VETERANS TREATMENT COURT IMPROVEMENT ACT OF 2018

MAY 18, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans’ Affairs, submitted the following

REPORT
[To accompany H.R. 2147]
[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans’ Affairs, to whom was referred the bill (H.R. 2147) to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

<table>
<thead>
<tr>
<th>Purpose and Summary</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background and Need for Legislation</td>
<td>6</td>
</tr>
<tr>
<td>Hearings</td>
<td>7</td>
</tr>
<tr>
<td>Subcommittee Consideration</td>
<td>7</td>
</tr>
<tr>
<td>Committee Consideration</td>
<td>8</td>
</tr>
<tr>
<td>Committee Votes</td>
<td>8</td>
</tr>
<tr>
<td>Committee Oversight Findings</td>
<td>8</td>
</tr>
<tr>
<td>Statement of General Performance Goals and Objectives</td>
<td>8</td>
</tr>
<tr>
<td>New Budget Authority, Entitlement Authority, and Tax Expenditures</td>
<td>8</td>
</tr>
<tr>
<td>Earmarks and Tax and Tariff Benefits</td>
<td>8</td>
</tr>
<tr>
<td>Committee Cost Estimate</td>
<td>8</td>
</tr>
<tr>
<td>Congressional Budget Office Estimate</td>
<td>9</td>
</tr>
<tr>
<td>Federal Mandates Statement</td>
<td>10</td>
</tr>
<tr>
<td>Advisory Committee Statement</td>
<td>10</td>
</tr>
<tr>
<td>Constitutional Authority Statement</td>
<td>10</td>
</tr>
<tr>
<td>Applicability to Legislative Branch</td>
<td>10</td>
</tr>
<tr>
<td>Statement on Duplication of Federal Programs</td>
<td>10</td>
</tr>
<tr>
<td>Disclosure of Directed Rulemaking</td>
<td>10</td>
</tr>
<tr>
<td>Section-by-Section Analysis of the Legislation</td>
<td>10</td>
</tr>
<tr>
<td>Changes in Existing Law Made by the Bill as Reported</td>
<td>11</td>
</tr>
</tbody>
</table>
The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Veterans Treatment Court Improvement Act of 2018”.

SEC. 2. HIRING BY DEPARTMENT OF VETERANS AFFAIRS OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.

(a) HIRING OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall hire not fewer than 50 Veterans Justice Outreach Specialists and place each such Veterans Justice Outreach Specialist at an eligible Department of Veterans Affairs medical center in accordance with this section.

(2) REQUIREMENTS.—The Secretary shall ensure that each Veterans Justice Outreach Specialist employed under paragraph (1)—
(A) serves, either exclusively or in addition to other duties, as part of a justice team in a veterans treatment court or other veteran-focused court; and
(B) otherwise meets Department hiring guidelines for Veterans Justice Outreach Specialists.

(b) ELIGIBLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—For purposes of this section, an eligible Department of Veterans Affairs medical center is any Department of Veterans Affairs medical center that—
(1) complies with all Department guidelines and regulations for placement of a Veterans Justice Outreach Specialist;
(2) works within a local criminal justice system with justice-involved veterans;
(3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and
(4) either—
(A) routinely provides Veterans Justice Outreach Specialists to serve as part of a justice team in a veterans treatment court or other veteran-focused court; or
(B) establishes a plan that is approved by the Secretary to provide Veterans Justice Outreach Specialists employed under subsection (a)(1) to serve as part of a justice team in a veterans treatment court or other veteran-focused court.

(c) PLACEMENT PRIORITY.—The Secretary shall prioritize the placement of Veterans Justice Outreach Specialists employed under subsection (a)(1) at eligible Department of Veterans Affairs medical centers that have or intend to establish an affiliation, for the purpose of carrying out the Veterans Justice Outreach Program, with a veterans treatment court, or other veteran-focused court, that—
(1) was established on or after the date of the enactment of this Act; or
(2)(A) was established before the date of the enactment of this Act; and
(B) is not fully staffed with Veterans Justice Outreach Specialists.

(d) REPORTS.—
(1) REPORT BY SECRETARY OF VETERANS AFFAIRS.—
(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of this section and its effect on the Veterans Justice Outreach Program.

