

117TH CONGRESS
1ST SESSION

H. R. 3730

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2021

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, 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. DEPARTMENT OF VETERANS AFFAIRS ADVI-**
2 **SORY COMMITTEE ON UNITED STATES OUT-**
3 **LYING AREAS AND FREELY ASSOCIATED**
4 **STATES.**

5 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

6 (1) IN GENERAL.—Subchapter III of chapter 5
7 of title 38, United States Code, is amended by add-
8 ing at the end the following new section:

9 **“§ 548. Advisory Committee on United States Out-**
10 **lying Areas and Freely Associated States**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-
12 lish an advisory committee, to be known as the ‘Advisory
13 Committee on United States Outlying Areas and Freely
14 Associated States’, to provide advice and guidance to the
15 Secretary on matters relating to covered veterans.

16 “(b) DUTIES.—The duties of the Committee shall be
17 the following:

18 “(1) To advise the Secretary on matters relat-
19 ing to covered veterans, including how the Secretary
20 can improve the programs and services of the De-
21 partment to better serve such veterans.

22 “(2) To identify for the Secretary evolving
23 issues of relevance to covered veterans.

24 “(3) To propose clarifications, recommenda-
25 tions, and solutions to address issues raised by cov-
26 ered veterans.

1 “(4) To provide a forum for covered veterans,
2 veterans service organizations serving covered vet-
3 erans, and the Department to discuss issues and
4 proposals for changes to regulations, policies, and
5 procedures of the Department.

6 “(5) To identify priorities for and provide ad-
7 vice to the Secretary on appropriate strategies for
8 consultation with veterans service organizations serv-
9 ing covered veterans.

10 “(6) To encourage the Secretary to work with
11 other departments and agencies of the Federal Gov-
12 ernment and Congress to ensure covered veterans
13 are provided the full benefits of their status as cov-
14 ered veterans.

15 “(7) To highlight contributions of covered vet-
16 erans in the Armed Forces.

17 “(8) To conduct other duties as determined ap-
18 propriate by the Secretary.

19 “(c) MEMBERSHIP.—(1) The Committee shall be
20 comprised of 15 voting members appointed by the Sec-
21 retary.

22 “(2) In appointing members pursuant to paragraph
23 (1), the Secretary shall ensure the following:

1 “(A) At least one member is appointed to rep-
2 resent covered veterans in each of the following
3 areas:

4 “(i) American Samoa.

5 “(ii) Guam.

6 “(iii) Puerto Rico.

7 “(iv) The Commonwealth of the Northern
8 Mariana Islands.

9 “(v) The Virgin Islands of the United
10 States.

11 “(vi) The Federated States of Micronesia.

12 “(vii) The Republic of the Marshall Is-
13 lands.

14 “(viii) The Republic of Palau.

15 “(B) Not fewer than half of the members ap-
16 pointed are covered veterans, unless the Secretary
17 determines that an insufficient number of qualified
18 covered veterans are available.

19 “(C) Each member appointed resides in an area
20 specified in subparagraph (A).

21 “(3) In appointing members pursuant to paragraph
22 (1), the Secretary may consult with any Member of Con-
23 gress who represents an area specified in paragraph
24 (2)(A).

1 “(d) TERMS; VACANCIES.—(1) A member of the
2 Committee shall be appointed for a term of two years.

3 “(2) Not later than 180 days after receiving notice
4 of a vacancy in the Committee, the Secretary shall fill the
5 vacancy in the same manner as the original appointment.

6 “(e) MEETING FORMAT AND FREQUENCY.—(1) Ex-
7 cept as provided in paragraph (2), the Committee shall
8 meet in-person with the Secretary not less frequently than
9 twice each year and hold monthly conference calls as nec-
10 essary.

11 “(2) Meetings held under paragraph (1) may be con-
12 ducted virtually during a public health emergency declared
13 by the Secretary of Health and Human Services pursuant
14 to section 319 of the Public Health Service Act (42 U.S.C.
15 247d) or any renewal of such declaration.

16 “(f) ADDITIONAL REPRESENTATION.—(1) Rep-
17 resentatives of relevant departments and agencies of the
18 Federal Government may attend meetings of the Com-
19 mittee and provide information to the Committee.

20 “(2) One representative of the Department shall at-
21 tend each meeting of the Committee.

