(B) other areas and structures that are not
 14 strictly contiguous to the main buildings but are
 15 located not less than 250 yards from the main
 16 buildings; and

17 “(C) any other areas determined by the Sec-
 18 retary to be part of the campus of the hospital.

19 “(2) The term ‘emergency medical condition’
 20 means—

21 “(A) a medical condition manifesting itself
 22 by acute symptoms of sufficient severity (includ-
 23 ing severe pain) such that the absence of imme-
 24 diate medical attention could reasonably be ex-
 25 pected to result in—

1 “(i) placing the health of the indi-
 2 vidual (or, with respect to a pregnant
 3 woman, the health of the woman or her un-
 4 born child) in serious jeopardy;

5 “(ii) serious impairment to bodily
 6 functions; or

7 “(iii) serious dysfunction of any bodily
 8 organ or part; or

9 “(B) with respect to a pregnant woman who
 10 is having contractions—

11 “(i) that there is inadequate time to ef-
 12 fect a safe transfer to another hospital before
 13 delivery; or

14 “(ii) that transfer may pose a threat to
 15 the health or safety of the woman or the un-
 16 born child.

17 “(3)(A) The term ‘to stabilize’ means, with re-
 18 spect to an emergency medical condition described in
 19 paragraph (2)(A), to provide such medical treatment
 20 of the condition as may be necessary to assure, within
 21 reasonable medical probability, that no material dete-
 22 rioration of the condition is likely to result from or
 23 occur during the transfer of the individual from a fa-
 24 cility, or, with respect to an emergency medical con-

1 *dition described in paragraph (2)(B), to deliver (in-*
 2 *cluding the placenta).*

3 *“(B) The term ‘stabilized’ means, with respect to*
 4 *an emergency medical condition described in para-*
 5 *graph (2)(A), that no material deterioration of the*
 6 *condition is likely, within reasonable medical prob-*
 7 *ability, to result from or occur during the transfer of*
 8 *the individual from a facility, or, with respect to an*
 9 *emergency medical condition described in paragraph*
 10 *(2)(B), that the woman has delivered (including the*
 11 *placenta).*

12 *“(4) The term ‘transfer’ means the movement*
 13 *(including the discharge) of an individual outside the*
 14 *facilities of a hospital of the Department at the direc-*
 15 *tion of any person employed by (or affiliated or asso-*
 16 *ciated, directly or indirectly, with) the hospital, but*
 17 *does not include such a movement of an individual*
 18 *who—*

19 *“(A) has been declared dead; or*

20 *“(B) leaves the facility without the permis-*
 21 *sion of any such person.”.*

22 *(b) CLERICAL AMENDMENT.—The table of sections at*
 23 *the beginning of chapter 17 of such title is amended by in-*
 24 *serting after the item relating to section 1784 the following*
 25 *new item:*

“Sec. 1784A. Examination and treatment for emergency medical conditions and women in labor.”.

Subtitle C—Improvement of Medical Workforce

SEC. 121. INCLUSION OF MENTAL HEALTH PROFESSIONALS IN EDUCATION AND TRAINING PROGRAM FOR HEALTH PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS.

In carrying out the education and training program required under section 7302(a)(1) of title 38, United States Code, the Secretary of Veterans Affairs shall include education and training of marriage and family therapists and licensed professional mental health counselors.

SEC. 122. EXPANSION OF QUALIFICATIONS FOR LICENSED MENTAL HEALTH COUNSELORS OF THE DE- PARTMENT OF VETERANS AFFAIRS TO IN- CLUDE DOCTORAL DEGREES.

Section 7402(b)(11)(A) of title 38, United States Code, is amended by inserting “or doctoral degree” after “master’s degree”.

SEC. 123. REQUIREMENT THAT PHYSICIAN ASSISTANTS EM- PLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS RECEIVE COMPETITIVE PAY.

Section 7451(a)(2) of title 38, United States Code, is amended—

1 (1) *by redesignating subparagraph (B) as sub-*
 2 *paragraph (C);*

3 (2) *by inserting after subparagraph (A) the fol-*
 4 *lowing new subparagraph (B):*

5 *“(B) Physician assistant.”; and*

6 (3) *in subparagraph (C), as redesignated by*
 7 *paragraph (1), by striking “and registered nurse”*
 8 *and inserting “registered nurse, and physician assist-*
 9 *ant”.*

10 **SEC. 124. REPORT ON MEDICAL WORKFORCE OF THE DE-**
 11 **PARTMENT OF VETERANS AFFAIRS.**

12 (a) *IN GENERAL.*—*Not later than 120 days after the*
 13 *date of the enactment of this Act, the Secretary of Veterans*
 14 *Affairs shall submit to the Committee on Veterans Affairs*
 15 *of the Senate and the Committee on Veterans Affairs of the*
 16 *House of Representatives a report on the medical workforce*
 17 *of the Department of Veterans Affairs.*

18 (b) *ELEMENTS.*—*The report required by subsection (a)*
 19 *shall include the following:*

20 (1) *With respect to licensed professional mental*
 21 *health counselors and marriage and family therapists*
 22 *of the Department—*

23 (A) *how many such counselors and thera-*
 24 *pists are currently enrolled in the mental health*
 25 *professionals trainee program of the Department;*

1 (B) how many such counselors and thera-
2 pists are expected to enroll in the mental health
3 professionals trainee program of the Department
4 during the 180-day period beginning on the date
5 of the submittal of the report;

6 (C) a description of the eligibility criteria
7 for such counselors and therapists as compared
8 to other behavioral health professions in the De-
9 partment;

10 (D) a description of the objectives, goals,
11 and timing of the Department with respect to in-
12 creasing the representation of such counselors
13 and therapists in the behavioral health workforce
14 of the Department; and

15 (E) a description of the actions taken by the
16 Secretary, in consultation with the Director of
17 the Office of Personnel Management, to create an
18 occupational series for such counselors and thera-
19 pists and a timeline for the creation of such an
20 occupational series.

21 (2) A breakdown of spending by the Department
22 in connection with the education debt reduction pro-
23 gram of the Department under subchapter VII of
24 chapter 76 of title 38, United States Code, includ-
25 ing—

1 (A) the amount spent by the Department in
2 debt reduction payments during the three-year
3 period preceding the submittal of the report
4 disaggregated by the medical profession of the in-
5 dividual receiving the payments;

6 (B) a description of how the Department
7 prioritizes such spending by medical profession,
8 including an assessment of whether such priority
9 reflects the five occupations identified in the
10 most recent determination by the Inspector Gen-
11 eral of the Department of Veterans Affairs as
12 having the largest staffing shortages in the Vet-
13 erans Health Administration; and

14 (C) a description of the actions taken by the
15 Secretary to increase the effectiveness of such
16 spending for purposes of recruitment of health
17 care providers to the Department, including ef-
18 forts to more consistently include eligibility for
19 the education debt reduction program in vacancy
20 announcements of positions for health care pro-
21 viders at the Department.