(B) CONTENTS.—The report submitted under paragraph (1) shall include the following:
(i) The status of the efforts of the Secretary to hire Veterans Justice Outreach Specialists pursuant to subsection (a)(1), including the total number of Veterans Justice Outreach Specialists hired by the Secretary pursuant to such subsection and the number that the Secretary expects to hire pursuant to such subsection.
(ii) The total number of Veterans Justice Outreach Specialists assigned to each Department of Veterans Affairs medical center that participates in the Veterans Justice Outreach Program, including the number of Veterans Justice Outreach Specialists hired under subsection (a)(1) disaggregated by Department of Veterans Affairs medical center.
(iii) The total number of eligible Department of Veterans Affairs medical centers that sought placement of a Veterans Justice Outreach Specialist under subsection (a)(1), how many Veterans Justice Outreach Specialists each such center sought, and how many of such medical
centers received no placement of a Veterans Justice Outreach Specialist under subsection (a)(1).

(iv) For each eligible Department of Veterans Affairs medical center—

(I) the number of justice-involved veterans who were served or are expected to be served by a Veterans Justice Outreach Specialist hired under subsection (a)(1); and

(II) the number of justice-involved veterans who do not have access to a Veterans Justice Outreach Specialist.

(2) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of this section and the effectiveness of the Veterans Justice Outreach Program.

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

(i) An assessment of whether the Secretary has fulfilled the Secretary’s obligations under this section.

(ii) The number of veterans who are served by Veterans Justice Outreach Specialists hired under subsection (a)(1), disaggregated by demographics (including discharge status).

(iii) An identification of any subgroups of veterans who underutilize services provided under laws administered by the Secretary, including an assessment of whether these veterans have access to Veterans Justice Outreach Specialists under the Veterans Justice Outreach Program.

(iv) Such recommendations as the Comptroller General may have for the Secretary to improve the effectiveness of the Veterans Justice Outreach Program.

(e) DEFINITIONS.—In this section:

(1) JUSTICE TEAM.—The term “justice team” means the group of individuals, which may include a judge, court coordinator, prosecutor, public defender, treatment provider, probation or other law enforcement officer, program mentor, and Veterans Justice Outreach Specialist, who assist justice-involved veterans in a veterans treatment court or other veteran-focused court.

(2) JUSTICE-INVOLVED VETERAN.—The term “justice-involved veteran” means a veteran with active, ongoing, or recent contact with some component of a local criminal justice system.

(3) LOCAL CRIMINAL JUSTICE SYSTEM.—The term “local criminal justice system” means law enforcement, jails, prisons, and Federal, State, and local courts.

(4) VETERANS JUSTICE OUTREACH PROGRAM.—The term “Veterans Justice Outreach Program” means the program through which the Department of Veterans Affairs identifies justice-involved veterans and provides such veterans with access to Department services.

(5) VETERANS JUSTICE OUTREACH SPECIALIST.—The term “Veterans Justice Outreach Specialist” means an employee of the Department of Veterans Affairs who serves as a liaison between the Department and the local criminal justice system on behalf of a justice-involved veteran.

(6) VETERANS TREATMENT COURT.—The term “veterans treatment court” means a State or local court that is participating in the veterans treatment court program (as defined in section 2991(i)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall hire not fewer than 50 Veterans Justice Outreach Specialists and place each such Veterans Justice Outreach Specialist at an eligible Department of Veterans Affairs medical center in accordance with this section.

(2) REQUIREMENTS.—The Secretary shall ensure that each Veterans Justice Outreach Specialist employed under paragraph (1)—
   (A) serves, either exclusively or in addition to other duties, as part of a justice team in a veterans treatment court or other veteran-focused court; and
   (B) otherwise meets Department hiring guidelines for Veterans Justice Outreach Specialists.

(b) ELIGIBLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—For purposes of this section, an eligible Department of Veterans Affairs medical center is any Department of Veterans Affairs medical center that—
   (1) complies with all Department guidelines and regulations for placement of a Veterans Justice Outreach Specialist;
   (2) works within a local criminal justice system with justice-involved veterans;
   (3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and
   (4) either—
      (A) routinely provides Veterans Justice Outreach Specialists to serve as part of a justice team in a veterans treatment court or other veteran-focused court; or
      (B) establishes a plan that is approved by the Secretary to provide Veterans Justice Outreach Specialists employed under subsection (a)(1) to serve as part of a justice team in a veterans treatment court or other veteran-focused court.

