

114TH CONGRESS
2D SESSION

H. R. 6062

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2016

Mr. TAKANO introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Oversight and Government Reform, Energy and Commerce, Ways and Means, Education and the Workforce, Financial Services, Small Business, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Supporting, Employing, and Recognizing Veterans in
6 Communities Everywhere Act” or the “SERVICE Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACCOUNTABILITY

Subtitle A—Whistleblower Protections

Sec. 101. Treatment of whistleblower complaints in Department of Veterans Affairs.

Subtitle B—Employees

Sec. 111. Removal of employees of Department of Veterans Affairs based on performance or misconduct.

Sec. 112. Suspension and removal of Department of Veterans Affairs employees for performance or misconduct that is a threat to public health or safety.

Sec. 113. Authority to recoup bonuses or awards paid to employees of Department of Veterans Affairs.

Sec. 114. Authority to recoup relocation expenses paid to or on behalf of employees of Department of Veterans Affairs.

Subtitle C—Supervisors and Senior Executives

Sec. 121. Reduction of benefits for members of the Senior Executive Service within the Department of Veterans Affairs convicted of certain crimes.

Sec. 122. Improved authorities of Secretary of Veterans Affairs to improve accountability of senior executives.

Subtitle D—Other Matters

Sec. 131. Annual report on performance of regional offices of the Department of Veterans Affairs.

TITLE II—HEALTH CARE

Subtitle A—Access to Care

Sec. 201. Authorization of agreements between the Department of Veterans Affairs and non-Department health care providers.

Sec. 202. Modification of authority to enter into agreements with State homes to provide nursing home care.

Sec. 203. Requirement for advance appropriations for the Care in the Community account of the Department of Veterans Affairs.

Sec. 204. Annual transfer of amounts within Department of Veterans Affairs to pay for health care from non-Department providers.

Sec. 205. Elimination of requirement to act as secondary payer for care relating to non-service-connected disabilities under Choice Program.

Sec. 206. Authorization of use of certain amounts appropriated to the Veterans Choice Fund for other non-Department of Veterans Affairs care.

Sec. 207. Modification of process through which Department of Veterans Affairs records obligations for non-Department care.

- Sec. 208. Authority to disclose certain medical records of veterans who receive non-Department of Veterans Affairs health care.
- Sec. 209. Child care assistance for veterans receiving mental health care and other intensive health care services provided by the Department of Veterans Affairs.

Subtitle B—Expansion of Care

- Sec. 211. In vitro fertilization for certain disabled veterans.
- Sec. 212. Adoption assistance for certain disabled veterans.
- Sec. 213. Expansion of eligibility for participation in and services provided under family caregiver program of Department of Veterans Affairs.
- Sec. 214. Authority to transfer entitlement to Post-9/11 educational assistance to family members by seriously injured veterans in need of personal care services.
- Sec. 215. Enhancement of special compensation for members of the uniformed services with injuries or illnesses requiring assistance in everyday living.
- Sec. 216. Flexible work arrangements for certain Federal employees.
- Sec. 217. Lifespan respite care.
- Sec. 218. Interagency working group on caregiver policy.
- Sec. 219. Studies on post-September 11, 2001, veterans and seriously injured veterans.
- Sec. 220. Increase of maximum age for children eligible for medical care under CHAMPVA program.
- Sec. 221. Expansion of reimbursement of veterans for emergency treatment and urgent care.
- Sec. 222. Provision of rehabilitative equipment and human-powered vehicles to certain disabled veterans.

Subtitle C—Health Care Quality

- Sec. 231. Establishment of Office of Health Care Quality in Veterans Health Administration.

Subtitle D—Medical Workforce

- Sec. 241. Disregard of resident slots that include VA training against the Medicare graduate medical education limitations.
- Sec. 242. Extension of period for increase in graduate medical education residency positions at medical facilities of the Department of Veterans Affairs.
- Sec. 243. Recruitment of physicians in Department of Veterans Affairs.

Subtitle E—Mental Health Care

- Sec. 251. Standard of proof for service-connection of mental health conditions related to military sexual trauma.

Subtitle F—Opioid Therapy and Pain Management

- Sec. 261. Findings; sense of Congress.
- Sec. 262. Pilot program to improve treatment for veterans suffering from opioid addiction and chronic pain.

- Sec. 263. Assessment of Department and non-Department capabilities to treat opioid dependency and ensure access to needed health care services.
- Sec. 264. Increased access to naloxone and other treatments for reversing opioid overdose.

Subtitle G—Toxic Exposure

- Sec. 271. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.