22 (3) A description of any impediments to the de-
23 livery by the Department of telemedicine services to
24 veterans and any actions taken by the Department to

1 *address such impediments, including with respect*
2 *to—*

3 *(A) restrictions under Federal or State*
4 *laws;*

5 *(B) licensing or credentialing issues for*
6 *health care providers, including non-Department*
7 *health care providers, practicing telemedicine*
8 *with a veteran located in a different State;*

9 *(C) the effect of limited broadband access or*
10 *limited information technology capabilities on*
11 *the delivery of health care;*

12 *(D) the distance a veteran is required to*
13 *travel to access a facility or clinic with telemedi-*
14 *cine capabilities;*

15 *(E) the effect on the provision of telemedi-*
16 *cine services to veterans of policies of and lim-*
17 *ited liability protection for certain entities; and*

18 *(F) issues relating to reimbursement and*
19 *travel limitations for veterans that affect the*
20 *participation of non-Department health care*
21 *providers in the telemedicine program.*

22 *(4) An update on the efforts of the Secretary to*
23 *offer training opportunities in telemedicine to med-*
24 *ical residents in medical facilities of the Department*
25 *that use telemedicine, consistent with medical resi-*

1 *dency program requirements established by the Ac-*
2 *creditation Council for Graduate Medical Education,*
3 *as required in section 108(b) of the Honoring Amer-*
4 *ica's Veterans and Caring for Camp Lejeune Families*
5 *Act of 2012 (Public Law 112–154; 38 U.S.C. 7406*
6 *note).*

7 *(5) An assessment of the development and imple-*
8 *mentation by the Secretary of succession planning*
9 *policies to address the prevalence of vacancies in posi-*
10 *tions in the Veterans Health Administration of more*
11 *than 180 days, including the development of an enter-*
12 *prise position management system to more effectively*
13 *identify, track, and resolve such vacancies.*

14 *(6) A description of the actions taken by the Sec-*
15 *retary, in consultation with the Director of the Office*
16 *of Personnel Management, to address any impedi-*
17 *ments to the timely appointment and determination*
18 *of qualifications for Directors of Veterans Integrated*
19 *Service Networks and Medical Directors of the De-*
20 *partment.*

**TITLE II—COMPENSATION AND
OTHER BENEFITS MATTERS**
***Subtitle A—Benefits Claims
Submission***

**SEC. 201. PARTICIPATION OF VETERANS SERVICE ORGANI-
ZATIONS IN TRANSITION ASSISTANCE PRO-
GRAM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in collaboration with the Secretary of Labor, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, should establish a process by which a representative of a veterans service organization may be present at any portion of the program carried out under section 1144 of title 10, United States Code, relating to the submittal of claims to the Secretary of Veterans Affairs for compensation under chapter 11 or 13 of title 38, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on participation of veterans service organizations in the program carried out under section 1144 of title 10, United States Code.

(2) *CONTENTS.*—The report required by paragraph (1) shall include the following:

(A) *An assessment of the compliance of facilities of the Department of Defense with the directives included in the memorandum of the Secretary of Defense entitled “Installation Access and Support Services for Nonprofit Non-Federal Entities” and dated December 23, 2014.*

(B) *The number of military bases that have complied with such directives.*

(C) *How many veterans service organizations have been present at a portion of a program as described in subsection (a).*

(c) *VETERANS SERVICE ORGANIZATION DEFINED.*—In this section, the term “veterans service organization” means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38.

SEC. 202. REQUIREMENT THAT SECRETARY OF VETERANS AFFAIRS PUBLISH THE AVERAGE TIME REQUIRED TO ADJUDICATE TIMELY AND UNTIMELY APPEALS.

(a) *PUBLICATION REQUIREMENT.*—

(1) *IN GENERAL.*—On an ongoing basis, the Secretary of Veterans Affairs shall make available to the public the following:

1 (A) *The average length of time to adjudicate*
 2 *a timely appeal.*

3 (B) *The average length of time to adjudicate*
 4 *an untimely appeal.*

5 (2) *EFFECTIVE DATE.*—*Paragraph (1) shall take*
 6 *effect on the date that is one year after the date of the*
 7 *enactment of this Act and shall apply until the date*
 8 *that is three years after the date of the enactment of*
 9 *this Act.*

10 (b) *REPORT.*—

11 (1) *IN GENERAL.*—*Not later than 39 months*
 12 *after the date of the enactment of this Act, the Sec-*
 13 *retary shall submit to the Committee on Veterans' Af-*
 14 *fairs of the Senate and the Committee on Veterans'*
 15 *Affairs of the House of Representatives a report on*
 16 *whether publication pursuant to subsection (a)(1) has*
 17 *had an effect on the number of timely appeals filed.*

18 (2) *CONTENTS.*—*The report required by para-*
 19 *graph (1) shall include the following:*

20 (A) *The number of appeals and timely ap-*
 21 *peals that were filed during the one-year period*
 22 *ending on the effective date specified in sub-*
 23 *section (a)(2).*

24 (B) *The number of appeals and timely ap-*
 25 *peals that were filed during the one-year period*

1 *ending on the date that is two years after the ef-*
 2 *fective date specified in subsection (a)(2).*

3 (c) *DEFINITIONS.—In this section:*

4 (1) *APPEAL.—The term “appeal” means a notice*
 5 *of disagreement filed pursuant to section 7105(a) of*
 6 *title 38, United States Code, in response to notice of*
 7 *the result of an initial review or determination re-*
 8 *garding a claim for a benefit under a law adminis-*
 9 *tered by the Secretary of Veterans Affairs.*

10 (2) *TIMELY.—The term “timely” with respect to*
 11 *an appeal means that the notice of disagreement was*
 12 *filed not more than 180 days after the date of mailing*
 13 *of the notice of the result of the initial review or de-*
 14 *termination described in paragraph (1).*

15 (3) *UNTIMELY.—The term “untimely” with re-*
 16 *spect to an appeal means the notice of disagreement*
 17 *was filed more than 180 days after the date of mail-*
 18 *ing of the notice of the result of the initial review or*
 19 *determination described in paragraph (1).*

20 **SEC. 203. DETERMINATION OF MANNER OF APPEARANCE**
 21 **FOR HEARINGS BEFORE BOARD OF VET-**
 22 **ERANS’ APPEALS.**

23 (a) *IN GENERAL.—Section 7107 of title 38, United*
 24 *States Code, is amended—*

25 (1) *by striking subsection (e);*

1 (2) *by redesignating subsections (d) and (f) as*
 2 *subsections (f) and (g), respectively;*

3 (3) *by inserting after subsection (c) the following*
 4 *new subsections (d) and (e):*

5 “(d)(1) *Subject to paragraph (2), a hearing before the*
 6 *Board shall be conducted, as the Board considers appro-*
 7 *priate—*

8 “(A) *in person; or*

9 “(B) *through picture and voice transmission, by*
 10 *electronic or other means, in such manner that the*
 11 *appellant is not present in the same location as the*
 12 *member or members of the Board during the hearing.*

13 “(2) *Upon request by an appellant, a hearing before*
 14 *the Board shall be conducted, as the appellant considers ap-*
 15 *propriate—*

16 “(A) *in person; or*

17 “(B) *through picture and voice transmission as*
 18 *described in paragraph (1)(B).*

19 “(e)(1) *In a case in which a hearing before the Board*
 20 *is to be conducted through picture and voice transmission*
 21 *as described in subsection (d)(1)(B), the Secretary shall*
 22 *provide suitable facilities and equipment to the Board or*
 23 *other components of the Department to enable an appellant*
 24 *located at an appropriate facility within the area served*
 25 *by a regional office to participate as so described.*

1 “(2) *Any hearing conducted through picture and voice*
 2 *transmission as described in subsection (d)(1)(B) shall be*
 3 *conducted in the same manner as, and shall be considered*
 4 *the equivalent of, a personal hearing.*”; and

5 (4) *in subsection (f)(1), as redesignated by para-*
 6 *graph (2), by striking “An appellant may request”*
 7 *and all that follows through “office of the Depart-*
 8 *ment” and inserting “In a case in which a hearing*
 9 *before the Board is to be conducted in person, the*
 10 *hearing shall be held at the principal location of the*
 11 *Board or at a facility of the Department located with-*
 12 *in the area served by a regional office of the Depart-*
 13 *ment”.*

