

114TH CONGRESS
1ST SESSION

S. 1203

AN ACT

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.

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 and Other Im-
 4 provements Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 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. Reports on public access to Department of Veterans Affairs research.

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.

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.

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

Sec. 123. 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. 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 pre-separation 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.

1 **TITLE I—HEALTH CARE**
 2 **MATTERS**
 3 **Subtitle A—Expansion and Im-**
 4 **provement of Health Care Bene-**
 5 **fits**

6 **SEC. 101. IMPROVED ACCESS TO APPROPRIATE IMMUNIZA-**
 7 **TIONS FOR VETERANS.**

8 (a) INCLUSION OF RECOMMENDED ADULT IMMUNI-
 9 ZATIONS AS MEDICAL SERVICES.—

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

13 “(F) immunizations against infectious dis-
 14 eases, including each immunization on the rec-
 15 ommended adult immunization schedule at the
 16 time such immunization is indicated on that
 17 schedule;”.

18 (2) RECOMMENDED ADULT IMMUNIZATION
 19 SCHEDULE DEFINED.—Section 1701 of such title is
 20 amended by adding after paragraph (9) the fol-
 21 lowing new paragraph:

1 “(10) The term ‘recommended adult immuniza-
2 tion schedule’ means the schedule established (and
3 periodically reviewed and, as appropriate, revised) by
4 the Advisory Committee on Immunization Practices
5 established by the Secretary of Health and Human
6 Services and delegated to the Centers for Disease
7 Control and Prevention.”.

8 (b) INCLUSION OF RECOMMENDED ADULT IMMUNI-
9 ZATIONS IN ANNUAL REPORT.—Section 1704(1)(A) of
10 such title is amended—

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

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

14 (3) by inserting after clause (ii) the following
15 new clause:

16 “(iii) to provide veterans each immu-
17 nization on the recommended adult immu-
18 nization schedule at the time such immuni-
19 zation is indicated on that schedule.”.

20 (c) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—Not later than two years
22 after the date of the enactment of this Act, the Sec-
23 retary of Veterans Affairs shall submit to the Com-
24 mittee on Veterans’ Affairs of the Senate and the
25 Committee on Veterans’ Affairs of the House of

1 Representatives a report on the development and im-
 2 plementation by the Department of Veterans Affairs
 3 of quality measures and metrics, including targets
 4 for compliance, to ensure that veterans receiving
 5 medical services under chapter 17 of title 38, United
 6 States Code, receive each immunization on the rec-
 7 ommended adult immunization schedule at the time
 8 such immunization is indicated on that schedule.

9 (2) RECOMMENDED ADULT IMMUNIZATION
 10 SCHEDULE DEFINED.—In this subsection, the term
 11 “recommended adult immunization schedule” has
 12 the meaning given that term in section 1701(10) of
 13 title 38, United States Code, as added by subsection
 14 (a)(2).

15 **SEC. 102. EXPANSION OF PROVISION OF CHIROPRACTIC**
 16 **CARE AND SERVICES TO VETERANS.**

17 (a) PROGRAM FOR PROVISION OF CHIROPRACTIC
 18 CARE AND SERVICES TO VETERANS.—Section 204(c) of
 19 the Department of Veterans Affairs Health Care Pro-
 20 grams Enhancement Act of 2001 (Public Law 107–135;
 21 115 Stat. 2459; 38 U.S.C. 1710 note) is amended—

22 (1) by inserting “(1)” before “The program”;
 23 and

24 (2) by adding at the end the following new
 25 paragraph:

1 “(2) The program shall be carried out at not fewer
2 than two medical centers or clinics in each Veterans Inte-
3 grated Service Network by not later than two years after
4 the date of the enactment of the 21st Century Veterans
5 Benefits Delivery and Other Improvements Act, and at
6 not fewer than 50 percent of all medical centers in each
7 Veterans Integrated Service Network by not later than
8 three years after such date of enactment.”.

9 (b) EXPANDED CHIROPRACTOR SERVICES AVAIL-
10 ABLE TO VETERANS.—

11 (1) MEDICAL SERVICES.—Paragraph (6) of sec-
12 tion 1701 of title 38, United States Code, is amend-
13 ed by adding at the end the following new subpara-
14 graph:

15 “(H) Chiropractic services.”.

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

19 (3) PREVENTIVE HEALTH SERVICES.—Para-
20 graph (9) of such section is amended—

21 (A) by redesignating subparagraphs (F)
22 through (K) as subparagraphs (G) through (L),
23 respectively; and

24 (B) by inserting after subparagraph (E)
25 the following new subparagraph (F):

1 “(F) periodic and preventive chiropractic
2 examinations and services;”.

3 **Subtitle B—Health Care**
4 **Administration**

5 **SEC. 111. EXPANSION OF AVAILABILITY OF PROSTHETIC**
6 **AND ORTHOTIC CARE FOR VETERANS.**

7 (a) ESTABLISHMENT OR EXPANSION OF ADVANCED
8 DEGREE PROGRAMS TO EXPAND AVAILABILITY OF PRO-
9 VISION OF CARE.—The Secretary of Veterans Affairs shall
10 work with institutions of higher education to develop part-
11 nerships for the establishment or expansion of programs
12 of advanced degrees in prosthetics and orthotics in order
13 to improve and enhance the availability of high quality
14 prosthetic and orthotic care for veterans.

15 (b) REPORT.—Not later than one year after the effec-
16 tive date specified in subsection (d), the Secretary shall
17 submit to the Committee on Veterans’ Affairs of the Sen-
18 ate and the Committee on Veterans’ Affairs of the House
19 of Representatives a report setting forth a plan for car-
20 rying out subsection (a). The Secretary shall develop the
21 plan in consultation with veterans service organizations,
22 institutions of higher education with accredited degree
23 programs in prosthetics and orthotics, and representatives
24 of the prosthetics and orthotics field.

25 (c) FUNDING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is hereby authorized to be appropriated for
3 fiscal year 2017 for the Department of Veterans Af-
4 fairs, \$5,000,000 to carry out this section.

5 (2) AVAILABILITY.—The amount authorized to
6 be appropriated by paragraph (1) shall remain avail-
7 able for expenditure until September 30, 2019.

8 (d) EFFECTIVE DATE.—This section shall take effect
9 on the date that is one year after the date of the enact-
10 ment of this Act.

11 **SEC. 112. REPORTS ON PUBLIC ACCESS TO DEPARTMENT**
12 **OF VETERANS AFFAIRS RESEARCH.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act and not later than one
15 year after the date of the enactment of this Act, the Sec-
16 retary of Veterans Affairs shall submit to the Committee
17 on Veterans' Affairs of the Senate and the Committee on
18 Veterans' Affairs of the House of Representatives a report
19 on increasing public access to scientific publications and
20 digital data from research funded by the Department of
21 Veterans Affairs.

22 (b) CONTENTS.—The report submitted under sub-
23 section (a) shall include the following:

24 (1) Identification of where on the Internet
25 website of the Department the public will be able to

1 access results of research funded by the Department
2 or be referred to other sources to access the results
3 of research funded by the Department.