TITLE III—EDUCATION

Subtitle A—GI Bill Oversight

- Sec. 301. Department of Veterans Affairs Inspector General heightened scrutiny of programs of education.
- Sec. 302. Department of Veterans Affairs disapproval of courses of education offered by institutions of higher learning accused of certain deceptive or misleading practices.
- Sec. 303. Interagency working group on programs of education employing deceptive or misleading practices.
- Sec. 304. Approval of courses for purposes of educational assistance programs administered by Secretary of Veterans Affairs.
- Sec. 305. Program participation agreements for proprietary institutions of higher education.
- Sec. 306. Department of Defense and Department of Veterans Affairs actions on ineligibility of certain proprietary institutions of higher education for participation in programs of educational assistance.

Subtitle B—Supports for Student Veterans

- Sec. 311. Restoration of entitlement to educational assistance and other relief for veterans affected by closures of educational institutions.
- Sec. 312. Work-study allowance.
- Sec. 313. Costs of applying to institution of higher learning.
- Sec. 314. Grant program to establish, maintain, and improve veteran student centers.
- Sec. 315. Continuation of awards.
- Sec. 316. Department of Veterans Affairs grants to educational institutions for provision of child care services.
- Sec. 317. Pilot program to provide educational assistance to physician assistants to be employed at the Department of Veterans Affairs.
- Sec. 318. Establishment of standards for the Department of Veterans Affairs for using educational assistance programs to educate and hire physician assistants.
- Sec. 319. Establishment of pay grades for physician assistants of the Department of Veterans Affairs and requirement to provide competitive pay.

Subtitle C—Eligibility

- Sec. 321. Consideration of eligibility for post-9/11 educational assistance for certain time on active duty in reserve components of armed forces.

- Sec. 322. Clarification of eligibility for Marine Gunnery Sergeant John David Fry Scholarship.
- Sec. 323. Consideration of eligibility for Post-9/11 Educational Assistance for certain time on active duty in reserve components of Armed Forces.
- Sec. 324. Eligibility for Post-9/11 Educational Assistance for certain members of reserve components of Armed Forces who lost entitlement to educational assistance under Reserve Educational Assistance Program.

TITLE IV—DISABILITY COMPENSATION AND PENSION

- Sec. 401. Appeals reform.
- Sec. 402. Treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation.
- Sec. 403. Report on progress of Acceptable Clinical Evidence initiative.
- Sec. 404. Annual report.
- Sec. 405. Board of Veterans' Appeals video hearings.
- Sec. 406. Expedited payment of survivor's benefits.
- Sec. 407. Definition of spouse for purposes of veteran benefits to reflect new State definitions of spouse.
- Sec. 408. Concurrent receipt of both retired pay and veterans' disability compensation for military retirees with compensable service-connected disabilities.
- Sec. 409. Extension of certain authorities of Secretary of Veterans Affairs regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

TITLE V—HOUSING AND HOMELESSNESS

- Sec. 501. Five-year extension of homeless veterans reintegration programs.
- Sec. 502. Clarification of eligibility for services under homeless veterans reintegration programs.
- Sec. 503. Special assistant for Veterans Affairs in the Department of Housing and Urban Development.
- Sec. 504. Annual supplemental report on veterans homelessness.
- Sec. 505. Establishment of pilot grant program for homeless veterans.
- Sec. 506. Expansion of definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.

TITLE VI—EMPLOYMENT AND TRAINING

- Sec. 601. Direct employment pilot program for members of the National Guard and Reserve and veterans of the Armed Forces.
- Sec. 602. Preference for offerors employing veterans.
- Sec. 603. Veterans Manufacturing Employment Program.
- Sec. 604. Modification of treatment under contracting goals and preferences of Department of Veterans Affairs.
- Sec. 605. Access to excess or surplus property for veteran-owned small businesses.

TITLE VII—CONSTRUCTION AND LEASES

- Sec. 701. Congressional approval of Department of Veterans Affairs major medical facility leases.

- Sec. 702. Program for the construction of Department of Veterans Affairs major medical facility projects by non-Federal entities under partnership agreements.
- Sec. 703. Pilot program to accept medical facilities and related property.
- Sec. 704. Authority to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus.
- Sec. 705. Authorization of major medical facility lease in Oxnard, California.

TITLE VIII—OTHER MATTERS

- Sec. 801. Provision of status under law by honoring certain members of the reserve components as veterans.
- Sec. 802. Return of noncitizen veterans removed from the United States; status for noncitizen veterans in the United States.
- Sec. 803. Review of discharge characterization.
- Sec. 804. Historical review of discharges from the Armed Forces due to sexual orientation.
- Sec. 805. Modification of Article 125 of the Uniform Code of Military Justice.
- Sec. 806. Exemption from immigrant visa limit.
- Sec. 807. Certain service in the organized military forces of the Philippines and the Philippine Scouts deemed to be active service.
- Sec. 808. Eligibility for interment in national cemeteries.