14 (b) *CONFORMING AMENDMENT.*—*Subsection (a)(1) of*
 15 *such section is amended by striking “in subsection (f)” and*
 16 *inserting “in subsection (g)”.*

17 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
 18 *section (a) shall apply with respect to cases received by the*
 19 *Board of Veterans’ Appeals pursuant to notices of disagree-*
 20 *ment submitted on or after the date of the enactment of this*
 21 *Act.*

1 ***Subtitle B—Practices of Regional***
 2 ***Offices Relating to Benefits Claims***

3 ***SEC. 211. COMPTROLLER GENERAL REVIEW OF CLAIMS***
 4 ***PROCESSING PERFORMANCE OF REGIONAL***
 5 ***OFFICES OF VETERANS BENEFITS ADMINIS-***
 6 ***TRATION.***

7 (a) *REVIEW REQUIRED.*—Not later than 15 months
 8 after the effective date specified in subsection (e), the Comp-
 9 troller General of the United States shall complete a review
 10 of the regional offices of the Veterans Benefits Administra-
 11 tion to help the Veterans Benefits Administration achieve
 12 more consistent performance in the processing of claims for
 13 disability compensation.

14 (b) *ELEMENTS.*—The review required by subsection (a)
 15 shall include the following:

16 (1) *An identification of the following:*

17 (A) *The factors, including management*
 18 *practices, that distinguish higher performing re-*
 19 *gional offices from other regional offices with re-*
 20 *spect to claims for disability compensation.*

21 (B) *The best practices employed by higher*
 22 *performing regional offices that distinguish the*
 23 *performance of such offices from other regional*
 24 *offices.*

1 (C) *Such other management practices or*
 2 *tools as the Comptroller General determines*
 3 *could be used to improve the performance of re-*
 4 *gional offices.*

5 (2) *An assessment of the effectiveness of commu-*
 6 *nication with respect to the processing of claims for*
 7 *disability compensation between the regional offices*
 8 *and veterans service organizations and caseworkers*
 9 *employed by Members of Congress.*

10 (c) *REPORT.*—*Not later than 15 months after the effec-*
 11 *tive date specified in subsection (e), the Comptroller General*
 12 *shall submit to the Committee on Veterans' Affairs of the*
 13 *Senate and the Committee on Veterans' Affairs of the House*
 14 *of Representatives a report on the results of the review com-*
 15 *pleted under subsection (a).*

16 (d) *VETERANS SERVICE ORGANIZATION DEFINED.*—*In*
 17 *this section, the term “veterans service organization” means*
 18 *any organization recognized by the Secretary for the rep-*
 19 *resentation of veterans under section 5902 of title 38,*
 20 *United States Code.*

21 (e) *EFFECTIVE DATE.*—*This section shall take effect on*
 22 *the date that is 270 days after the date of the enactment*
 23 *of this Act.*

1 **SEC. 212. INCLUSION IN ANNUAL BUDGET SUBMISSION OF**
 2 **INFORMATION ON CAPACITY OF VETERANS**
 3 **BENEFITS ADMINISTRATION TO PROCESS**
 4 **BENEFITS CLAIMS.**

5 (a) *IN GENERAL.*—Along with the supporting infor-
 6 mation included in the budget submitted to Congress by the
 7 President pursuant to section 1105(a) of title 31, United
 8 States Code, the President shall include information on the
 9 capacity of the Veterans Benefits Administration to process
 10 claims for benefits under the laws administered by the Sec-
 11 retary of Veterans Affairs, including information described
 12 in subsection (b), during the fiscal year covered by the budg-
 13 et with which the information is submitted.

14 (b) *INFORMATION DESCRIBED.*—The information de-
 15 scribed in this subsection is the following:

16 (1) *An estimate of the average number of claims*
 17 *for benefits under the laws administered by the Sec-*
 18 *retary, excluding such claims completed during man-*
 19 *datory overtime, that a single full-time equivalent em-*
 20 *ployee of the Administration can process in a year,*
 21 *based on the following:*

22 (A) *A time and motion study that the Sec-*
 23 *retary shall conduct on the processing of such*
 24 *claims.*

25 (B) *Such other information relating to such*
 26 *claims as the Secretary considers appropriate.*

1 (2) *A description of the actions the Secretary*
 2 *will take to improve the processing of such claims.*

3 (3) *An assessment of the actions identified by the*
 4 *Secretary under paragraph (2) in the previous year*
 5 *and an identification of the effects of those actions.*

6 (c) *EFFECTIVE DATE.*—*This section shall apply with*
 7 *respect to any budget submitted as described in subsection*
 8 *(a) with respect to any fiscal year after fiscal year 2017.*

9 **SEC. 213. REPORT ON STAFFING LEVELS AT REGIONAL OF-**
 10 **FICES OF DEPARTMENT OF VETERANS AF-**
 11 **FAIRS AFTER TRANSITION TO NATIONAL**
 12 **WORK QUEUE.**

13 *Not later than 15 months after the date of the enact-*
 14 *ment of this Act, the Secretary of Veterans Affairs shall sub-*
 15 *mit to the Committee on Veterans' Affairs of the Senate and*
 16 *the Committee on Veterans' Affairs of the House of Rep-*
 17 *resentatives a report on the criteria and procedures that*
 18 *the Secretary will use to determine appropriate staffing lev-*
 19 *els at the regional offices of the Department once the De-*
 20 *partment has transitioned to using the National Work*
 21 *Queue for the distribution of the claims processing work-*
 22 *load.*

1 **SEC. 214. ANNUAL REPORT ON PROGRESS IN IMPLE-**
2 **MENTING VETERANS BENEFITS MANAGE-**
3 **MENT SYSTEM.**

4 (a) *IN GENERAL.*—Not later than each of one year,
5 two years, and three years after the date of the enactment
6 of this Act, the Secretary of Veterans Affairs shall submit
7 to Congress a report on the progress of the Secretary in
8 implementing the Veterans Benefits Management System.

9 (b) *CONTENTS.*—Each report required by subsection
10 (a) shall include the following:

11 (1) *An assessment of the current functionality of*
12 *the Veterans Benefits Management System.*

13 (2) *Recommendations submitted to the Secretary*
14 *by employees of the Department of Veterans Affairs*
15 *who are involved in processing claims for benefits*
16 *under the laws administered by the Secretary, includ-*
17 *ing veterans service representatives, rating veterans*
18 *service representatives, and decision review officers,*
19 *for such legislative or administrative action as the*
20 *employees consider appropriate to improve the proc-*
21 *essing of such claims.*

22 (3) *Recommendations submitted to the Secretary*
23 *by veterans service organizations who use the Veterans*
24 *Benefits Management System for such legislative or*
25 *administrative action as the veterans service organi-*
26 *zations consider appropriate to improve such system.*

1 (c) *VETERANS SERVICE ORGANIZATION DEFINED.*—In
 2 this section, the term “veterans service organization” means
 3 any organization recognized by the Secretary for the rep-
 4 resentation of veterans under section 5902 of title 38,
 5 United States Code.

6 **SEC. 215. REPORT ON PLANS OF SECRETARY OF VETERANS**
 7 **AFFAIRS TO REDUCE INVENTORY OF NON-**
 8 **RATING WORKLOAD.**

9 Not later than 120 days after the date of the enactment
 10 of this Act, the Secretary of Veterans Affairs shall submit
 11 to the Committee on Veterans’ Affairs of the Senate and
 12 the Committee on Veterans’ Affairs of the House of Rep-
 13 resentatives a report that details the plans of the Secretary
 14 to reduce the inventory of work items listed in the Monday
 15 Morning Workload Report under End Products 130, 137,
 16 173, 290, 400, 600, 607, 690, 930, and 960.