(c) PLACEMENT PRIORITY.—The Secretary shall prioritize the placement of Veterans Justice Outreach Specialists employed under subsection (a)(1) at eligible Department of Veterans Affairs medical centers that have or intend to establish an affiliation, for the purpose of carrying out the Veterans Justice Outreach Program, with a veterans treatment court, or other veteran-focused court, that—
   (1) was established on or after the date of the enactment of this Act; or
   (2)(A) was established before the date of the enactment of this Act; and
   (B) is not fully staffed with Veterans Justice Outreach Specialists.

(d) REPORTS.—
   (1) REPORT BY SECRETARY OF VETERANS AFFAIRS.—
      (A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of this section and its effect on the Veterans Justice Outreach Program.
      (B) CONTENTS.—The report submitted under paragraph (1) shall include the following:
(i) The status of the efforts of the Secretary to hire Veterans Justice Outreach Specialists pursuant to subsection (a)(1), including the total number of Veterans Justice Outreach Specialists hired by the Secretary pursuant to such subsection and the number that the Secretary expects to hire pursuant to such subsection.

(ii) The total number of Veterans Justice Outreach Specialists assigned to each Department of Veterans Affairs medical center that participates in the Veterans Justice Outreach Program, including the number of Veterans Justice Outreach Specialists hired under subsection (a)(1) disaggregated by Department of Veterans Affairs medical center.

(iii) The total number of eligible Department of Veterans Affairs medical centers that sought placement of a Veterans Justice Outreach Specialist under subsection (a)(1), how many Veterans Justice Outreach Specialists each such center sought, and how many of such medical centers received no placement of a Veterans Justice Outreach Specialist under subsection (a)(1).

(iv) For each eligible Department of Veterans Affairs medical center—

   (I) the number of justice-involved veterans who were served or are expected to be served by a Veterans Justice Outreach Specialist hired under subsection (a)(1); and

   (II) the number of justice-involved veterans who do not have access to a Veterans Justice Outreach Specialist.

(2) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

   (A) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of this section and the effectiveness of the Veterans Justice Outreach Program.

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

   (i) An assessment of whether the Secretary has fulfilled the Secretary's obligations under this section.

   (ii) The number of veterans who are served by Veterans Justice Outreach Specialists hired under subsection (a)(1), disaggregated by demographics (including discharge status).

   (iii) An identification of any subgroups of veterans who underutilize services provided under laws administered by the Secretary, including an assessment of whether these veterans have access to Veterans Justice Outreach Specialists under the Veterans Justice Outreach Program.

   (iv) Such recommendations as the Comptroller General may have for the Secretary to improve the effectiveness of the Veterans Justice Outreach Program.
(e) DEFINITIONS.—In this section:

(1) JUSTICE TEAM.—The term “justice team” means the group of individuals, which may include a judge, court coordinator, prosecutor, public defender, treatment provider, probation or other law enforcement officer, program mentor, and Veterans Justice Outreach Specialist, who assist justice-involved veterans in a veterans treatment court or other veteran-focused court.

(2) JUSTICE-INVOLVED VETERAN.—The term “justice-involved veteran” means a veteran with active, ongoing, or recent contact with some component of a local criminal justice system.

(3) LOCAL CRIMINAL JUSTICE SYSTEM.—The term “local criminal justice system” means law enforcement, jails, prisons, and Federal, State, and local courts.

(4) VETERANS JUSTICE OUTREACH PROGRAM.—The term “Veterans Justice Outreach Program” means the program through which the Department of Veterans Affairs identifies justice-involved veterans and provides such veterans with access to Department services.

(5) VETERANS JUSTICE OUTREACH SPECIALIST.—The term “Veterans Justice Outreach Specialist” means an employee of the Department of Veterans Affairs who serves as a liaison between the Department and the local criminal justice system on behalf of a justice-involved veteran.

(6) VETERANS TREATMENT COURT.—The term “veterans treatment court” means a State or local court that is participating in the veterans treatment court program (as defined in section 2991(i)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).