1 **TITLE I—ACCOUNTABILITY**

2 **Subtitle A—Whistleblower**

3 **Protections**

4 **SEC. 101. TREATMENT OF WHISTLEBLOWER COMPLAINTS**

5 **IN DEPARTMENT OF VETERANS AFFAIRS.**

6 (a) IN GENERAL.—Chapter 7 of title 38, United

7 States Code, is amended by adding at the end the fol-

8 lowing new subchapter:

9 “SUBCHAPTER II—WHISTLEBLOWER

10 COMPLAINTS

11 “§ 741. Office of Accountability and Whistleblower

12 Protection

13 “(a) ESTABLISHMENT.—There is established in the

14 Department an office to be known as the Office of Ac-

1 countability and Whistleblower Protection (in this section
2 referred to as the ‘Office’).

3 “(b) HEAD OF OFFICE.—(1) The head of the Office
4 shall be responsible for the functions of the Office and
5 shall be appointed by the President pursuant to section
6 308(a) of this title.

7 “(2) The head of the Office shall be known as the
8 ‘Assistant Secretary for Accountability and Whistleblower
9 Protection’.

10 “(3) The Assistant Secretary shall report directly to
11 the Secretary on all matters relating to the Office.

12 “(4) Notwithstanding section 308(b) of this title, the
13 Secretary may only assign to the Assistant Secretary re-
14 sponsibilities relating to the functions of the Office set
15 forth in subsection (c).

16 “(c) FUNCTIONS.—(1) The functions of the Office
17 are as follows:

18 “(A) Advising the Secretary on all matters of
19 the Department relating to accountability, including
20 accountability of employees of the Department, re-
21 taliation against whistleblowers, and such matters as
22 the Secretary considers similar and affect public
23 trust in the Department.

1 “(B) Issuing reports and providing rec-
2 ommendations related to the duties described in sub-
3 paragraph (A).

4 “(C) Receiving whistleblower disclosures.

5 “(D) Referring whistleblower disclosures re-
6 ceived under subparagraph (C) for investigation to
7 the Office of the Medical Inspector, the Office of In-
8 spector General, or other investigative entity, as ap-
9 propriate, if the Assistant Secretary has reason to
10 believe the whistleblower disclosure is evidence of a
11 violation of a provision of law, mismanagement,
12 gross waste of funds, abuse of authority, or a sub-
13 stantial and specific danger to public health and
14 safety.

15 “(E) Receiving and referring disclosures from
16 the Special Counsel for investigation to the Medical
17 Inspector of the Department, the Inspector General
18 of the Department, or such other person with inves-
19 tigatory authority, as the Assistant Secretary con-
20 siders appropriate.

21 “(F) Recording, tracking, reviewing, and con-
22 firming implementation of recommendations from
23 audits and investigations carried out by the Inspec-
24 tor General of the Department, the Medical Inspec-
25 tor of the Department, the Special Counsel, and the

1 Comptroller General of the United States, including
2 the imposition of disciplinary actions and other cor-
3 rective actions contained in such recommendations.

4 “(G) Analyzing data from the Office and the
5 Office of Inspector General telephone hotlines, other
6 whistleblower disclosures, disaggregated by facility
7 and area of health care if appropriate, and relevant
8 audits and investigations to identify trends and issue
9 reports to the Secretary based on analysis conducted
10 under this subparagraph.

11 “(H) Receiving, reviewing, and investigating al-
12 legations of misconduct, retaliation, or poor perform-
13 ance involving—

14 “(i) an individual in a senior executive po-
15 sition (as defined in section 713(d) of this title)
16 in the Department;

17 “(ii) an individual employed in a confiden-
18 tial, policy-making, policy-determining, or pol-
19 icy-advocating position in the Department; or

20 “(iii) a supervisory employee, if the allega-
21 tion involves retaliation against an employee for
22 making a whistleblower disclosure.

23 “(I) Making such recommendations to the Sec-
24 retary for disciplinary action as the Assistant Sec-
25 retary considers appropriate after substantiating any

1 allegation of misconduct or poor performance pursu-
2 ant to an investigation carried out as described in
3 subparagraph (F) or (H).

4 “(2) In carrying out the functions of the Office, the
5 Assistant Secretary shall ensure that the Office maintains
6 a toll-free telephone number and Internet website to re-
7 ceive anonymous whistleblower disclosures.

8 “(3) In any case in which the Assistant Secretary re-
9 ceives a whistleblower disclosure from an employee of the
10 Department under paragraph (1)(C), the Assistant Sec-
11 retary may not disclose the identity of the employee with-
12 out the consent of the employee, except in accordance with
13 the provisions of section 552a of title 5, or as required
14 by any other applicable provision of Federal law.

15 “(d) STAFF AND RESOURCES.—The Secretary shall
16 ensure that the Assistant Secretary has such staff, re-
17 sources, and access to information as may be necessary
18 to carry out the functions of the Office.

19 “(e) RELATION TO OFFICE OF GENERAL COUN-
20 SEL.—The Office shall not be established as an element
21 of the Office of the General Counsel and the Assistant
22 Secretary may not report to the General Counsel.