17 **SEC. 216. SENSE OF CONGRESS ON INCREASED TRANS-**
 18 **PARENCY RELATING TO CLAIMS FOR BENE-**
 19 **FITS AND APPEALS OF DECISIONS RELATING**
 20 **TO BENEFITS IN MONDAY MORNING WORK-**
 21 **LOAD REPORT.**

22 It is the sense of Congress that the Secretary of Vet-
 23 erans Affairs should include in each Monday Morning
 24 Workload Report published by the Secretary the following:

(1) *With respect to each regional office of the Department of Veterans Affairs, the following:*

(A) *The number of fully developed claims for benefits under the laws administered by the Secretary that have been received.*

(B) *The number of claims described in subparagraph (A) that are pending a decision.*

(C) *The number of claims described in subparagraph (A) that have been pending a decision for more than 125 days.*

(2) *Enhanced information on appeals of decisions relating to claims for benefits under the laws administered by the Secretary that are pending, including information contained in the reports of the Department entitled “Appeals Pending” and “Appeals Workload By Station”.*

Subtitle C—Other Benefits Matters

SEC. 221. MODIFICATION OF PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EX- AMINATIONS.

Section 504 of the Veterans’ Benefits Improvement Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) is amended—

(1) *by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and*

1 (2) *by inserting after subsection (b) the following*
 2 *new subsection (c):*

3 “(c) *LICENSURE OF CONTRACT PHYSICIANS.*—

4 “(1) *IN GENERAL.*—Notwithstanding any law re-
 5 *garding the licensure of physicians, a physician de-*
 6 *scribed in paragraph (2) may conduct an examina-*
 7 *tion pursuant to a contract entered into under sub-*
 8 *section (a) at any location in any State, the District*
 9 *of Columbia, or a Commonwealth, territory, or posses-*
 10 *sion of the United States, so long as the examination*
 11 *is within the scope of the authorized duties under*
 12 *such contract.*

13 “(2) *PHYSICIAN DESCRIBED.*—A physician de-
 14 *scribed in this paragraph is a physician who—*

15 “(A) *has a current license to practice the*
 16 *health care profession of the physician; and*

17 “(B) *is performing authorized duties for the*
 18 *Department of Veterans Affairs pursuant to a*
 19 *contract entered into under subsection (a).”.*

20 **SEC. 222. DEVELOPMENT OF PROCEDURES TO INCREASE**
 21 **COOPERATION WITH NATIONAL GUARD BU-**
 22 **REAU.**

23 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
 24 *and the Chief of the National Guard Bureau shall jointly*
 25 *develop and implement procedures, including requirements*

1 *relating to timeliness, to improve the timely provision to*
 2 *the Secretary of such information in the possession of the*
 3 *Chief as the Secretary requires to process claims submitted*
 4 *to the Secretary for benefits under the laws administered*
 5 *by the Secretary.*

6 (b) *REPORT.*—*Not later than one year after the imple-*
 7 *mentation of the procedures under subsection (a), the Sec-*
 8 *retary and the Chief shall jointly submit to Congress a re-*
 9 *port describing—*

10 (1) *the requests for information relating to*
 11 *records of members of the National Guard made by*
 12 *the Secretary to the Chief pursuant to such proce-*
 13 *dures; and*

14 (2) *the timeliness of the responses of the Chief to*
 15 *such requests.*

16 **SEC. 223. REVIEW OF DETERMINATION OF CERTAIN SERV-**
 17 **ICE IN PHILIPPINES DURING WORLD WAR II.**

18 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs,*
 19 *in consultation with the Secretary of Defense and such mili-*
 20 *tary historians as the Secretary of Defense recommends,*
 21 *shall review the process used to determine whether a covered*
 22 *individual served in support of the Armed Forces of the*
 23 *United States during World War II in accordance with sec-*
 24 *tion 1002(d) of title X of Division A of the American Recov-*
 25 *ery and Reinvestment Act of 2009 (Public Law 111–5; 38*

1 *U.S.C. 107 note) for purposes of determining whether such*
 2 *covered individual is eligible for payments described in such*
 3 *section.*

4 *(b) COVERED INDIVIDUALS.—In this section, a covered*
 5 *individual is any individual who timely submitted a claim*
 6 *for benefits under subsection (c) of section 1002 of title X*
 7 *of Division A of the American Recovery and Reinvestment*
 8 *Act of 2009 (Public Law 111–5; 38 U.S.C. 107 note) based*
 9 *on service as described in subsection (d) of that section.*

10 *(c) REPORT.—Not later than 90 days after the date*
 11 *of the enactment of this Act, the Secretary of Veterans Af-*
 12 *fairs shall submit to the Committee on Veterans’ Affairs of*
 13 *the Senate and the Committee on Veterans’ Affairs of the*
 14 *House of Representatives a report detailing any findings,*
 15 *actions taken, or recommendations for legislative action*
 16 *with respect to the review conducted under subsection (a).*

17 *(d) PROHIBITION ON BENEFITS FOR DISQUALIFYING*
 18 *CONDUCT UNDER NEW PROCESS PURSUANT TO REVIEW.—*
 19 *If pursuant to the review conducted under subsection (a)*
 20 *the Secretary of Veterans Affairs determines to establish a*
 21 *new process for the making of payments as described in that*
 22 *subsection, the process shall include mechanisms to ensure*
 23 *that individuals are not treated as covered individuals for*
 24 *purposes of such payments if such individuals engaged in*
 25 *any disqualifying conduct during service described in that*

1 subsection, including collaboration with the enemy or
 2 criminal conduct.

3 **SEC. 224. REPORTS ON DEPARTMENT DISABILITY MEDICAL**
 4 **EXAMINATIONS AND PREVENTION OF UNNEC-**
 5 **ESSARY MEDICAL EXAMINATIONS.**

6 (a) *REPORT ON DISABILITY MEDICAL EXAMINATIONS*
 7 *FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.—*

8 (1) *IN GENERAL.*—Not later than 18 months
 9 after the date of the enactment of this Act, the Sec-
 10 retary of Veterans Affairs shall submit to the Com-
 11 mittee on Veterans' Affairs of the Senate and the
 12 Committee on Veterans' Affairs of the House of Rep-
 13 resentatives a report on the furnishing of general
 14 medical and specialty medical examinations by the
 15 Department of Veterans Affairs for purposes of adju-
 16 dicating claims for benefits under laws administered
 17 by the Secretary.

18 (2) *CONTENTS.*—The report submitted under
 19 paragraph (1) shall include the following:

20 (A) *The number of general medical exami-*
 21 *nations furnished by the Department during the*
 22 *period of fiscal years 2011 through 2014 for pur-*
 23 *poses of adjudicating claims for benefits under*
 24 *laws administered by the Secretary.*

1 (B) *The number of general medical exami-*
2 *nations furnished by the Department during the*
3 *period of fiscal years 2011 through 2014 for pur-*
4 *poses of adjudicating a claim in which a com-*
5 *prehensive joint examination was conducted, but*
6 *for which no disability relating to a joint, bone,*
7 *or muscle had been asserted as an issue in the*
8 *claim.*

9 (C) *The number of specialty medical exami-*
10 *nations furnished by the Department during the*
11 *period of fiscal years 2011 through 2014 for pur-*
12 *poses of adjudicating a claim.*

13 (D) *The number of specialty medical exami-*
14 *nations furnished by the Department during the*
15 *period of fiscal years 2011 through 2014 for pur-*
16 *poses of adjudicating a claim in which one or*
17 *more joint examinations were conducted.*

18 (E) *A summary with citations to any med-*
19 *ical and scientific studies that provide a basis*
20 *for determining that three repetitions is adequate*
21 *to determine the effect of repetitive use on func-*
22 *tional impairments.*

23 (F) *The names of all examination reports,*
24 *including general medical examinations and*
25 *Disability Benefits Questionnaires, used for eval-*

uation of compensation and pension disability claims which require measurement of repeated ranges of motion testing and the number of examinations requiring such measurements which were conducted in fiscal year 2014.