4 (2) A description of the progress made by the
5 Department in meeting public access requirements
6 set forth in the Federal Register notice entitled
7 “Policy and Implementation Plan for Public Access
8 to Scientific Publications and Digital Data from Re-
9 search Funded by the Department of Veterans Af-
10 fairs” (80 Fed. Reg. 60751), including the following:

11 (A) Compliance of Department investiga-
12 tors with requirements relating to ensuring that
13 research funded by the Department is accessible
14 by the public.

15 (B) Ensuring data management plans of
16 the Department include provisions for long-term
17 preservation of the scientific data resulting
18 from research funded by the Department.

19 (3) An explanation of the factors used to evalu-
20 ate the merit of data management plans of research
21 funded by the Veterans Health Administration.

22 (4) An explanation of the process of the De-
23 partment in effect that enables stakeholders to peti-
24 tion a change to the embargo period for a specific
25 field and the factors considered during such process.

1 **SEC. 113. REVIVAL OF INTERMEDIATE CARE TECHNICIAN**
2 **PILOT PROGRAM OF DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) **REVIVAL.**—The Secretary of Veterans Affairs
5 shall revive the Intermediate Care Technician Pilot Pro-
6 gram of the Department of Veterans Affairs that was car-
7 ried out by the Secretary between January 2013 and Feb-
8 ruary 2014.

9 (b) **TECHNICIANS.**—

10 (1) **SELECTION.**—The Secretary shall select not
11 less than 72 intermediate care technicians to partici-
12 pate in the pilot program.

13 (2) **FACILITIES.**—

14 (A) **IN GENERAL.**—Any intermediate care
15 technician hired pursuant to paragraph (1) may
16 be assigned to a medical facility of the Depart-
17 ment as determined by the Secretary for pur-
18 poses of this section.

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

1 (c) TERMINATION.—The Secretary shall carry out
2 the pilot program under subsection (a) during the three-
3 year period beginning on the effective date specified in
4 subsection (e).

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

9 (e) EFFECTIVE DATE.—This section shall take effect
10 on the date that is one year after the date of the enact-
11 ment of this Act.

12 **SEC. 114. TRANSFER OF HEALTH CARE PROVIDER**
13 **CREDENTIALING DATA FROM SECRETARY OF**
14 **DEFENSE TO SECRETARY OF VETERANS AF-**
15 **FAIRS.**

16 (a) IN GENERAL.—In a case in which the Secretary
17 of Veterans Affairs hires a covered health care provider,
18 the Secretary of Defense shall, after receiving a request
19 from the Secretary of Veterans Affairs for the
20 credentialing data of the Secretary of Defense relating to
21 such health care provider, transfer to the Secretary of Vet-
22 erans Affairs such credentialing data.

23 (b) COVERED HEALTH CARE PROVIDERS.—For pur-
24 poses of this section, a covered provider is a health care
25 provider who—

1 (1) is or was employed by the Secretary of De-
2 fense;

3 (2) provides or provided health care related
4 services as part of such employment; and

5 (3) was credentialed by the Secretary of De-
6 fense.

7 (c) POLICIES AND REGULATIONS.—The Secretary of
8 Veterans Affairs and the Secretary of Defense shall estab-
9 lish such policies and promulgate such regulations as may
10 be necessary to carry out this section.

11 (d) CREDENTIALING DEFINED.—In this section, the
12 term “credentialing” means the systematic process of
13 screening and evaluating qualifications and other creden-
14 tials, including licensure, required education, relevant
15 training and experience, and current competence and
16 health status.

17 (e) EFFECTIVE DATE.—This section shall take effect
18 on the date that is one year after the date of the enact-
19 ment of this Act.

1 **SEC. 115. EXAMINATION AND TREATMENT BY DEPARTMENT**
2 **OF VETERANS AFFAIRS FOR EMERGENCY**
3 **MEDICAL CONDITIONS AND WOMEN IN**
4 **LABOR.**

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

8 **“§ 1784A. Examination and treatment for emergency**
9 **medical conditions and women in labor**

10 “(a) IN GENERAL.—In the case of a hospital of the
11 Department that has an emergency department, if any in-
12 dividual comes to the hospital or the campus of the hos-
13 pital and a request is made on behalf of the individual
14 for examination or treatment for a medical condition, the
15 hospital must provide for an appropriate medical screen-
16 ing examination within the capability of the emergency de-
17 partment, including ancillary services routinely available
18 to the emergency department, to determine whether or not
19 an emergency medical condition exists.

20 “(b) NECESSARY STABILIZING TREATMENT FOR
21 EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If
22 any individual comes to a hospital of the Department that
23 has an emergency department or the campus of such a
24 hospital and the hospital determines that the individual
25 has an emergency medical condition, the hospital must
26 provide either—

1 “(A) within the staff and facilities available at
2 the hospital, for such further medical examination
3 and such treatment as may be required to stabilize
4 the medical condition; or

5 “(B) for transfer of the individual to another
6 medical facility in accordance with subsection (c).

7 “(2) A hospital is deemed to meet the requirement
8 of paragraph (1)(A) with respect to an individual if the
9 hospital offers the individual the further medical examina-
10 tion and treatment described in that paragraph and in-
11 forms the individual (or a person acting on behalf of the
12 individual) of the risks and benefits to the individual of
13 such examination and treatment, but the individual (or a
14 person acting on behalf of the individual) refuses to con-
15 sent to the examination and treatment. The hospital shall
16 take all reasonable steps to secure the written informed
17 consent of the individual (or person) to refuse such exam-
18 ination and treatment.

19 “(3) A hospital is deemed to meet the requirement
20 of paragraph (1) with respect to an individual if the hos-
21 pital offers to transfer the individual to another medical
22 facility in accordance with subsection (c) and informs the
23 individual (or a person acting on behalf of the individual)
24 of the risks and benefits to the individual of such transfer,
25 but the individual (or a person acting on behalf of the

1 individual) refuses to consent to the transfer. The hospital
2 shall take all reasonable steps to secure the written in-
3 formed consent of the individual (or person) to refuse such
4 transfer.

5 “(c) RESTRICTING TRANSFERS UNTIL INDIVIDUAL
6 STABILIZED.—(1) If an individual at a hospital of the De-
7 partment has an emergency medical condition that has not
8 been stabilized, the hospital may not transfer the indi-
9 vidual unless—

10 “(A)(i) the individual (or a legally responsible
11 person acting on behalf of the individual), after
12 being informed of the obligations of the hospital
13 under this section and of the risk of transfer, re-
14 quests, in writing, transfer to another medical facil-
15 ity;

16 “(ii) a physician of the Department has signed
17 a certification that, based upon the information
18 available at the time of transfer, the medical benefits
19 reasonably expected from the provision of appro-
20 priate medical treatment at another medical facility
21 outweigh the increased risks to the individual and,
22 in the case of labor, to the unborn child from effect-
23 ing the transfer; or

24 “(iii) if a physician of the Department is not
25 physically present in the emergency department at

1 the time an individual is transferred, a qualified
2 medical person (as defined by the Secretary for pur-
3 poses of this section) has signed a certification de-
4 scribed in clause (ii) after a physician of the Depart-
5 ment, in consultation with the person, has made the
6 determination described in such clause, and subse-
7 quently countersigns the certification; and

8 “(B) the transfer is an appropriate transfer to
9 that facility.