23 “(f) REPORTS.—(1)(A) Not later than June 30 of
24 each calendar year, beginning with June 30, 2017, the As-
25 sistant Secretary shall submit to the Committee on Vet-

1 erans' Affairs of the Senate and the Committee on Vet-
2 erans' Affairs of the House of Representatives a report
3 on the activities of the Office during the calendar year
4 in which the report is submitted.

5 “(B) Each report submitted under subparagraph (A)
6 shall include, for the period covered by the report, the fol-
7 lowing:

8 “(i) A full and substantive analysis of the ac-
9 tivities of the Office, including such statistical infor-
10 mation as the Assistant Secretary considers appro-
11 priate.

12 “(ii) Identification of any issues reported to the
13 Secretary under subsection (c)(1)(G), including such
14 data as the Assistant Secretary considers relevant to
15 such issues and any trends the Assistant Secretary
16 may have identified with respect to such issues.

17 “(iii) Identification of such concerns as the As-
18 sistant Secretary may have regarding the size, staff-
19 ing, and resources of the Office and such rec-
20 ommendations as the Assistant Secretary may have
21 for legislative or administrative action to address
22 such concerns.

23 “(iv) Such recommendations as the Assistant
24 Secretary may have for legislative or administrative
25 action to improve—

1 “(I) the process by which concerns are re-
2 ported to the Office; and

3 “(II) the protection of whistleblowers with-
4 in the Department.

5 “(v) Such other matters as the Assistant Sec-
6 retary considers appropriate regarding the functions
7 of the Office or other matters relating to the Office.

8 “(2) If the Secretary receives a recommendation for
9 disciplinary action under subsection (c)(1)(I) and does not
10 take or initiate the recommended disciplinary action before
11 the date that is 60 days after the date on which the Sec-
12 retary received the recommendation, the Secretary shall
13 submit to the Committee on Veterans’ Affairs of the Sen-
14 ate and the Committee on Veterans’ Affairs of the House
15 of Representatives a detailed justification for not taking
16 or initiating such disciplinary action.

17 “(g) DEFINITIONS.—In this section:

18 “(1) The term ‘supervisory employee’ means an
19 employee of the Department who is a supervisor as
20 defined in section 7103(a) of title 5.

21 “(2) The term ‘whistleblower’ means one who
22 makes a whistleblower disclosure.

23 “(3) The term ‘whistleblower disclosure’ means
24 any disclosure of information by an employee of the
25 Department or individual applying to become an em-

1 ployee of the Department which the employee or in-
 2 dividual reasonably believes evidences—

3 “(A) a violation of a provision of law; or

4 “(B) gross mismanagement, a gross waste
 5 of funds, an abuse of authority, or a substantial
 6 and specific danger to public health or safety.

7 **“§ 742. Protection of whistleblowers as criteria in**
 8 **evaluation of supervisors**

9 “(a) DEVELOPMENT AND USE OF CRITERIA RE-
 10 QUIRED.—The Secretary, in consultation with the Assist-
 11 ant Secretary of Accountability and Whistleblower Protec-
 12 tion, shall develop criteria that—

13 “(1) the Secretary shall use as a critical ele-
 14 ment in any evaluation of the performance of a su-
 15 pervisory employee; and

16 “(2) promotes the protection of whistleblowers.

17 “(b) PRINCIPLES FOR PROTECTION OF WHISTLE-
 18 BLOWERS.—The criteria required by subsection (a) shall
 19 include principles for the protection of whistleblowers,
 20 such as the degree to which supervisory employees respond
 21 constructively when employees of the Department report
 22 concerns, take responsible action to resolve such concerns,
 23 and foster an environment in which employees of the De-
 24 partment feel comfortable reporting concerns to super-
 25 visory employees or to the appropriate authorities.

1 “(c) SUPERVISORY EMPLOYEE AND WHISTLE-
2 BLOWER DEFINED.—In this section, the terms ‘super-
3 visory employee’ and ‘whistleblower’ have the meanings
4 given such terms in section 323 of this title.

5 **“§ 743. Training regarding whistleblower disclosures**

6 “(a) TRAINING.—Not less frequently than once every
7 two years, the Secretary, in coordination with the Whistle-
8 blower Protection Ombudsman designated under section
9 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C.
10 App.), shall provide to each employee of the Department
11 training regarding whistleblower disclosures, including—

12 “(1) an explanation of each method established
13 by law in which an employee may file a whistle-
14 blower disclosure;

15 “(2) the right of the employee to petition Con-
16 gress regarding a whistleblower disclosure in accord-
17 ance with section 7211 of title 5;

18 “(3) an explanation that the employee may not
19 be prosecuted or reprised against for disclosing in-
20 formation to Congress, the Inspector General, or an-
21 other investigatory agency in instances where such
22 disclosure is permitted by law, including under sec-
23 tions 5701, 5705, and 7732 of this title, under sec-
24 tion 552a of title 5 (commonly referred to as the
25 Privacy Act), under chapter 93 of title 18, and pur-

1 suant to regulations promulgated under section
2 264(c) of the Health Insurance Portability and Ac-
3 countability Act of 1996 (Public Law 104–191);

4 “(4) an explanation of the language that is re-
5 quired to be included in all nondisclosure policies,
6 forms, and agreements pursuant to section
7 115(a)(1) of the Whistleblower Protection Enhance-
8 ment Act of 2012 (5 U.S.C. 2302 note); and

9 “(5) the right of contractors to be protected
10 from reprisal for the disclosure of certain informa-
11 tion under section 4705 or 4712 of title 41.