(G) The average amount of time taken by an individual conducting a medical examination to perform the three repetitions of movement of each joint.

(H) A discussion of whether there are more efficient and effective scientifically reliable methods of testing for functional loss on repetitive use of an extremity other than the three time repetition currently used by the Department.

(I) Recommendations as to the continuation of the practice of measuring functional impairment by using three repetitions of movement of each joint during the examination as a criteria for evaluating the effect of repetitive motion on functional impairment with supporting rationale.

(b) REPORT AND PLAN TO PREVENT THE ORDERING OF UNNECESSARY MEDICAL EXAMINATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Sec-

1 *retary shall submit to the Committee on Veterans' Af-*
 2 *fairs of the Senate and the Committee on Veterans'*
 3 *Affairs of the House of Representatives a report on*
 4 *the efforts of the Secretary in reducing the necessity*
 5 *for in-person disability examinations and other ef-*
 6 *forts to comply with the provisions of section 5125 of*
 7 *title 38, United States Code.*

8 (2) *CONTENTS.*—*The report required by para-*
 9 *graph (1) shall include the following:*

10 (A) *Criteria used by the Secretary to deter-*
 11 *mine if a claim is eligible for the Acceptable*
 12 *Clinical Evidence initiative.*

13 (B) *The number of claims determined to be*
 14 *eligible for the Acceptable Clinical Evidence ini-*
 15 *tiative during the period beginning on the date*
 16 *of the initiation of the initiative and ending on*
 17 *the date of the enactment of this Act,*
 18 *disaggregated—*

19 (i) *by fiscal year; and*

20 (ii) *by claims determined eligible based*
 21 *in whole or in part on medical evidence*
 22 *provided by a private health care provider.*

23 (C) *The total number of claims determined*
 24 *to be eligible for the Acceptable Clinical Evidence*
 25 *initiative that required an employee of the De-*

1 *partment to supplement the evidence with infor-*
2 *mation obtained during a telephone interview*
3 *with a claimant or health care provider.*

4 *(D) Information on any other initiatives or*
5 *efforts, including Disability Benefits Question-*
6 *naires, of the Department to further encourage*
7 *the use of medical evidence provided by a private*
8 *health care provider and reliance upon reports of*
9 *a medical examination administered by a pri-*
10 *rate physician if the report is sufficiently com-*
11 *plete to be adequate for the purposes of adjudi-*
12 *cating a claim.*

13 *(E) A plan—*

14 *(i) to measure, track, and prevent the*
15 *ordering of unnecessary medical examina-*
16 *tions when the provision by a claimant of*
17 *a medical examination administered by a*
18 *private physician in support of a claim for*
19 *benefits under chapter 11 or 15 of title 38,*
20 *United States Code, is adequate for the pur-*
21 *pose of making a decision on that claim;*
22 *and*

23 *(ii) that includes the actions the Sec-*
24 *retary will take to eliminate any request by*
25 *the Department for a medical examination*

1 *in the case of a claim for benefits under*
 2 *chapter 11 or 15 of such title in support of*
 3 *which a claimant submits medical evidence*
 4 *or a medical opinion provided by a private*
 5 *health care provider that is competent, cred-*
 6 *ible, probative, and otherwise adequate for*
 7 *purposes of making a decision on that*
 8 *claim.*

9 **SEC. 225. SENSE OF CONGRESS ON SUBMITTAL OF INFOR-**
 10 **MATION RELATING TO CLAIMS FOR DISABIL-**
 11 **ITIES INCURRED OR AGGRAVATED BY MILI-**
 12 **TARY SEXUAL TRAUMA.**

13 *(a) IN GENERAL.—It is the sense of Congress that the*
 14 *Secretary of Veterans Affairs should submit to Congress in-*
 15 *formation on the covered claims submitted to the Secretary*
 16 *during each fiscal year, including the information specified*
 17 *in subsection (b).*

18 *(b) ELEMENTS.—The information specified in this*
 19 *subsection with respect to each fiscal year is the following:*

20 *(1) The number of covered claims submitted to or*
 21 *considered by the Secretary during such fiscal year.*

22 *(2) Of the covered claims under paragraph (1),*
 23 *the number and percentage of such claims—*

24 *(A) submitted by each gender;*

1 (B) that were approved, including the num-
2 ber and percentage of such approved claims sub-
3 mitted by each gender; and

4 (C) that were denied, including the number
5 and percentage of such denied claims submitted
6 by each gender.

7 (3) Of the covered claims under paragraph (1)
8 that were approved, the number and percentage, listed
9 by each gender, of claims assigned to each rating per-
10 centage of disability.

11 (4) Of the covered claims under paragraph (1)
12 that were denied—

13 (A) the three most common reasons given by
14 the Secretary under section 5104(b)(1) of title
15 38, United States Code, for such denials; and

16 (B) the number of denials that were based
17 on the failure of a veteran to report for a med-
18 ical examination.

19 (5) Of the covered claims under paragraph (1)
20 that were resubmitted to the Secretary after denial in
21 a previous adjudication—

22 (A) the number of such claims submitted to
23 or considered by the Secretary during such fiscal
24 year;

1 (B) the number and percentage of such
2 claims—

3 (i) submitted by each gender;

4 (ii) that were approved, including the
5 number and percentage of such approved
6 claims submitted by each gender; and

7 (iii) that were denied, including the
8 number and percentage of such denied
9 claims submitted by each gender;

10 (C) the number and percentage, listed by
11 each gender, of claims assigned to each rating
12 percentage of disability; and

13 (D) of such claims that were again de-
14 nied—

15 (i) the three most common reasons
16 given by the Secretary under section
17 5104(b)(1) of such title for such denials;
18 and

19 (ii) the number of denials that were
20 based on the failure of a veteran to report
21 for a medical examination.

22 (6) The number of covered claims that, as of the
23 end of such fiscal year, are pending and, separately,
24 the number of such claims on appeal.