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

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

15 “(A) in which the transferring hospital provides
16 the medical treatment within its capacity that mini-
17 mizes the risks to the health of the individual and,
18 in the case of a woman in labor, the health of the
19 unborn child;

20 “(B) in which the receiving facility—

21 “(i) has available space and qualified per-
22 sonnel for the treatment of the individual; and

23 “(ii) has agreed to accept transfer of the
24 individual and to provide appropriate medical
25 treatment;

1 “(C) in which the transferring hospital sends to
2 the receiving facility all medical records (or copies
3 thereof) available at the time of the transfer relating
4 to the emergency medical condition for which the in-
5 dividual has presented, including—

6 “(i) observations of signs or symptoms;

7 “(ii) preliminary diagnosis;

8 “(iii) treatment provided;

9 “(iv) the results of any tests; and

10 “(v) the informed written consent or cer-
11 tification (or copy thereof) provided under para-
12 graph (1)(A);

13 “(D) in which the transfer is effected through
14 qualified personnel and transportation equipment,
15 including the use of necessary and medically appro-
16 priate life support measures during the transfer; and

17 “(E) that meets such other requirements as the
18 Secretary considers necessary in the interest of the
19 health and safety of individuals transferred.

20 “(d) DEFINITIONS.—In this section:

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

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

1 “(B) other areas and structures that are
2 not strictly contiguous to the main buildings
3 but are located not less than 250 yards from
4 the main buildings; and

5 “(C) any other areas determined by the
6 Secretary to be part of the campus of the hos-
7 pital.

8 “(2) The term ‘emergency medical condition’
9 means—

10 “(A) a medical condition manifesting itself
11 by acute symptoms of sufficient severity (in-
12 cluding severe pain) such that the absence of
13 immediate medical attention could reasonably
14 be expected to result in—

15 “(i) placing the health of the indi-
16 vidual (or, with respect to a pregnant
17 woman, the health of the woman or her
18 unborn child) in serious jeopardy;

19 “(ii) serious impairment to bodily
20 functions; or

21 “(iii) serious dysfunction of any bodily
22 organ or part; or

23 “(B) with respect to a pregnant woman
24 who is having contractions—

1 “(i) that there is inadequate time to
2 effect a safe transfer to another hospital
3 before delivery; or

4 “(ii) that transfer may pose a threat
5 to the health or safety of the woman or the
6 unborn child.

7 “(3)(A) The term ‘to stabilize’ means, with re-
8 spect to an emergency medical condition described in
9 paragraph (2)(A), to provide such medical treatment
10 of the condition as may be necessary to assure, with-
11 in reasonable medical probability, that no material
12 deterioration of the condition is likely to result from
13 or occur during the transfer of the individual from
14 a facility, or, with respect to an emergency medical
15 condition described in paragraph (2)(B), to deliver
16 (including the placenta).

17 “(B) The term ‘stabilized’ means, with respect
18 to an emergency medical condition described in
19 paragraph (2)(A), that no material deterioration of
20 the condition is likely, within reasonable medical
21 probability, to result from or occur during the trans-
22 fer of the individual from a facility, or, with respect
23 to an emergency medical condition described in
24 paragraph (2)(B), that the woman has delivered (in-
25 cluding the placenta).

1 “(4) The term ‘transfer’ means the movement
 2 (including the discharge) of an individual outside the
 3 facilities of a hospital of the Department at the di-
 4 rection of any person employed by (or affiliated or
 5 associated, directly or indirectly, with) the hospital,
 6 but does not include such a movement of an indi-
 7 vidual who—

8 “(A) has been declared dead; or

9 “(B) leaves the facility without the permis-
 10 sion of any such person.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 17 of such title is amended
 13 by inserting after the item relating to section 1784 the
 14 following new item:

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

15 **Subtitle C—Improvement of**
 16 **Medical Workforce**

17 **SEC. 121. INCLUSION OF MENTAL HEALTH PROFESSIONALS**
 18 **IN EDUCATION AND TRAINING PROGRAM FOR**
 19 **HEALTH PERSONNEL OF THE DEPARTMENT**
 20 **OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—In carrying out the education and
 22 training program required under section 7302(a)(1) of
 23 title 38, United States Code, the Secretary of Veterans
 24 Affairs shall include education and training of marriage

1 and family therapists and licensed professional mental
2 health counselors.

3 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
4 fect on the date that is one year after the date of the en-
5 actment of this Act.

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

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

13 **SEC. 123. REPORT ON MEDICAL WORKFORCE OF THE DE-**
14 **PARTMENT OF VETERANS AFFAIRS.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary of Vet-
17 erans Affairs shall submit to the Committee on Veterans
18 Affairs of the Senate and the Committee on Veterans Af-
19 fairs of the House of Representatives a report on the med-
20 ical workforce of the Department of Veterans Affairs.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include the following:

23 (1) With respect to licensed professional mental
24 health counselors and marriage and family thera-
25 pists of the Department—

1 (A) how many such counselors and thera-
2 pists are currently enrolled in the mental health
3 professionals trainee program of the Depart-
4 ment;

5 (B) how many such counselors and thera-
6 pists are expected to enroll in the mental health
7 professionals trainee program of the Depart-
8 ment during the 180-day period beginning on
9 the date of the submittal of the report;

10 (C) a description of the eligibility criteria
11 for such counselors and therapists as compared
12 to other behavioral health professions in the
13 Department;

14 (D) a description of the objectives, goals,
15 and timing of the Department with respect to
16 increasing the representation of such counselors
17 and therapists in the behavioral health work-
18 force of the Department; and

19 (E) a description of the actions taken by
20 the Secretary, in consultation with the Director
21 of the Office of Personnel Management, to cre-
22 ate an occupational series for such counselors
23 and therapists and a timeline for the creation
24 of such an occupational series.

1 (2) A breakdown of spending by the Depart-
2 ment in connection with the education debt reduc-
3 tion program of the Department under subchapter
4 VII of chapter 76 of title 38, United States Code,
5 including—

6 (A) the amount spent by the Department
7 in debt reduction payments during the three-
8 year period preceding the submittal of the re-
9 port disaggregated by the medical profession of
10 the individual receiving the payments;

11 (B) a description of how the Department
12 prioritizes such spending by medical profession,
13 including an assessment of whether such pri-
14 ority reflects the five occupations identified in
15 the most recent determination by the Inspector
16 General of the Department of Veterans Affairs
17 as having the largest staffing shortages in the
18 Veterans Health Administration; and

19 (C) a description of the actions taken by
20 the Secretary to increase the effectiveness of
21 such spending for purposes of recruitment of
22 health care providers to the Department, in-
23 cluding efforts to more consistently include eli-
24 gibility for the education debt reduction pro-

1 gram in vacancy announcements of positions for
2 health care providers at the Department.

3 (3) A description of any impediments to the de-
4 livery by the Department of telemedicine services to
5 veterans and any actions taken by the Department
6 to address such impediments, including with respect
7 to—

8 (A) restrictions under Federal or State
9 laws;

10 (B) licensing or credentialing issues for
11 health care providers, including non-Depart-
12 ment health care providers, practicing telemedi-
13 cine with a veteran located in a different State;

14 (C) the effect of limited broadband access
15 or limited information technology capabilities on
16 the delivery of health care;

17 (D) the distance a veteran is required to
18 travel to access a facility or clinic with telemedi-
19 cine capabilities;

20 (E) the effect on the provision of telemedi-
21 cine services to veterans of policies of and lim-
22 ited liability protection for certain entities; and

23 (F) issues relating to reimbursement and
24 travel limitations for veterans that affect the

1 participation of non-Department health care
2 providers in the telemedicine program.