PURPOSE AND SUMMARY

H.R. 2147, as amended, the “Veterans Treatment Court Improvement Act of 2018,” would require the Department of Veterans Affairs (VA) hire at least 50 Veterans Justice Outreach (VJO) Specialists for placement at certain VAMCs with robust VJO Programs to serve as part of a VJO team in a veterans treatment (or other veteran-focused) court. Representative Mike Coffman of Colorado introduced H.R. 2147 on April 26, 2017.

BACKGROUND AND NEED FOR LEGISLATION

VA’s Veteran Justice Outreach (VJO) program aims to help “...avoid the unnecessary criminalization of mental illness and extended incarceration among veterans by ensuring that eligible, justice-involved veterans have timely access to [VA] services, as clinically indicated.”

To accomplish this, VAMCs employ VJO Specialists who provide direct outreach, assessment and case management for justice-involved veterans and serve as the link between veterans, VA, and the local justice system. In areas where a Veterans Treatment Court (VTC) exists, VJO Specialists also work with the VTC to inform officers of the court about whether a veteran is complying with VA treatment programs and relevant court orders.

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VTCs began in 2008 in Buffalo, New York. The VTC model is based on the Drug Courts and Mental Health Courts that began in the 1990s. VTCs often partner with local VAMCs and VSOs. While VTCs are voluntary, only veterans who have been charged with non-violent crimes and who are in need of mental health or substance abuse treatment may access a VTC.

Section 2 of the bill would require VA to hire an additional 50 Veterans Justice Outreach Specialists for placement into eligible VA Medical Centers. An eligible VA Medical Center is one that (1) complies with all VA guidelines and regulations for placement of a specialist; (2) works with a veteran with active, ongoing, or recent contact with some component of a local criminal justice system; (3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and (4) either routinely provides specialists, or establishes a VA-approved plan to provide specialists, to serve as part of a justice team in such a court.

HEARINGS

On September 26, 2017, the Subcommittee on Health conducted a legislative hearing on a number of bills including H.R. 2147. The following witnesses testified:

The Honorable Debbie Dingell, U.S. House of Representatives, 12th District, Michigan; The Honorable Beto O’Rourke, U.S. House of Representatives, 16th District, Texas; The Honorable Derek Kilmer, U.S. House of Representatives, 6th District, Washington; The Honorable Steve King, U.S. House of Representatives, 4th District, Iowa; The Honorable Lloyd Smucker, U.S. House of Representatives, 16th District, Pennsylvania; The Honorable Mike Coffman, U.S. House of Representatives, 6th District, Colorado; The Honorable Steve Stivers, U.S. House of Representatives, 15th District, Ohio; The Honorable Ron DeSantis, U.S. House of Representatives, 6th District, Florida; The Honorable John Rutherford, U.S. House of Representatives, 4th District, Florida; Keronica Richardson, Assistant Director of Women and Minority Veterans Outreach, National Security Division, The American Legion; Rick Weidman, Executive Director for Policy & Government Affairs, Vietnam Veterans of America; Amy Webb, National Legislative Policy Advisor, AMVETS; Harold Kudler, M.D., Acting Assistant Deputy Under Secretary for Health for Patient Care Services, Veterans Health Administration, U.S. Department of Veterans Affairs.

Statements for the record were submitted by:

Blinded Veterans of America; Veterans of Foreign Wars of the United States; Disabled American Veterans; Paralyzed Veterans of America; Justice for Vets; Make a Difference America

SUBCOMMITTEE CONSIDERATION

There was no Subcommittee consideration of H.R. 2147.
COMMITTEE CONSIDERATION

On May 8, 2018, the full Committee met in open markup session, a quorum being present, and ordered H.R. 2147, as amended, to be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Representative Mike Coffman of Colorado.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken on amendments or in connection with ordering H.R. 2147, as amended, reported to the House. A motion by Representative Tim Walz of Minnesota, Ranking Member of the Committee on Veterans' Affairs, to report H.R. 2147, as amended, favorably to the House of Representatives was adopted by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are to ensure that there is a sufficient number of Veterans Justice Outreach Specialists available across the VA healthcare system to provide case management services to the population of veterans with mental illness.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 2147, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 2147, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.
Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 2147, as amended, provided by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 2147—Veterans Treatment Court Improvement Act of 2018

Within one year of enactment, H.R. 2147 would require the Department of Veterans Affairs (VA) to hire 50 specialists for the Veterans Justice Outreach (VJO) Program. The program—which operates through VA medical centers—provides support services to veterans involved in the criminal justice system. VA reports that currently it is working to hire at least 50 additional specialists for the VJO program. Because the hiring requirement would codify VA’s current plan, CBO estimates that implementing those requirements would result in no additional costs.