1 (7) *The average number of days that covered*
 2 *claims take to complete beginning on the date on*
 3 *which the claim is submitted.*

4 (c) *DEFINITIONS.—In this section:*

5 (1) *COVERED CLAIMS.—The term “covered*
 6 *claims” means claims for disability compensation*
 7 *submitted to the Secretary based on post-traumatic*
 8 *stress disorder alleged to have been incurred or aggra-*
 9 *vated by military sexual trauma.*

10 (2) *MILITARY SEXUAL TRAUMA.—The term*
 11 *“military sexual trauma” shall have the meaning*
 12 *specified by the Secretary for purposes of this section*
 13 *and shall include “sexual harassment” (as so speci-*
 14 *fied).*

15 ***TITLE III—EDUCATION MATTERS***

16 ***SEC. 301. RETENTION OF ENTITLEMENT TO EDUCATIONAL*** 17 ***ASSISTANCE DURING CERTAIN ADDITIONAL*** 18 ***PERIODS OF ACTIVE DUTY.***

19 (a) *EDUCATIONAL ASSISTANCE ALLOWANCE.—Section*
 20 *16131(c)(3)(B)(i) of title 10, United States Code, is amend-*
 21 *ed by striking “or 12304” and inserting “12304, 12304a,*
 22 *or 12304b”.*

23 (b) *EXPIRATION DATE.—Section 16133(b)(4) of such*
 24 *title is amended by striking “or 12304” and inserting*
 25 *“12304, 12304a, or 12304b”.*

1 **SEC. 302. REPORTS ON PROGRESS OF STUDENTS RECEIV-**
 2 **ING POST-9/11 EDUCATIONAL ASSISTANCE.**

3 (a) *IN GENERAL.*—Chapter 33 of title 38, United
 4 States Code, is amended—

5 (1) in subsection 3325(c)—

6 (A) in paragraph (2), by striking “and”
 7 after the semicolon;

8 (B) by redesignating paragraph (3) as
 9 paragraph (4); and

10 (C) by inserting after paragraph (2) the fol-
 11 lowing new paragraph (3):

12 “(3) the information received by the Secretary
 13 under section 3326 of this title; and”; and

14 (2) by adding at the end the following new sec-
 15 tion:

16 **“§ 3326. Report on student progress**

17 “As a condition on approval under chapter 36 of this
 18 title of a course offered by an educational institution (as
 19 defined in section 3452 of this title), each year, each edu-
 20 cational institution (as so defined) that received a payment
 21 in that year on behalf of an individual entitled to edu-
 22 cational assistance under this chapter shall submit to the
 23 Secretary such information regarding the academic
 24 progress of the individual as the Secretary may require.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by adding at the*
 3 *end the following new item:*

“3326. *Report on student progress.*”.

4 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 5 *section shall take effect on the date that is one year after*
 6 *the date of the enactment of this Act.*

7 **SEC. 303. SECRETARY OF DEFENSE REPORT ON LEVEL OF**
 8 **EDUCATION ATTAINED BY THOSE WHO**
 9 **TRANSFER ENTITLEMENT TO POST-9/11 EDU-**
 10 **CATIONAL ASSISTANCE.**

11 (a) *IN GENERAL.*—*Section 3325(b)(1) of title 38,*
 12 *United States Code, is amended—*

13 (1) *in subparagraph (B), by striking “and” after*
 14 *the semicolon; and*

15 (2) *by adding at the end the following new sub-*
 16 *paragraph:*

17 “(D) *indicating the highest level of edu-*
 18 *cation attained by each individual who transfers*
 19 *a portion of the individual’s entitlement to edu-*
 20 *cational assistance under section 3319 of this*
 21 *title; and”.*

22 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 23 *section (a) shall take effect on the date that is one year after*
 24 *the date of the enactment of this Act.*

1 **SEC. 304. REPORTS ON EDUCATIONAL LEVELS ATTAINED BY**
2 **CERTAIN MEMBERS OF THE ARMED FORCES**
3 **AT TIME OF SEPARATION FROM THE ARMED**
4 **FORCES.**

5 (a) *ANNUAL REPORTS REQUIRED.*—Each Secretary
6 concerned shall submit to Congress each year a report on
7 the educational levels attained by members of the Armed
8 Forces described in subsection (b) under the jurisdiction of
9 such Secretary who separated from the Armed Forces dur-
10 ing the preceding year.

11 (b) *COVERED MEMBERS.*—The members of the Armed
12 Forces described in this subsection are members of the
13 Armed Forces who transferred unused education benefits to
14 family members pursuant to section 3319 of title 38, United
15 States Code, while serving as members of the Armed Forces.

16 (c) *SECRETARY CONCERNED DEFINED.*—In this sec-
17 tion, the term “Secretary concerned” has the meaning given
18 that term in section 101 of title 38, United States Code.

19 (d) *EFFECTIVE DATE.*—This section shall take effect
20 on the date that is one year after the date of the enactment
21 of this Act.

1 **TITLE IV—EMPLOYMENT AND**
 2 **TRANSITION MATTERS**

3 **SEC. 401. REQUIRED COORDINATION BETWEEN DIRECTORS**
 4 **FOR VETERANS' EMPLOYMENT AND TRAINING**
 5 **WITH STATE DEPARTMENTS OF LABOR AND**
 6 **VETERANS AFFAIRS.**

7 (a) *IN GENERAL.*—Section 4103 of title 38, United
 8 States Code, is amended by adding at the end the following
 9 new subsection:

10 “(c) *COORDINATION WITH STATE DEPARTMENTS OF*
 11 *LABOR AND VETERANS AFFAIRS.*—Each Director for Vet-
 12 erans' Employment and Training for a State shall coordi-
 13 nate the Director's activities under this chapter with the
 14 State department of labor and the State department of vet-
 15 erans affairs.”.

16 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 17 section (a) shall take effect on the date that is one year after
 18 the date of the enactment of this Act.

19 **SEC. 402. REPORT ON JOB FAIRS ATTENDED BY ONE-STOP**
 20 **CAREER CENTER EMPLOYEES AT WHICH**
 21 **SUCH EMPLOYEES ENCOUNTER VETERANS.**

22 (a) *IN GENERAL.*—Section 136(d)(1) of the Workforce
 23 Investment Act of 1998 (29 U.S.C. 2871(d)(1)) is amended
 24 by adding at the end the following new sentence: “The re-
 25 port also shall include information, for the year preceding

1 *the year the report is submitted, on the number of job fairs*
 2 *attended by One-Stop Career Center employees at which the*
 3 *employees had contact with a veteran, and the number of*
 4 *veterans contacted at each such job fair.”.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 6 *section (a) shall take effect on the date that is one year after*
 7 *the date of the enactment of this Act.*

8 **SEC. 403. REVIEW OF CHALLENGES FACED BY EMPLOYERS**
 9 **SEEKING TO HIRE VETERANS AND SHARING**
 10 **OF INFORMATION AMONG FEDERAL AGEN-**
 11 **CIES THAT SERVE VETERANS.**

12 (a) *REVIEW.*—

13 (1) *IN GENERAL.*—*The Secretary of Labor, in*
 14 *consultation with the Secretary of Defense and the*
 15 *Secretary of Veterans Affairs, shall conduct a review*
 16 *of—*

17 (A) *the challenges faced by employers seek-*
 18 *ing to hire veterans; and*

19 (B) *information sharing among Federal de-*
 20 *partments and agencies that serve veterans and*
 21 *members of the Armed Forces who are separating*
 22 *from service.*

23 (2) *MATTERS REVIEWED.*—*In conducting the re-*
 24 *view required by paragraph (1), the Secretary of*
 25 *Labor shall examine the following:*

1 (A) *The barriers employers face in gaining*
 2 *information identifying veterans who are seeking*
 3 *jobs.*

4 (B) *The extent and quality of information*
 5 *sharing among Federal departments and agen-*
 6 *cies that serve veterans and members of the*
 7 *Armed Forces who are separating from service,*
 8 *including how the departments and agencies*
 9 *may more easily connect employers with such*
 10 *veterans and members.*

11 (b) *REPORT.—*

12 (1) *IN GENERAL.—Not later than 120 days after*
 13 *the effective date specified in subsection (c), the Sec-*
 14 *retary of Labor shall submit to the appropriate com-*
 15 *mittees of Congress a report on the review conducted*
 16 *under subsection (a).*

17 (2) *CONTENTS.—The report required by para-*
 18 *graph (1) shall include the following:*

19 (A) *Recommendations for addressing the*
 20 *barriers described in subsection (a)(2)(A).*