3 (4) An update on the efforts of the Secretary
4 to offer training opportunities in telemedicine to
5 medical residents in medical facilities of the Depart-
6 ment that use telemedicine, consistent with medical
7 residency program requirements established by the
8 Accreditation Council for Graduate Medical Edu-
9 cation, as required in section 108(b) of the Honoring
10 America's Veterans and Caring for Camp Lejeune
11 Families Act of 2012 (Public Law 112-154; 38
12 U.S.C. 7406 note).

13 (5) An assessment of the development and im-
14 plementation by the Secretary of succession planning
15 policies to address the prevalence of vacancies in po-
16 sitions in the Veterans Health Administration of
17 more than 180 days, including the development of
18 an enterprise position management system to more
19 effectively identify, track, and resolve such vacan-
20 cies.

21 (6) A description of the actions taken by the
22 Secretary, in consultation with the Director of the
23 Office of Personnel Management, to address any im-
24 pediments to the timely appointment and determina-
25 tion of qualifications for Directors of Veterans Inte-

1 grated Service Networks and Medical Directors of
2 the Department.

3 **TITLE II—COMPENSATION AND**
4 **OTHER BENEFITS MATTERS**
5 **Subtitle A—Benefits Claims**
6 **Submission**

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

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Secretary of Defense, in collaboration with
12 the Secretary of Labor, the Secretary of Homeland Secu-
13 rity, and the Secretary of Veterans Affairs, should estab-
14 lish a process by which a representative of a veterans serv-
15 ice organization may be present at any portion of the pro-
16 gram carried out under section 1144 of title 10, United
17 States Code, relating to the submittal of claims to the Sec-
18 retary of Veterans Affairs for compensation under chapter
19 11 or 13 of title 38, United States Code.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 18 months
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall submit to Congress a report
24 on participation of veterans service organizations in

1 the program carried out under section 1144 of title
2 10, United States Code.

3 (2) CONTENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) An assessment of the compliance of fa-
6 cilities of the Department of Defense with the
7 directives included in the memorandum of the
8 Secretary of Defense entitled “Installation Ac-
9 cess and Support Services for Nonprofit Non-
10 Federal Entities” and dated December 23,
11 2014.

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

14 (C) How many veterans service organiza-
15 tions have been present at a portion of a pro-
16 gram as described in subsection (a).

17 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
18 In this section, the term “veterans service organization”
19 means any organization recognized by the Secretary for
20 the representation of veterans under section 5902 of title
21 38.

1 **SEC. 202. REQUIREMENT THAT SECRETARY OF VETERANS**
2 **AFFAIRS PUBLISH THE AVERAGE TIME RE-**
3 **QUIRED TO ADJUDICATE TIMELY AND UN-**
4 **TIMELY APPEALS.**

5 (a) PUBLICATION REQUIREMENT.—

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

9 (A) The average length of time to adju-
10 dicate a timely appeal.

11 (B) The average length of time to adju-
12 dicate an untimely appeal.

13 (2) EFFECTIVE DATE.—Paragraph (1) shall
14 take effect on the date that is one year after the
15 date of the enactment of this Act and shall apply
16 until the date that is three years after the date of
17 the enactment of this Act.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 39 months
20 after the date of the enactment of this Act, the Sec-
21 retary shall submit to the Committee on Veterans'
22 Affairs of the Senate and the Committee on Vet-
23 erans' Affairs of the House of Representatives a re-
24 port on whether publication pursuant to subsection
25 (a)(1) has had an effect on the number of timely ap-
26 peals filed.

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

3 (A) The number of appeals and timely ap-
4 peals that were filed during the one-year period
5 ending on the effective date specified in sub-
6 section (a)(2).

7 (B) The number of appeals and timely ap-
8 peals that were filed during the one-year period
9 ending on the date that is two years after the
10 effective date specified in subsection (a)(2).

11 (c) DEFINITIONS.—In this section:

12 (1) APPEAL.—The term “appeal” means a no-
13 tice of disagreement filed pursuant to section
14 7105(a) of title 38, United States Code, in response
15 to notice of the result of an initial review or deter-
16 mination regarding a claim for a benefit under a law
17 administered by the Secretary of Veterans Affairs.

18 (2) TIMELY.—The term “timely” with respect
19 to an appeal means that the notice of disagreement
20 was filed not more than 180 days after the date of
21 mailing of the notice of the result of the initial re-
22 view or determination described in paragraph (1).

23 (3) UNTIMELY.—The term “untimely” with re-
24 spect to an appeal means the notice of disagreement
25 was filed more than 180 days after the date of mail-

1 ing of the notice of the result of the initial review
2 or determination described in paragraph (1).

3 **SEC. 203. DETERMINATION OF MANNER OF APPEARANCE**
4 **FOR HEARINGS BEFORE BOARD OF VET-**
5 **ERANS' APPEALS.**

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

8 (1) by striking subsection (e);

9 (2) by redesignating subsections (d) and (f) as
10 subsections (f) and (g), respectively;

11 (3) by inserting after subsection (c) the fol-
12 lowing new subsections (d) and (e):

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

16 “(A) in person; or

17 “(B) through picture and voice transmission, by
18 electronic or other means, in such manner that the
19 appellant is not present in the same location as the
20 member or members of the Board during the hear-
21 ing.

22 “(2) Upon request by an appellant, a hearing before
23 the Board shall be conducted, as the appellant considers
24 appropriate—

25 “(A) in person; or

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

3 “(e)(1) In a case in which a hearing before the Board
4 is to be conducted through picture and voice transmission
5 as described in subsection (d)(1)(B), the Secretary shall
6 provide suitable facilities and equipment to the Board or
7 other components of the Department to enable an appel-
8 lant located at an appropriate facility within the area
9 served by a regional office to participate as so described.

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

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

23 (b) CONFORMING AMENDMENT.—Subsection (a)(1)
24 of such section is amended by striking “in subsection (f)”
25 and inserting “in subsection (g)”.

1 (c) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to cases received
 3 by the Board of Veterans' Appeals pursuant to notices of
 4 disagreement submitted on or after the date of the enact-
 5 ment of this Act.

6 **Subtitle B—Practices of Regional** 7 **Offices Relating to Benefits Claims**

8 **SEC. 211. COMPTROLLER GENERAL REVIEW OF CLAIMS** 9 **PROCESSING PERFORMANCE OF REGIONAL** 10 **OFFICES OF VETERANS BENEFITS ADMINIS-** 11 **TRATION.**

12 (a) REVIEW REQUIRED.—Not later than 15 months
 13 after the effective date specified in subsection (e), the
 14 Comptroller General of the United States shall complete
 15 a review of the regional offices of the Veterans Benefits
 16 Administration to help the Veterans Benefits Administra-
 17 tion achieve more consistent performance in the processing
 18 of claims for disability compensation.