12 “(b) MANNER TRAINING IS PROVIDED.—The Sec-
13 retary shall ensure, to the maximum extent practicable,
14 that training provided under subsection (a) is provided in
15 person.

16 “(c) CERTIFICATION.—Not less frequently than once
17 every two years, the Secretary shall provide training on
18 merit system protection in a manner that the Special
19 Counsel certifies as being satisfactory.

20 “(d) PUBLICATION.—The Secretary shall publish on
21 the Internet website of the Department, and display
22 prominently at each facility of the Department, the rights
23 of an employee to make a whistleblower disclosure, includ-
24 ing the information described in paragraphs (1) through
25 (5) of subsection (a).

1 “(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In
 2 this section, the term ‘whistleblower disclosure’ has the
 3 meaning given such term in section 323 of this title.

4 **“§ 744. Congressional testimony by employees: treat-**
 5 **ment as official duty**

6 “(a) CONGRESSIONAL TESTIMONY.—An employee of
 7 the Department is performing official duty during the pe-
 8 riod with respect to which the employee is testifying in
 9 an official capacity in front of either chamber of Congress,
 10 a committee of either chamber of Congress, or a joint or
 11 select committee of Congress.

12 “(b) TRAVEL EXPENSES.—The Secretary shall pro-
 13 vide travel expenses, including per diem in lieu of subsist-
 14 ence, in accordance with applicable provisions under sub-
 15 chapter I of chapter 57 of title 5, to any employee of the
 16 Department of Veterans Affairs performing official duty
 17 described under subsection (a).”.

18 (b) CONFORMING AND CLERICAL AMENDMENTS.—

19 (1) CONFORMING AMENDMENT.—Such chapter
 20 is further amended by inserting before section 701
 21 the following:

22 “SUBCHAPTER I—GENERAL EMPLOYEE
 23 MATTERS”.

24 (2) CLERICAL AMENDMENTS.—The table of sec-
 25 tions at the beginning of such chapter is amended—

1 (A) by inserting before the item relating to
 2 section 701 the following new item:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

3 and

4 (B) by adding at the end the following new
 5 items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“741. Office of Accountability and Whistleblower Protection.

“742. Protection of whistleblowers as criteria in evaluation of supervisors.

“743. Training regarding whistleblower disclosures.

“744. Congressional testimony by employees; treatment as official duty.”.

6 (c) REPORT ON METHODS USED TO INVESTIGATE
 7 EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.—

8 (1) REPORT REQUIRED.—Not later than 540
 9 days after the date of the enactment of this Act, the
 10 Assistant Secretary of Veterans Affairs for Account-
 11 ability and Whistleblower Protection under section
 12 741 of title 38, United States Code, as added by
 13 subsection (a), shall submit to the Secretary of Vet-
 14 erans Affairs, the Committee on Veterans’ Affairs of
 15 the Senate, and the Committee on Veterans’ Affairs
 16 of the House of Representatives a report on methods
 17 used to investigate employees of the Department of
 18 Veterans Affairs and whether such methods are used
 19 to retaliate against whistleblowers.

20 (2) CONTENTS.—The report required by sub-
 21 section (a) shall include the following:

1 (A) An assessment of the use of adminis-
 2 trative investigation boards, peer review,
 3 searches of medical records, and other methods
 4 for investigating employees of the Department.

5 (B) A determination of whether and to
 6 what degree the methods described in para-
 7 graph (1) are being used to retaliate against
 8 whistleblowers.

9 (C) Recommendations for legislative or ad-
 10 ministrative action to implement safeguards to
 11 prevent the retaliation described in paragraph
 12 (2).

13 (3) WHISTLEBLOWER DEFINED.—In this sec-
 14 tion, the term “whistleblower” has the meaning
 15 given such term in section 741 of title 38, United
 16 States Code, as added by subsection (a).

17 **Subtitle B—Employees**

18 **SEC. 111. REMOVAL OF EMPLOYEES OF DEPARTMENT OF** 19 **VETERANS AFFAIRS BASED ON PERFORM-** 20 **ANCE OR MISCONDUCT.**

21 (a) IN GENERAL.—Chapter 7 of title 38, United
 22 States Code, is further amended by inserting after section
 23 713 the following new section:

1 **“§ 714. Employees: removal based on performance or**
2 **misconduct**

3 “(a) IN GENERAL.—(1) The Secretary may remove
4 a covered individual who is an employee of the Department
5 if the Secretary determines that—

6 “(A) the performance or misconduct of the cov-
7 ered individual warrants such removal; and

8 “(B) in the case of removal for performance, a
9 portion of such performance occurred during the
10 two-year period ending on the date of the determina-
11 tion.