21 (B) *Recommendations for improving infor-*
 22 *mation sharing described in subsection (a)(2)(B).*

23 (3) *APPROPRIATE COMMITTEES OF CONGRESS*
 24 *DEFINED.—In this subsection, the term “appropriate*
 25 *committees of Congress” means—*

1 (A) *the Committee on Armed Services and*
 2 *the Committee on Veterans' Affairs of the Senate;*
 3 *and*

4 (B) *the Committee on Armed Services and*
 5 *the Committee on Veterans' Affairs of the House*
 6 *of Representatives.*

7 (c) *EFFECTIVE DATE.—This section shall take effect*
 8 *on the date that is one year after the date of the enactment*
 9 *of this Act.*

10 **SEC. 404. REVIEW OF TRANSITION GPS PROGRAM CORE**
 11 **CURRICULUM.**

12 (a) *REVIEW.—*

13 (1) *IN GENERAL.—The Secretary of Defense, in*
 14 *consultation with the Secretary of Veterans Affairs*
 15 *and the Secretary of Labor, shall conduct a review of*
 16 *the Department of Defense Transition GPS Program*
 17 *Core Curriculum in effect on the date of the enact-*
 18 *ment of this Act.*

19 (2) *MATTERS REVIEWED.—The review shall ex-*
 20 *amine the following:*

21 (A) *The Department of Defense Transition*
 22 *GPS Program Core Curriculum in effect on the*
 23 *date of the enactment of this Act.*

24 (B) *The roles and responsibilities of each*
 25 *Federal department participating in the Transi-*

tion GPS Program and whether the various roles and responsibilities of the Federal departments are adequately aligned with one another.

(C) The allotment of time spent on issues under the jurisdiction of each Federal department participating in the Transition GPS Program and whether the allotment is adequate to provide members of the Armed Forces with all the information the members need regarding important benefits that can assist members in transitioning out of military service.

(D) Whether any of the information in the three optional tracks in the Transition GPS Program Core Curriculum should be addressed more appropriately in mandatory tracks rather than optional tracks.

(E) The benefits of and obstacles to establishing—

(i) a standard implementation plan of long-term outcome measures for the Transition GPS Program; and

(ii) a comprehensive system of metrics for such measures.

(b) REPORT.—

1 (1) *IN GENERAL.*—Not later than 120 days after
 2 the date of the enactment of this Act, the Secretary of
 3 Defense, in consultation with the Secretary of Vet-
 4 erans Affairs and the Secretary of Labor, shall submit
 5 to the appropriate committees of Congress a report on
 6 the review conducted under subsection (a).

7 (2) *CONTENTS.*—The report required by para-
 8 graph (1) shall include the following:

9 (A) *Recommendations for improving the*
 10 *Department of Defense Transition GPS Program*
 11 *Core Curriculum in order to more accurately ad-*
 12 *dress the needs of members of the Armed Forces*
 13 *transitioning out of military service.*

14 (B) *Recommendations for improving the*
 15 *roles and responsibilities described in subsection*
 16 *(a)(2)(B).*

17 (C) *Recommendations for improving the al-*
 18 *lotment of time described in subsection (a)(2)(C).*

19 (D) *Such recommendations as the Secretary*
 20 *of Defense may have regarding the optional and*
 21 *mandatory tracks in the Transition GPS Pro-*
 22 *gram Core Curriculum.*

23 (E) *Such recommendations as the Secretary*
 24 *of Defense may have with respect to the outcome*

1 *measures and metrics described in subsection*
 2 *(a)(2)(E).*

3 *(F) Identification of such other areas of*
 4 *concern as the Secretary of Defense may have*
 5 *with respect to the Transition GPS Program and*
 6 *such recommendations for legislative or adminis-*
 7 *trative action as the Secretary may have to ad-*
 8 *dress such concerns.*

9 *(3) APPROPRIATE COMMITTEES OF CONGRESS*
 10 *DEFINED.—In this subsection, the term “appropriate*
 11 *committees of Congress” means—*

12 *(A) the Committee on Armed Services and*
 13 *the Committee on Veterans’ Affairs of the Senate;*
 14 *and*

15 *(B) the Committee on Armed Services and*
 16 *the Committee on Veterans’ Affairs of the House*
 17 *of Representatives.*

18 **SEC. 405. MODIFICATION OF REQUIREMENT FOR PROVI-**
 19 **SION OF PRESEPARATION COUNSELING.**

20 *(a) CLARIFICATION OF REQUIREMENT FOR 180 CON-*
 21 *TINUOUS DAYS OF ACTIVE DUTY SERVICE.—Subparagraph*
 22 *(A) of section 1142(a)(4) of title 10, United States Code,*
 23 *is amended by inserting “continuous” before “180 days”.*

1 (b) *EXCLUSION OF TRAINING FROM PERIODS OF AC-*
 2 *TIVE DUTY.*—Such section is further amended by adding
 3 *at the end the following new subparagraph:*

4 “(C) *For purposes of subparagraph (A), the term ‘ac-*
 5 *tive duty’ does not include full-time training duty, annual*
 6 *training duty, and attendance, while in the active military*
 7 *service, at a school designated as a service school by law*
 8 *or by the Secretary concerned.”.*

9 **TITLE V—VETERAN SMALL**
 10 **BUSINESS MATTERS**

11 **SEC. 501. MODIFICATION OF TREATMENT UNDER CON-**
 12 **TRACTING GOALS AND PREFERENCES OF DE-**
 13 **PARTMENT OF VETERANS AFFAIRS FOR**
 14 **SMALL BUSINESSES OWNED BY VETERANS OF**
 15 **SMALL BUSINESSES AFTER DEATH OF DIS-**
 16 **ABLED VETERAN OWNERS.**

17 (a) *IN GENERAL.*—Section 8127(h) of title 38, United
 18 *States Code, is amended—*

19 (1) *in paragraph (3), by striking “rated as” and*
 20 *all that follows through “disability.” and inserting a*
 21 *period; and*

22 (2) *in paragraph (2), by amending subpara-*
 23 *graph (C) to read as follows:*

24 “(C) *The date that—*

1 “(i) in the case of a surviving spouse of a
 2 veteran with a service-connected disability rated
 3 as 100 percent disabling or who dies as a result
 4 of a service-connected disability, is 10 years after
 5 the date of the veteran’s death; or

6 “(ii) in the case of a surviving spouse of a
 7 veteran with a service-connected disability rated
 8 as less than 100 percent disabling who does not
 9 die as a result of a service-connected disability,
 10 is three years after the date of the veteran’s
 11 death.”.

12 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 13 section (a) shall take effect on the date that is 180 days
 14 after the date of the enactment of this Act and shall apply
 15 with respect to applications received pursuant to section
 16 8127(f)(2) of title 38, United States Code, that are verified
 17 on or after such date.