19 (b) ELEMENTS.—The review required by subsection
 20 (a) shall include the following:

21 (1) An identification of the following:

22 (A) The factors, including management
 23 practices, that distinguish higher performing re-
 24 gional offices from other regional offices with
 25 respect to claims for disability compensation.

1 (B) The best practices employed by higher
2 performing regional offices that distinguish the
3 performance of such offices from other regional
4 offices.

5 (C) Such other management practices or
6 tools as the Comptroller General determines
7 could be used to improve the performance of re-
8 gional offices.

9 (2) An assessment of the effectiveness of com-
10 munication with respect to the processing of claims
11 for disability compensation between the regional of-
12 fices and veterans service organizations and case-
13 workers employed by Members of Congress.

14 (c) REPORT.—Not later than 15 months after the ef-
15 fective date specified in subsection (e), the Comptroller
16 General shall submit to the Committee on Veterans' Af-
17 fairs of the Senate and the Committee on Veterans' Af-
18 fairs of the House of Representatives a report on the re-
19 sults of the review completed under subsection (a).

20 (d) VETERANS SERVICE ORGANIZATION DEFINED.—
21 In this section, the term “veterans service organization”
22 means any organization recognized by the Secretary for
23 the representation of veterans under section 5902 of title
24 38, United States Code.

1 (e) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 270 days after the date of the enact-
3 ment of this Act.

4 **SEC. 212. INCLUSION IN ANNUAL BUDGET SUBMISSION OF**
5 **INFORMATION ON CAPACITY OF VETERANS**
6 **BENEFITS ADMINISTRATION TO PROCESS**
7 **BENEFITS CLAIMS.**

8 (a) IN GENERAL.—Along with the supporting infor-
9 mation included in the budget submitted to Congress by
10 the President pursuant to section 1105(a) of title 31,
11 United States Code, the President shall include informa-
12 tion on the capacity of the Veterans Benefits Administra-
13 tion to process claims for benefits under the laws adminis-
14 tered by the Secretary of Veterans Affairs, including infor-
15 mation described in subsection (b), during the fiscal year
16 covered by the budget with which the information is sub-
17 mitted.

18 (b) INFORMATION DESCRIBED.—The information de-
19 scribed in this subsection is the following:

20 (1) An estimate of the average number of
21 claims for benefits under the laws administered by
22 the Secretary, excluding such claims completed dur-
23 ing mandatory overtime, that a single full-time
24 equivalent employee of the Administration can proc-
25 ess in a year, based on the following:

1 (A) A time and motion study that the Sec-
2 retary shall conduct on the processing of such
3 claims.

4 (B) Such other information relating to
5 such claims as the Secretary considers appro-
6 priate.

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

9 (3) An assessment of the actions identified by
10 the Secretary under paragraph (2) in the previous
11 year and an identification of the effects of those ac-
12 tions.

13 (c) EFFECTIVE DATE.—This section shall apply with
14 respect to any budget submitted as described in subsection
15 (a) with respect to any fiscal year after fiscal year 2017.

16 **SEC. 213. REPORT ON STAFFING LEVELS AT REGIONAL OF-**
17 **FICES OF DEPARTMENT OF VETERANS AF-**
18 **FAIRS AFTER TRANSITION TO NATIONAL**
19 **WORK QUEUE.**

20 Not later than 15 months after the date of the enact-
21 ment of this Act, the Secretary of Veterans Affairs shall
22 submit to the Committee on Veterans' Affairs of the Sen-
23 ate and the Committee on Veterans' Affairs of the House
24 of Representatives a report on the criteria and procedures
25 that the Secretary will use to determine appropriate staff-

1 ing levels at the regional offices of the Department once
2 the Department has transitioned to using the National
3 Work Queue for the distribution of the claims processing
4 workload.

5 **SEC. 214. ANNUAL REPORT ON PROGRESS IN IMPLE-**
6 **MENTING VETERANS BENEFITS MANAGE-**
7 **MENT SYSTEM.**

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

13 (b) CONTENTS.—Each report required by subsection
14 (a) shall include the following:

15 (1) An assessment of the current functionality
16 of the Veterans Benefits Management System.

17 (2) Recommendations submitted to the Sec-
18 retary by employees of the Department of Veterans
19 Affairs who are involved in processing claims for
20 benefits under the laws administered by the Sec-
21 retary, including veterans service representatives,
22 rating veterans service representatives, and decision
23 review officers, for such legislative or administrative
24 action as the employees consider appropriate to im-
25 prove the processing of such claims.

1 **SEC. 216. SENSE OF CONGRESS ON INCREASED TRANS-**
2 **PARENCY RELATING TO CLAIMS FOR BENE-**
3 **FITS AND APPEALS OF DECISIONS RELATING**
4 **TO BENEFITS IN MONDAY MORNING WORK-**
5 **LOAD REPORT.**

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

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

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

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

16 (C) The number of claims described in
17 subparagraph (A) that have been pending a de-
18 cision for more than 125 days.

19 (2) Enhanced information on appeals of deci-
20 sions relating to claims for benefits under the laws
21 administered by the Secretary that are pending, in-
22 cluding information contained in the reports of the
23 Department entitled “Appeals Pending” and “Ap-
24 peals Workload By Station”.

1 **Subtitle C—Other Benefits Matters**

2 **SEC. 221. MODIFICATION OF PILOT PROGRAM FOR USE OF** 3 **CONTRACT PHYSICIANS FOR DISABILITY EX-** 4 **AMINATIONS.**

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

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

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection (c):

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

13 “(1) **IN GENERAL.**—Notwithstanding any law
14 regarding the licensure of physicians, a physician de-
15 scribed in paragraph (2) may conduct an examina-
16 tion pursuant to a contract entered into under sub-
17 section (a) at any location in any State, the District
18 of Columbia, or a Commonwealth, territory, or pos-
19 session of the United States, so long as the examina-
20 tion is within the scope of the authorized duties
21 under such contract.

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

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

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

4 **SEC. 222. DEVELOPMENT OF PROCEDURES TO INCREASE**
5 **COOPERATION WITH NATIONAL GUARD BU-**
6 **REAU.**

7 (a) IN GENERAL.—The Secretary of Veterans Affairs
8 and the Chief of the National Guard Bureau shall jointly
9 develop and implement procedures, including requirements
10 relating to timeliness, to improve the timely provision to
11 the Secretary of such information in the possession of the
12 Chief as the Secretary requires to process claims sub-
13 mitted to the Secretary for benefits under the laws admin-
14 istered by the Secretary.

15 (b) REPORT.—Not later than one year after the im-
16 plementation of the procedures under subsection (a), the
17 Secretary and the Chief shall jointly submit to Congress
18 a report describing—

19 (1) the requests for information relating to
20 records of members of the National Guard made by
21 the Secretary to the Chief pursuant to such proce-
22 dures; and

23 (2) the timeliness of the responses of the Chief
24 to such requests.

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

3 (a) **IN GENERAL.**—The Secretary of Veterans Af-
4 fairs, in consultation with the Secretary of Defense and
5 such military historians as the Secretary of Defense rec-
6 ommends, shall review the process used to determine
7 whether a covered individual served in support of the
8 Armed Forces of the United States during World War II
9 in accordance with section 1002(d) of title X of Division
10 A of the American Recovery and Reinvestment Act of
11 2009 (Public Law 111–5; 38 U.S.C. 107 note) for pur-
12 poses of determining whether such covered individual is
13 eligible for payments described in such section.