22 “(3) Representatives attending meetings under this
23 subsection—

24 “(A) shall not be considered voting members of
25 the Committee; and

1 “(B) may not receive additional compensation
2 for services performed with respect to the Com-
3 mittee.

4 “(g) SUBCOMMITTEES.—(1) The Committee may es-
5 tablish subcommittees.

6 “(2) The Secretary may, in consultation with the
7 Committee, appoint a member to a subcommittee estab-
8 lished under paragraph (1) who is not a member of the
9 Committee.

10 “(3) A subcommittee established under paragraph (1)
11 may enhance the function of the Committee, but may not
12 supersede the authority of the Committee or provide direct
13 advice or work products to the Secretary.

14 “(h) REPORTS.—(1) Not less frequently than once
15 each year, the Committee shall submit to the Secretary
16 and the appropriate committees of Congress a report con-
17 taining such recommendations as the Committee may have
18 for legislative or administrative action.

19 “(2) Not later than 90 days after the date on which
20 the Secretary receives a report under paragraph (1), the
21 Secretary shall submit to the appropriate committees of
22 Congress a written response to the report after—

23 “(A) giving the Committee an opportunity to
24 review such written response; and

1 “(B) including in such written response any
2 comments the Committee considers appropriate.

3 “(3) Not less frequently than once every two years,
4 the Committee shall submit to the Secretary and the ap-
5 propriate committees of Congress a report describing the
6 activities of the Committee during the previous two years.

7 “(4) The Secretary shall make publicly available on
8 an internet website of the Department—

9 “(A) each report the Secretary receives under
10 paragraph (1);

11 “(B) each written response the Secretary sub-
12 mits under paragraph (2); and

13 “(C) each report the Secretary receives under
14 paragraph (3).

15 “(i) COMMITTEE PERSONNEL MATTERS.—A member
16 of the Committee shall be allowed travel expenses, includ-
17 ing per diem in lieu of subsistence, at rates authorized
18 for an employee of an agency under subchapter I of chap-
19 ter 57 of title 5 while away from the home or regular place
20 of business of the member in the performance of the duties
21 of the Committee.

22 “(j) CONSULTATION.—In carrying out this section,
23 the Secretary shall consult with veterans service organiza-
24 tions serving covered veterans.

1 “(k) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
2 TION.—Section 14 of the Federal Advisory Committee Act
3 (5 U.S.C. App.) shall not apply to the Committee.

4 “(l) DEFINITIONS.—In this section:

5 “(1) The term ‘appropriate committees of Con-
6 gress’ means—

7 “(A) the Committee on Veterans’ Affairs
8 of the House of Representatives; and

9 “(B) the Committee on Veterans’ Affairs
10 of the Senate.

11 “(2) The term ‘Committee’ means the Advisory
12 Committee on United States Outlying Areas and
13 Freely Associated States established under sub-
14 section (a).

15 “(3) The term ‘covered veteran’ means a vet-
16 eran residing in an area specified in subsection
17 (c)(2)(A).

18 “(4) The term ‘veterans service organization
19 serving covered veterans’ means any organization
20 that—

21 “(A) serves the interests of covered vet-
22 erans;

23 “(B) has covered veterans in substantive
24 and policymaking positions within the organiza-
25 tion; and

1 “(C) has demonstrated experience working
2 with covered veterans.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 5 of such title is
5 amended by inserting after the item relating to sec-
6 tion 547 the following new item:

 “548. Advisory Committee on United States Outlying Areas and Freely Associ-
 ated States.”.

7 (b) DEADLINE FOR ESTABLISHMENT.—Not later
8 than 180 days after the date of the enactment of this Act,
9 the Secretary of Veterans Affairs shall establish the advi-
10 sory committee required by section 548 of title 38, United
11 States Code, as added by subsection (a)(1) of this section.

12 (c) DEADLINE FOR INITIAL APPOINTMENTS.—Not
13 later than 90 days after the date on which the Secretary
14 establishes the advisory committee required by such sec-
15 tion 548, the Secretary shall appoint the members of such
16 advisory committee.

17 (d) INITIAL MEETING.—Not later than 120 days
18 after the date on which the Secretary establishes the

- 1 advisory committee required by such section 548, such ad-
- 2 visory committee shall hold its first meeting.

Passed the House of Representatives November 18,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.