18 **SEC. 502. TREATMENT OF BUSINESSES AFTER DEATHS OF**
 19 **SERVICEMEMBER-OWNERS FOR PURPOSES OF**
 20 **DEPARTMENT OF VETERANS AFFAIRS CON-**
 21 **TRACTING GOALS AND PREFERENCES.**

22 (a) *IN GENERAL.*—Section 8127 of title 38, United
 23 States Code, is amended—

24 (1) by redesignating subsections (i) through (l)
 25 as subsections (j) through (m), respectively; and

1 (2) by inserting after subsection (h) the following
2 new subsection (i):

3 “(i) *TREATMENT OF BUSINESSES AFTER DEATH OF*
4 *SERVICEMEMBER-OWNER.—(1) If a member of the Armed*
5 *Forces owns at least 51 percent of a small business concern*
6 *and such member is killed in line of duty in the active mili-*
7 *tary, naval, or air service, the surviving spouse or depend-*
8 *ent child of such member who acquires such ownership*
9 *rights in such small business concern shall, for the period*
10 *described in paragraph (2), be treated as if the surviving*
11 *spouse or dependent child were a veteran with a service-*
12 *connected disability for purposes of determining the status*
13 *of the small business concern as a small business concern*
14 *owned and controlled by veterans for purposes of con-*
15 *tracting goals and preferences under this section.*

16 “(2) *The period referred to in paragraph (1) is the*
17 *period beginning on the date on which the member of the*
18 *Armed Forces dies and ending on the date as follows:*

19 “(A) *In the case of a surviving spouse, the ear-*
20 *liest of the following dates:*

21 “(i) *The date on which the surviving spouse*
22 *remarries.*

23 “(ii) *The date on which the surviving*
24 *spouse relinquishes an ownership interest in the*

1 *small business concern and no longer owns at*
2 *least 51 percent of such small business concern.*

3 “(iii) *The date that is ten years after the*
4 *date of the member’s death.*

5 “(B) *In the case of a dependent child, the earliest*
6 *of the following dates:*

7 “(i) *The date on which the surviving de-*
8 *pendent child relinquishes an ownership interest*
9 *in the small business concern and no longer owns*
10 *at least 51 percent of such small business con-*
11 *cern.*

12 “(ii) *The date that is ten years after the*
13 *date of the member’s death.”.*

14 (b) *EFFECTIVE DATE.*—*Subsection (i) of section 8127*
15 *of such title, as added by subsection (a), shall take effect*
16 *on the date of the enactment of this Act and shall apply*
17 *with respect to the deaths of members of the Armed Forces*
18 *occurring on or after such date.*

1 ***TITLE VI—BURIAL MATTERS***

2 ***SEC. 601. DEPARTMENT OF VETERANS AFFAIRS STUDY ON***
 3 ***MATTERS RELATING TO BURIAL OF UN-***
 4 ***CLAIMED REMAINS OF VETERANS IN NA-***
 5 ***TIONAL CEMETERIES.***

6 (a) *STUDY AND REPORT REQUIRED.*—Not later than
 7 one year after the effective date specified in subsection (d),
 8 the Secretary of Veterans Affairs shall—

9 (1) *complete a study on matters relating to the*
 10 *interring of unclaimed remains of veterans in na-*
 11 *tional cemeteries under the control of the National*
 12 *Cemetery Administration; and*

13 (2) *submit to Congress a report on the findings*
 14 *of the Secretary with respect to the study required*
 15 *under paragraph (1).*

16 (b) *MATTERS STUDIED.*—The matters studied under
 17 subsection (a)(1) shall include the following:

18 (1) *Determining the scope of issues relating to*
 19 *unclaimed remains of veterans, including an estimate*
 20 *of the number of unclaimed remains of veterans.*

21 (2) *Assessing the effectiveness of the procedures of*
 22 *the Department of Veterans Affairs for working with*
 23 *persons or entities having custody of unclaimed re-*
 24 *mains to facilitate interment of unclaimed remains of*

1 *veterans in national cemeteries under the control of*
 2 *the National Cemetery Administration.*

3 *(3) Assessing State and local laws that affect the*
 4 *ability of the Secretary to inter unclaimed remains of*
 5 *veterans in national cemeteries under the control of*
 6 *the National Cemetery Administration.*

7 *(4) Developing recommendations for such legisla-*
 8 *tive or administrative action as the Secretary con-*
 9 *siders appropriate.*

10 *(c) METHODOLOGY.—*

11 *(1) NUMBER OF UNCLAIMED REMAINS.—In esti-*
 12 *mating the number of unclaimed remains of veterans*
 13 *under subsection (b)(1), the Secretary may review*
 14 *such subset of applicable entities as the Secretary con-*
 15 *siders appropriate, including a subset of funeral*
 16 *homes and coroner offices that possess unclaimed vet-*
 17 *erans remains.*

18 *(2) ASSESSMENT OF STATE AND LOCAL LAWS.—*
 19 *In assessing State and local laws under subsection*
 20 *(b)(3), the Secretary may assess such sample of appli-*
 21 *cable State and local laws as the Secretary considers*
 22 *appropriate in lieu of reviewing all applicable State*
 23 *and local laws.*

1 (d) *EFFECTIVE DATE.*—*This section shall take effect*
 2 *on the date that is one year after the date of the enactment*
 3 *of this Act.*

4 ***TITLE VII—OTHER MATTERS***

5 ***SEC. 701. HONORING AS VETERANS CERTAIN PERSONS WHO*** 6 ***PERFORMED SERVICE IN THE RESERVE COM-*** 7 ***PONENTS OF THE ARMED FORCES.***

8 *Any person who is entitled under chapter 1223 of title*
 9 *10, United States Code, to retired pay for nonregular serv-*
 10 *ice or, but for age, would be entitled under such chapter*
 11 *to retired pay for nonregular service shall be honored as*
 12 *a veteran but shall not be entitled to any benefit by reason*
 13 *of this honor.*

14 ***SEC. 702. REPORT ON LAOTIAN MILITARY SUPPORT OF*** 15 ***ARMED FORCES OF THE UNITED STATES DUR-*** 16 ***ING VIETNAM WAR.***

17 (a) *IN GENERAL.*—*Not later than one year after the*
 18 *effective date specified in subsection (c), the Secretary of*
 19 *Veterans Affairs, in consultation with the Secretary of De-*
 20 *fense and such agencies and individuals as the Secretary*
 21 *of Veterans Affairs considers appropriate, shall submit to*
 22 *the appropriate committees of Congress a report on—*

23 (1) *the extent to which Laotian military forces*
 24 *provided combat support to the Armed Forces of the*

1 *United States between February 28, 1961, and May*
 2 *15, 1975;*

3 *(2) whether the current classification by the Ci-*
 4 *vilian/Military Service Review Board of the Depart-*
 5 *ment of Defense of service by individuals of Hmong*
 6 *ethnicity is appropriate; and*

7 *(3) such recommendations as the Secretary of*
 8 *Veterans Affairs may have for legislative action.*

9 *(b) APPROPRIATE COMMITTEES OF CONGRESS.—In*
 10 *this section, the term “appropriate committees of Congress”*
 11 *means—*

12 *(1) the Committee on Armed Services and the*
 13 *Committee on Veterans’ Affairs of the Senate; and*

14 *(2) the Committee on Armed Services and the*
 15 *Committee on Veterans’ Affairs of the House of Rep-*
 16 *resentatives.*

17 *(c) EFFECTIVE DATE.—This section shall take effect*
 18 *on the date that is one year after the date of the enactment*
 19 *of this Act.*

20 **SEC. 703. RESTORATION OF PRIOR REPORTING FEE MULTI-**
 21 **PLIERS.**

22 *During the 10-year period beginning on September 26,*
 23 *2015, the second sentence of subsection (c) of section 3684*
 24 *of title 38, United States Code, shall be applied—*

25 *(1) by substituting “\$7” for “\$12”; and*

1 (2) *by substituting “\$11” for “\$15”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to improve the furnishing of health care to veterans by the Department of Veterans Affairs, to improve the processing by the Department of claims for disability compensation, and for other purposes.”.

Calendar No. 267

114TH CONGRESS
1ST Session

S. 1203

[Report No. 114-153]

A BILL

To amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

OCTOBER 19, 2015

Reported with an amendment and an amendment to the title