14 (b) **COVERED INDIVIDUALS.**—In this section, a cov-
15 ered individual is any individual who timely submitted a
16 claim for benefits under subsection (c) of section 1002 of
17 title X of Division A of the American Recovery and Rein-
18 vestment Act of 2009 (Public Law 111–5; 38 U.S.C. 107
19 note) based on service as described in subsection (d) of
20 that section.

21 (c) **REPORT.**—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary of Veterans
23 Affairs shall submit to the Committee on Veterans' Affairs
24 of the Senate and the Committee on Veterans' Affairs of
25 the House of Representatives a report detailing any find-
26 ings, actions taken, or recommendations for legislative ac-

1 tion with respect to the review conducted under subsection
2 (a).

3 (d) PROHIBITION ON BENEFITS FOR DISQUALIFYING
4 CONDUCT UNDER NEW PROCESS PURSUANT TO RE-
5 VIEW.—If pursuant to the review conducted under sub-
6 section (a) the Secretary of Veterans Affairs determines
7 to establish a new process for the making of payments
8 as described in that subsection, the process shall include
9 mechanisms to ensure that individuals are not treated as
10 covered individuals for purposes of such payments if such
11 individuals engaged in any disqualifying conduct during
12 service described in that subsection, including collabora-
13 tion with the enemy or criminal conduct.

14 **SEC. 224. SENSE OF CONGRESS ON SUBMITTAL OF INFOR-**
15 **MATION RELATING TO CLAIMS FOR DISABIL-**
16 **ITIES INCURRED OR AGGRAVATED BY MILI-**
17 **TARY SEXUAL TRAUMA.**

18 (a) IN GENERAL.—It is the sense of Congress that
19 the Secretary of Veterans Affairs should submit to Con-
20 gress information on the covered claims submitted to the
21 Secretary during each fiscal year, including the informa-
22 tion specified in subsection (b).

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

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

4 (2) Of the covered claims under paragraph (1),
5 the number and percentage of such claims—

6 (A) submitted by each gender;

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

10 (C) that were denied, including the number
11 and percentage of such denied claims submitted
12 by each gender.

13 (3) Of the covered claims under paragraph (1)
14 that were approved, the number and percentage, list-
15 ed by each gender, of claims assigned to each rating
16 percentage of disability.

17 (4) Of the covered claims under paragraph (1)
18 that were denied—

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

23 (B) the number of denials that were based
24 on the failure of a veteran to report for a med-
25 ical examination.

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

4 (A) the number of such claims submitted
5 to or considered by the Secretary during such
6 fiscal year;

7 (B) the number and percentage of such
8 claims—

9 (i) submitted by each gender;

10 (ii) that were approved, including the
11 number and percentage of such approved
12 claims submitted by each gender; and

13 (iii) that were denied, including the
14 number and percentage of such denied
15 claims submitted by each gender;

16 (C) the number and percentage, listed by
17 each gender, of claims assigned to each rating
18 percentage of disability; and

19 (D) of such claims that were again de-
20 nied—

21 (i) the three most common reasons
22 given by the Secretary under section
23 5104(b)(1) of such title for such denials;
24 and

1 (ii) the number of denials that were
2 based on the failure of a veteran to report
3 for a medical examination.

4 (6) The number of covered claims that, as of
5 the end of such fiscal year, are pending and, sepa-
6 rately, the number of such claims on appeal.

7 (7) The average number of days that covered
8 claims take to complete beginning on the date on
9 which the claim is submitted.

10 (c) DEFINITIONS.—In this section:

11 (1) COVERED CLAIMS.—The term “covered
12 claims” means claims for disability compensation
13 submitted to the Secretary based on post-traumatic
14 stress disorder alleged to have been incurred or ag-
15 gravated by military sexual trauma.

16 (2) MILITARY SEXUAL TRAUMA.—The term
17 “military sexual trauma” shall have the meaning
18 specified by the Secretary for purposes of this sec-
19 tion and shall include “sexual harassment” (as so
20 specified).

1 **TITLE III—EDUCATION MATTERS**

2 **SEC. 301. RETENTION OF ENTITLEMENT TO EDUCATIONAL**
3 **ASSISTANCE DURING CERTAIN ADDITIONAL**
4 **PERIODS OF ACTIVE DUTY.**

5 (a) **EDUCATIONAL ASSISTANCE ALLOWANCE.**—Sec-
6 tion 16131(c)(3)(B)(i) of title 10, United States Code, is
7 amended by striking “or 12304” and inserting “12304,
8 12304a, or 12304b”.

9 (b) **EXPIRATION DATE.**—Section 16133(b)(4) of
10 such title is amended by striking “or 12304” and inserting
11 “12304, 12304a, or 12304b”.

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

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

16 (1) in subsection 3325(c)—

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

19 (B) by redesignating paragraph (3) as
20 paragraph (4); and

21 (C) by inserting after paragraph (2) the
22 following new paragraph (3):

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

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

3 **“§ 3326. Report on student progress**

4 “As a condition on approval under chapter 36 of this
5 title of a course offered by an educational institution (as
6 defined in section 3452 of this title), each year, each edu-
7 cational institution (as so defined) that received a payment
8 in that year on behalf of an individual entitled to edu-
9 cational assistance under this chapter shall submit to the
10 Secretary such information regarding the academic
11 progress of the individual as the Secretary may require.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following new item:

“3326. Report on student progress.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date that is one year
17 after the date of the enactment of this Act.

18 **SEC. 303. SECRETARY OF DEFENSE REPORT ON LEVEL OF**
19 **EDUCATION ATTAINED BY THOSE WHO**
20 **TRANSFER ENTITLEMENT TO POST-9/11 EDU-**
21 **CATIONAL ASSISTANCE.**

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

24 (1) in subparagraph (B), by striking “and”
25 after the semicolon; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(D) indicating the highest level of edu-
4 cation attained by each individual who transfers
5 a portion of the individual’s entitlement to edu-
6 cational assistance under section 3319 of this
7 title; and”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall take effect on the date that is one
10 year after the date of the enactment of this Act.

11 **SEC. 304. REPORTS ON EDUCATIONAL LEVELS ATTAINED**
12 **BY CERTAIN MEMBERS OF THE ARMED**
13 **FORCES AT TIME OF SEPARATION FROM THE**
14 **ARMED FORCES.**

15 (a) **ANNUAL REPORTS REQUIRED.**—Each Secretary
16 concerned shall submit to Congress each year a report on
17 the educational levels attained by members of the Armed
18 Forces described in subsection (b) under the jurisdiction
19 of such Secretary who separated from the Armed Forces
20 during the preceding year.

21 (b) **COVERED MEMBERS.**—The members of the
22 Armed Forces described in this subsection are members
23 of the Armed Forces who transferred unused education
24 benefits to family members pursuant to section 3319 of

1 title 38, United States Code, while serving as members
2 of the Armed Forces.

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

7 (d) EFFECTIVE DATE.—This section shall take effect
8 on the date that is one year after the date of the enact-
9 ment of this Act.