12 “(2) If the Secretary removes a covered individual
13 under paragraph (1), the Secretary may remove the cov-
14 ered individual from the civil service (as defined in section
15 2101 of title 5).

16 “(3) Nothing in this section may be construed to au-
17 thorize a finalized performance appraisal of an employee
18 to be retroactively amended.

19 “(b) NOTICE TO CONGRESS.—Not later than 30 days
20 after removing a covered individual under subsection (a),
21 the Secretary shall submit to the Committees on Veterans’
22 Affairs of the Senate and House of Representatives notice
23 in writing of such removal and the reason for such re-
24 moval.

25 “(c) PROCEDURE.—(1) An employee removed under
26 subsection (a) is entitled, before removal, to—

1 “(A) at least 10 business days written notice
2 (which, in the case of removal for performance, shall
3 identify specific instances as described in clause (i)
4 of section 4303(b)(1)(A) of title 5 and critical ele-
5 ments as described in clause (ii) of such section),
6 unless there is reasonable cause to believe that the
7 employee committed a crime for which a sentence of
8 imprisonment can be imposed—

9 “(i) stating the specific reasons for the
10 proposed action; and

11 “(ii) including a file containing all evidence
12 in support of the proposed action;

13 “(B) 10 business days to answer the charges
14 orally and in writing and to furnish affidavits and
15 other documentary evidence in support of the an-
16 swer;

17 “(C) be represented by an attorney or other
18 representative;

19 “(D) a review of the case by the Secretary be-
20 fore a decision adverse to the employee is made
21 final;

22 “(E) as soon as practicable, a decision of the
23 Secretary with respect to the charges of the em-
24 ployee; and

1 “(F) a written statement of the decision of the
2 Secretary that—

3 “(i) includes the specific reasons of the de-
4 cision; and

5 “(ii) in the case of a removal based on per-
6 formance, complies with section 4303(b)(1)(D)
7 of title 5.

8 “(2)(A) Subject to subparagraph (B) and subsection
9 (e), any final decision of the Secretary regarding removal
10 under subsection (a) may be appealed to the Merit Sys-
11 tems Protection Board.

12 “(B) An appeal under subparagraph (A) of a removal
13 may only be made if such appeal is made not later than
14 10 business days after the date of such removal.

15 “(C)(i) Subject to clause (ii), the decision of the Sec-
16 retary shall be sustained under subparagraph (A) only if
17 the Secretary’s decision—

18 “(I) in the case of an action based on perform-
19 ance, is supported by substantial evidence; or

20 “(II) in any other case, is supported by a pre-
21 ponderance of the evidence.

22 “(ii) Notwithstanding clause (i), the Secretary’s deci-
23 sion may not be sustained under subparagraph (A) if the
24 covered individual—

1 “(I) shows harmful error in the application of
2 the Secretary’s procedures in arriving at such deci-
3 sion;

4 “(II) shows that the decision was based on any
5 prohibited personnel practice described in section
6 2302(b) of title 5; or

7 “(III) shows that the decision was not in ac-
8 cordance with law.

9 “(3) The procedures under section 7513(b) of title
10 5 and chapter 43 of such title shall not apply to a removal
11 under this section.

12 “(d) EXPEDITED REVIEW.—(1) The Merit Systems
13 Protection Board shall promulgate such rules as the
14 Board considers appropriate to expedite appeals under
15 subsection (c)(2).

16 “(2) The Board shall ensure that a final decision on
17 an appeal described in paragraph (1) is issued not later
18 than 90 days after the appeal is made.

19 “(3) During the period beginning on the date on
20 which a covered individual appeals a removal from the civil
21 service under subsection (c)(2) and ending on the date
22 that the Board issues a final decision on such appeal, such
23 covered individual may not receive any pay, awards, bo-
24 nuses, incentives, allowances, differentials, student loan
25 repayments, special payments, or benefits.

1 “(4) To the maximum extent practicable, the Sec-
 2 retary shall provide to the Merit Systems Protection
 3 Board such information and assistance as may be nec-
 4 essary to ensure an appeal under subsection (c)(2) is expe-
 5 dited.

6 “(e) RELATION TO TITLE 5.—The authority provided
 7 by this section is in addition to the authority provided by
 8 subchapter V of chapter 75 of title 5 and chapter 43 of
 9 such title.

10 “(f) DEFINITIONS.—In this section:

11 “(1) The term ‘covered individual’ means an in-
 12 dividual occupying a position at the Department but
 13 does not include—

14 “(A) an individual, as that term is defined
 15 in section 713(d); or

16 “(B) a political appointee.