The bill also would require VA and the Government Accountability Office (GAO) to submit reports to the Congress on the VJO Program. On the basis of information from GAO regarding necessary resources to prepare reports of similar scope, CBO estimates that four full-time employees at an average compensation of $130,000 would work on the GAO report. CBO expects minimal costs to prepare VA’s report. As a result, CBO estimates that implementing the bill’s reporting requirements would cost $1 million over the 2019–2023 period, assuming availability of appropriated amounts.

Enacting H.R. 2147 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2147 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2147 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Ann E. Futrell. The estimate was reviewed by Leo Lex, Deputy Assistant Director for Budget Analysis.
FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 2147, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 2147, as amended.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, H.R. 2147, as amended, is authorized by Congress' power to “provide for the common Defense and general Welfare of the United States.”

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2147, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2147, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee estimates that H.R. 2147, as amended, contains no directed rulemaking that would require the Secretary to prescribe regulations.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 of the bill would provide the short title for H.R. 2147, as amended, as the “Veterans Treatment Court Improvement Act of 2018”.

Section 2. Hiring by Department of Veterans Affairs of additional Veterans Justice Outreach Specialists

Section 2(a) of the bill would direct VA, by no later than one year after enactment, to hire at least 50 Veterans Justice Outreach (VJO) Specialists for placement into eligible VA Medical Centers (VAMCs). VJO Specialists employed under this section would be required to serve as part of a veterans treatment court or other vet-
eran-focused court and adhere to VA hiring guidelines for VJO Specialists.

Section 2(b) of the bill defines an eligible VA Medical Center is one that (1) complies with all VA guidelines and regulations for placement of a specialist; (2) works with a veteran with active, ongoing, or recent contact with some component of a local criminal justice system; (3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and (4) either routinely provides specialists, or establishes a VA-approved plan to provide specialists, to serve as part of a justice team in such a court.

Section 2(c) of the bill directs VA to prioritize the assignment of VJO Specialists hired under Section 2(a) to VAMCs which have, or intend to have, an affiliation with a veterans treatment court or other veteran-focused court not fully staffed by VJO Specialists.

Section 2(d)(1) of the bill requires VA, one year after enactment, to submit a report to Congress on the implementation of section 2(a), and its effect on the VJO Program, to include: (1) the status of VJO Specialist hiring under the section 2(a); (2) the total number of VJO Specialists assigned to each VAMC participating in the VJO Program, to include a separate count of VJO Specialists hired under section 2(a); (3) the number of eligible VAMCs that requested a VJO Specialists authorized under section 2(a) and, of those, the number VJO Specialists requested by each eligible VAMC as well as how many eligible VAMCs received no VJO Specialist placement under section 2(a); and (4) the number of veterans who were served or expected to be served by the VJO Specialists hired under section 2(a), as well as the number of justice-involved veterans who do not have access to a VJO Specialist.

Section 2(d)(2) of the bill requires the Comptroller General of the United States, within three years of enactment, to submit a report to Congress on the implementation of H.R. 2147, as amended, and the Veterans Justice Outreach Program, to include: (1) an assessment of whether the Secretary has fulfilled the requirements of the bill; (2) the number of veterans served by VJO Specialists hired under H.R. 2147, as amended, disaggregated by demographics (including discharge status); (3) an identification of any subgroups of veterans who underutilized the services provided by the Secretary's authorities, including access to VJO Specialists under the VJO Program; and (4) such recommendations as the Comptroller General may have for the VA Secretary to improve the effectiveness of the VJO Program.

Section 2(e) of the bill defines the following terms: (1) “justice team,” (2) “justice-involved veteran,” (3) “local criminal justice system,” (4) “Veterans Justice Outreach Program,” (5) “Veterans Justice Outreach Specialist,” (6) “Veterans Treatment Court.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

If enacted, this bill would make no changes in existing law.