10 **TITLE IV—EMPLOYMENT AND** 11 **TRANSITION MATTERS**

12 **SEC. 401. REQUIRED COORDINATION BETWEEN DIRECTORS** 13 **FOR VETERANS’ EMPLOYMENT AND TRAIN-** 14 **ING WITH STATE DEPARTMENTS OF LABOR** 15 **AND VETERANS AFFAIRS.**

16 (a) IN GENERAL.—Section 4103 of title 38, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subsection:

19 “(c) COORDINATION WITH STATE DEPARTMENTS OF
20 LABOR AND VETERANS AFFAIRS.—Each Director for Vet-
21 erans’ Employment and Training for a State shall coordi-
22 nate the Director’s activities under this chapter with the
23 State department of labor and the State department of
24 veterans affairs.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is one
3 year after the date of the enactment of this Act.

4 **SEC. 402. REPORT ON JOB FAIRS ATTENDED BY ONE-STOP**
5 **CAREER CENTER EMPLOYEES AT WHICH**
6 **SUCH EMPLOYEES ENCOUNTER VETERANS.**

7 (a) IN GENERAL.—Section 136(d)(1) of the Work-
8 force Investment Act of 1998 (29 U.S.C. 2871(d)(1)) is
9 amended by adding at the end the following new sentence:
10 “The report also shall include information, for the year
11 preceding the year the report is submitted, on the number
12 of job fairs attended by One-Stop Career Center employees
13 at which the employees had contact with a veteran, and
14 the number of veterans contacted at each such job fair.”.

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

18 **SEC. 403. REVIEW OF CHALLENGES FACED BY EMPLOYERS**
19 **SEEKING TO HIRE VETERANS AND SHARING**
20 **OF INFORMATION AMONG FEDERAL AGEN-**
21 **CIES THAT SERVE VETERANS.**

22 (a) REVIEW.—

23 (1) IN GENERAL.—The Secretary of Labor, in
24 consultation with the Secretary of Defense and the

1 Secretary of Veterans Affairs, shall conduct a review
2 of—

3 (A) the challenges faced by employers
4 seeking to hire veterans; and

5 (B) information sharing among Federal
6 departments and agencies that serve veterans
7 and members of the Armed Forces who are sep-
8 arating from service.

9 (2) MATTERS REVIEWED.—In conducting the
10 review required by paragraph (1), the Secretary of
11 Labor shall examine the following:

12 (A) The barriers employers face in gaining
13 information identifying veterans who are seek-
14 ing jobs.

15 (B) The extent and quality of information
16 sharing among Federal departments and agen-
17 cies that serve veterans and members of the
18 Armed Forces who are separating from service,
19 including how the departments and agencies
20 may more easily connect employers with such
21 veterans and members.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the effective date specified in subsection (c),
25 the Secretary of Labor shall submit to the appro-

1 appropriate committees of Congress a report on the review
2 conducted under subsection (a).

3 (2) CONTENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) Recommendations for addressing the
6 barriers described in subsection (a)(2)(A).

7 (B) Recommendations for improving infor-
8 mation sharing described in subsection
9 (a)(2)(B).

10 (3) APPROPRIATE COMMITTEES OF CONGRESS
11 DEFINED.—In this subsection, the term “appro-
12 priate committees of Congress” means—

13 (A) the Committee on Armed Services and
14 the Committee on Veterans’ Affairs of the Sen-
15 ate; and

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

19 (c) EFFECTIVE DATE.—This section shall take effect
20 on the date that is one year after the date of the enact-
21 ment of this Act.

22 **SEC. 404. REVIEW OF TRANSITION GPS PROGRAM CORE**
23 **CURRICULUM.**

24 (a) REVIEW.—

1 (1) IN GENERAL.—The Secretary of Defense, in
2 consultation with the Secretary of Veterans Affairs
3 and the Secretary of Labor, shall conduct a review
4 of the Department of Defense Transition GPS Pro-
5 gram Core Curriculum in effect on the date of the
6 enactment of this Act.

7 (2) MATTERS REVIEWED.—The review shall ex-
8 amine the following:

9 (A) The Department of Defense Transition
10 GPS Program Core Curriculum in effect on the
11 date of the enactment of this Act.

12 (B) The roles and responsibilities of each
13 Federal department participating in the Transi-
14 tion GPS Program and whether the various
15 roles and responsibilities of the Federal depart-
16 ments are adequately aligned with one another.

17 (C) The allotment of time spent on issues
18 under the jurisdiction of each Federal depart-
19 ment participating in the Transition GPS Pro-
20 gram and whether the allotment is adequate to
21 provide members of the Armed Forces with all
22 the information the members need regarding
23 important benefits that can assist members in
24 transitioning out of military service.

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

6 (E) The benefits of and obstacles to estab-
7 lishing—

8 (i) a standard implementation plan of
9 long-term outcome measures for the Tran-
10 sition GPS Program; and

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

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense, in consultation with the Secretary
17 of Veterans Affairs and the Secretary of Labor, shall
18 submit to the appropriate committees of Congress a
19 report on the review conducted under subsection (a).

20 (2) CONTENTS.—The report required by para-
21 graph (1) shall include the following:

22 (A) Recommendations for improving the
23 Department of Defense Transition GPS Pro-
24 gram Core Curriculum in order to more accu-
25 rately address the needs of members of the

1 Armed Forces transitioning out of military
2 service.

3 (B) Recommendations for improving the
4 roles and responsibilities described in subsection
5 (a)(2)(B).

6 (C) Recommendations for improving the
7 allotment of time described in subsection
8 (a)(2)(C).

9 (D) Such recommendations as the Sec-
10 retary of Defense may have regarding the op-
11 tional and mandatory tracks in the Transition
12 GPS Program Core Curriculum.

13 (E) Such recommendations as the Sec-
14 retary of Defense may have with respect to the
15 outcome measures and metrics described in sub-
16 section (a)(2)(E).

17 (F) Identification of such other areas of
18 concern as the Secretary of Defense may have
19 with respect to the Transition GPS Program
20 and such recommendations for legislative or ad-
21 ministrative action as the Secretary may have
22 to address such concerns.

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

1 (A) the Committee on Armed Services and
2 the Committee on Veterans' Affairs of the Sen-
3 ate; and

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

7 **SEC. 405. MODIFICATION OF REQUIREMENT FOR PROVI-**
8 **SION OF PRESEPARATION COUNSELING.**

9 (a) CLARIFICATION OF REQUIREMENT FOR 180 CON-
10 TINUOUS DAYS OF ACTIVE DUTY SERVICE.—Subpara-
11 graph (A) of section 1142(a)(4) of title 10, United States
12 Code, is amended by inserting “continuous” before “180
13 days”.