17 “(2) The term ‘misconduct’ includes a violation
 18 of paragraph (8) or (9) of section 2302(b) of title
 19 5, neglect of duty, malfeasance, or failure to accept
 20 a directed reassignment or to accompany a position
 21 in a transfer of function.

22 “(3) The term ‘political appointee’ means an in-
 23 dividual who is—

1 “(A) employed in a position described
2 under sections 5312 through 5316 of title 5
3 (relating to the Executive Schedule);

4 “(B) a limited term appointee, limited
5 emergency appointee, or noncareer appointee in
6 the Senior Executive Service, as defined under
7 paragraphs (5), (6), and (7), respectively, of
8 section 3132(a) of title 5; or

9 “(C) employed in a position of a confiden-
10 tial or policy-determining character under
11 schedule C of subpart C of part 213 of title 5
12 of the Code of Federal Regulations.”.

13 (b) CLERICAL AND CONFORMING AMENDMENTS.—

14 (1) CLERICAL.—The table of sections at the be-
15 ginning of such chapter is amended by inserting
16 after the item relating to section 713 the following
17 new item:

“714. Employees: removal based on performance or misconduct.”.

18 (2) CONFORMING.—

19 (A) TITLE 5.—Section 4303(f) of title 5,
20 United States Code, is amended—

21 (i) in paragraph (2), by striking “or”
22 at the end;

23 (ii) in paragraph (3), by striking the
24 period at the end and inserting “, or”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(4) any removal under section 714 of title
4 38.”.

5 (B) TITLE 38.—Subchapter V of chapter
6 74 of title 38, United States Code, is amend-
7 ed—

8 (i) in section 7461(b)(1), by striking
9 “If the” and inserting “Except as provided
10 in section 714 of this title, if the”; and

11 (ii) in section 7462—

12 (I) in subsection (a)(1), by strik-
13 ing “Disciplinary” and inserting “Ex-
14 cept as provided in section 714 of this
15 title, the Disciplinary”; and

16 (II) in subsection (b)(1), by
17 striking “In any case” and inserting
18 “Except as provided in section 714 of
19 this title, in any case”.

1 **SEC. 112. SUSPENSION AND REMOVAL OF DEPARTMENT OF**
2 **VETERANS AFFAIRS EMPLOYEES FOR PER-**
3 **FORMANCE OR MISCONDUCT THAT IS A**
4 **THREAT TO PUBLIC HEALTH OR SAFETY.**

5 (a) IN GENERAL.—Chapter 7 of title 38, United
6 States Code, is amended by adding after section 714 the
7 following new section:

8 **“§ 715. Employees: suspension and removal for per-**
9 **formance or misconduct that is a threat**
10 **to public health or safety**

11 “(a) SUSPENSION AND REMOVAL.—Subject to sub-
12 sections (b) and (c), the Secretary may—

13 “(1) suspend without pay an employee of the
14 Department of Veterans Affairs if the Secretary de-
15 termines the performance or misconduct of the em-
16 ployee is a threat to public health or safety, includ-
17 ing the health and safety of veterans; and

18 “(2) remove an employee suspended under
19 paragraph (1) when, after such investigation and re-
20 view as the Secretary considers necessary, the Sec-
21 retary determines that removal is necessary in the
22 interests of public health or safety.

23 “(b) PROCEDURE.—An employee suspended under
24 subsection (a)(1) is entitled, after suspension and before
25 removal, to—

1 “(1) within 30 days after suspension, a written
2 statement of the specific charges against the em-
3 ployee, which may be amended within 30 days there-
4 after;

5 “(2) an opportunity within 30 days thereafter,
6 plus an additional 30 days if the charges are amend-
7 ed, to answer the charges and submit affidavits;

8 “(3) a hearing, at the request of the employee,
9 by a Department authority duly constituted for this
10 purpose;

11 “(4) a review of the case by the Secretary, be-
12 fore a decision adverse to the employee is made
13 final; and

14 “(5) written statement of the decision of the
15 Secretary.

16 “(c) RELATION TO OTHER DISCIPLINARY RULES.—
17 The authority provided under this section shall be in addi-
18 tion to the authority provided under section 713 and title
19 5 with respect to disciplinary actions for performance or
20 misconduct.

21 “(d) BACK PAY FOR WHISTLEBLOWERS.—If any em-
22 ployee of the Department of Veterans Affairs is subject
23 to a suspension or removal under this section and such
24 suspension or removal is determined by an appropriate au-
25 thority under applicable law, rule, regulation, or collective

1 bargaining agreement to be a prohibited personnel prac-
 2 tice described under section 2302(b)(8) or (9) of title 5,
 3 such employee shall receive back pay equal to the total
 4 amount of basic pay that such employee would have re-
 5 ceived during the period that the suspension and removal
 6 (as the case may be) was in effect, less any amounts
 7 earned by the employee through other employment during
 8 that period.