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

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

1 **TITLE V—VETERAN SMALL**
2 **BUSINESS MATTERS**

3 **SEC. 501. MODIFICATION OF TREATMENT UNDER CON-**
4 **TRACTING GOALS AND PREFERENCES OF DE-**
5 **PARTMENT OF VETERANS AFFAIRS FOR**
6 **SMALL BUSINESSES OWNED BY VETERANS OF**
7 **SMALL BUSINESSES AFTER DEATH OF DIS-**
8 **ABLED VETERAN OWNERS.**

9 (a) IN GENERAL.—Section 8127(h) of title 38,
10 United States Code, is amended—

11 (1) in paragraph (3), by striking “rated as”
12 and all that follows through “disability.” and insert-
13 ing a period; and

14 (2) in paragraph (2), by amending subpara-
15 graph (C) to read as follows:

16 “(C) The date that—

17 “(i) in the case of a surviving spouse of a
18 veteran with a service-connected disability rated
19 as 100 percent disabling or who dies as a result
20 of a service-connected disability, is 10 years
21 after the date of the veteran’s death; or

22 “(ii) in the case of a surviving spouse of a
23 veteran with a service-connected disability rated
24 as less than 100 percent disabling who does not
25 die as a result of a service-connected disability,

1 is three years after the date of the veteran’s
2 death.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on the date that is 180
5 days after the date of the enactment of this Act and shall
6 apply with respect to applications received pursuant to
7 section 8127(f)(2) of title 38, United States Code, that
8 are verified on or after such date.

9 **SEC. 502. TREATMENT OF BUSINESSES AFTER DEATHS OF**
10 **SERVICEMEMBER-OWNERS FOR PURPOSES**
11 **OF DEPARTMENT OF VETERANS AFFAIRS**
12 **CONTRACTING GOALS AND PREFERENCES.**

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

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

17 (2) by inserting after subsection (h) the fol-
18 lowing new subsection (i):

19 “(i) **TREATMENT OF BUSINESSES AFTER DEATH OF**
20 **SERVICEMEMBER-OWNER.**—(1) If a member of the Armed
21 Forces owns at least 51 percent of a small business con-
22 cern and such member is killed in line of duty in the active
23 military, naval, or air service, the surviving spouse or de-
24 pendent child of such member who acquires such owner-
25 ship rights in such small business concern shall, for the

1 period described in paragraph (2), be treated as if the sur-
2 viving spouse or dependent child were a veteran with a
3 service-connected disability for purposes of determining
4 the status of the small business concern as a small busi-
5 ness concern owned and controlled by veterans for pur-
6 poses of contracting goals and preferences under this sec-
7 tion.

8 “(2) The period referred to in paragraph (1) is the
9 period beginning on the date on which the member of the
10 Armed Forces dies and ending on the date as follows:

11 “(A) In the case of a surviving spouse, the ear-
12 liest of the following dates:

13 “(i) The date on which the surviving
14 spouse remarries.

15 “(ii) The date on which the surviving
16 spouse relinquishes an ownership interest in the
17 small business concern and no longer owns at
18 least 51 percent of such small business concern.

19 “(iii) The date that is ten years after the
20 date of the member’s death.

21 “(B) In the case of a dependent child, the ear-
22 liest of the following dates:

23 “(i) The date on which the surviving de-
24 pendent child relinquishes an ownership interest
25 in the small business concern and no longer

1 owns at least 51 percent of such small business
2 concern.

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

5 (b) EFFECTIVE DATE.—Subsection (i) of section
6 8127 of such title, as added by subsection (a), shall take
7 effect on the date of the enactment of this Act and shall
8 apply with respect to the deaths of members of the Armed
9 Forces occurring on or after such date.

10 **TITLE VI—BURIAL MATTERS**

11 **SEC. 601. DEPARTMENT OF VETERANS AFFAIRS STUDY ON** 12 **MATTERS RELATING TO BURIAL OF UN-** 13 **CLAIMED REMAINS OF VETERANS IN NA-** 14 **TIONAL CEMETERIES.**

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

18 (1) complete a study on matters relating to the
19 interring of unclaimed remains of veterans in na-
20 tional cemeteries under the control of the National
21 Cemetery Administration; and

22 (2) submit to Congress a report on the findings
23 of the Secretary with respect to the study required
24 under paragraph (1).

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

3 (1) Determining the scope of issues relating to
4 unclaimed remains of veterans, including an esti-
5 mate of the number of unclaimed remains of vet-
6 erans.

7 (2) Assessing the effectiveness of the proce-
8 dures of the Department of Veterans Affairs for
9 working with persons or entities having custody of
10 unclaimed remains to facilitate interment of un-
11 claimed remains of veterans in national cemeteries
12 under the control of the National Cemetery Adminis-
13 tration.

14 (3) Assessing State and local laws that affect
15 the ability of the Secretary to inter unclaimed re-
16 mains of veterans in national cemeteries under the
17 control of the National Cemetery Administration.

18 (4) Developing recommendations for such legis-
19 lative or administrative action as the Secretary con-
20 siders appropriate.

21 (c) METHODOLOGY.—

22 (1) NUMBER OF UNCLAIMED REMAINS.—In es-
23 timating the number of unclaimed remains of vet-
24 erans under subsection (b)(1), the Secretary may re-
25 view such subset of applicable entities as the Sec-

1 retary considers appropriate, including a subset of
2 funeral homes and coroner offices that possess un-
3 claimed veterans remains.

4 (2) ASSESSMENT OF STATE AND LOCAL
5 LAWS.—In assessing State and local laws under sub-
6 section (b)(3), the Secretary may assess such sample
7 of applicable State and local laws as the Secretary
8 considers appropriate in lieu of reviewing all applica-
9 ble State and local laws.

10 (d) EFFECTIVE DATE.—This section shall take effect
11 on the date that is one year after the date of the enact-
12 ment of this Act.

13 **TITLE VII—OTHER MATTERS**

14 **SEC. 701. HONORING AS VETERANS CERTAIN PERSONS** 15 **WHO PERFORMED SERVICE IN THE RESERVE** 16 **COMPONENTS OF THE ARMED FORCES.**

17 Any person who is entitled under chapter 1223 of
18 title 10, United States Code, to retired pay for nonregular
19 service or, but for age, would be entitled under such chap-
20 ter to retired pay for nonregular service shall be honored
21 as a veteran but shall not be entitled to any benefit by
22 reason of this honor.

1 **SEC. 702. REPORT ON LAOTIAN MILITARY SUPPORT OF**
2 **ARMED FORCES OF THE UNITED STATES**
3 **DURING VIETNAM WAR.**

4 (a) IN GENERAL.—Not later than one year after the
5 effective date specified in subsection (c), the Secretary of
6 Veterans Affairs, in consultation with the Secretary of De-
7 fense and such agencies and individuals as the Secretary
8 of Veterans Affairs considers appropriate, shall submit to
9 the appropriate committees of Congress a report on—

10 (1) the extent to which Laotian military forces
11 provided combat support to the Armed Forces of the
12 United States between February 28, 1961, and May
13 15, 1975;

14 (2) whether the current classification by the Ci-
15 vilian/Military Service Review Board of the Depart-
16 ment of Defense of service by individuals of Hmong
17 ethnicity is appropriate; and

18 (3) such recommendations as the Secretary of
19 Veterans Affairs may have for legislative action.

20 (b) APPROPRIATE COMMITTEES OF CONGRESS.—In
21 this section, the term “appropriate committees of Con-
22 gress” means—

23 (1) the Committee on Armed Services and the
24 Committee on Veterans’ Affairs of the Senate; and

114TH CONGRESS
1ST SESSION

S. 1203

AN ACT

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.