9 “(e) DEFINITIONS.—In this section, the term ‘em-
 10 ployee’ means any individual occupying a position within
 11 the Department of Veterans Affairs under a permanent
 12 or indefinite appointment and who is not serving a proba-
 13 tionary or trial period.”.

14 (b) CLERICAL AND CONFORMING AMENDMENTS.—

15 (1) CLERICAL.—The table of sections at the be-
 16 ginning of such chapter is amended by adding after
 17 the item relating to section 714 the following new
 18 item:

“715. Employees: suspension and removal for performance or misconduct that
 is a threat to public health or safety.”.

19 (2) CONFORMING.—Section 4303(f) of title 5,
 20 United States Code, is amended—

21 (A) by striking “or” at the end of para-
 22 graph (2);

23 (B) by striking the period at the end of
 24 paragraph (3) and inserting “, or”; and

1 (C) by adding at the end the following:

2 “(4) any suspension or removal under section
3 715 of title 38.”.

4 (c) REPORT ON SUSPENSIONS AND REMOVALS.—Not
5 later than one year after the date of the enactment of this
6 Act, the Inspector General of the Department of Veterans
7 Affairs shall submit to the Committees on Veterans’ Af-
8 fairs of the House of Representatives and the Senate a
9 report on suspensions and removals of employees of the
10 Department made under section 715 of title 38, United
11 States Code, as added by subsection (a). Such report shall
12 include, with respect to the period covered by the report,
13 the following:

14 (1) The number of employees who were sus-
15 pended under such section.

16 (2) The number of employees who were re-
17 moved under such section.

18 (3) A description of the threats to public health
19 or safety that caused such suspensions and remov-
20 als.

21 (4) The number of such suspensions or remov-
22 als, or proposed suspensions or removals, that were
23 of employees who filed a complaint regarding—

24 (A) an alleged prohibited personnel prac-
25 tice committed by an officer or employee of the

1 Department and described in section
2 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or
3 (D) of title 5, United States Code; or

4 (B) the safety of a patient at a medical fa-
5 cility of the Department.

6 (5) Of the number of suspensions and removals
7 listed under paragraph (4), the number that the In-
8 spector General considers to be retaliation for whis-
9 tleblowing.

10 (6) The number of such suspensions or remov-
11 als that were of an employee who was the subject of
12 a complaint made to the Department regarding the
13 health or safety of a patient at a medical facility of
14 the Department.

15 (7) Any recommendations by the Inspector
16 General, based on the information described in para-
17 graphs (1) through (6), to improve the authority to
18 make such suspensions and removals.

19 **SEC. 113. AUTHORITY TO RECOUP BONUSES OR AWARDS**
20 **PAID TO EMPLOYEES OF DEPARTMENT OF**
21 **VETERANS AFFAIRS.**

22 (a) IN GENERAL.—Such chapter is further amended
23 by inserting after section 715, as added by section 111,
24 the following new section:

1 **“§ 717. Recoupment of bonuses or awards paid to em-**
2 **ployees of Department**

3 “(a) RECOUPMENT.—Notwithstanding any other pro-
4 vision of law, the Secretary may issue an order directing
5 an employee of the Department to repay the amount, or
6 a portion of the amount, of any award or bonus paid to
7 the employee under title 5, including under chapter 45 or
8 53 of such title, or this title if—

9 “(1) the Secretary determines—

10 “(A) the employee has committed an act of
11 fraud, waste, or malfeasance;

12 “(B) but for such act, the award or bonus
13 would have been paid at a lower amount or
14 would not have occurred; and

15 “(C) such repayment is appropriate pursu-
16 ant to regulations prescribed under subsection
17 (c); and

18 “(2) before such repayment, the employee is af-
19 farded notice and an opportunity for a hearing con-
20 ducted by another department or agency of the Fed-
21 eral Government.

22 “(b) REVIEW.—(1) Upon the issuance of an order by
23 the Secretary under subsection (a), the employee shall be
24 afforded—

25 “(A) notice of the order and an opportunity to
26 respond to the order; and

1 “(B) consistent with paragraph (2), an oppor-
2 tunity to appeal the order to another department or
3 agency of the Federal Government.

4 “(2) If a final decision on an appeal made under
5 paragraph (1)(B) is not made by the applicable depart-
6 ment or agency of the Federal Government within 30 days
7 after receiving such appeal, the order of the Secretary
8 under subsection (a) shall be final and not subject to fur-
9 ther appeal.

10 “(c) REGULATIONS.—The Secretary shall prescribe
11 regulations to carry out this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter, as amended by section
14 111, is further amended by inserting after the item relat-
15 ing to section 715 the following new item:

 “717. Recoupment of bonuses or awards paid to employees of Department.”.

16 (c) EFFECTIVE DATE.—Section 717 of title 38,
17 United States Code, as added by subsection (a), shall
18 apply with respect to acts of fraud, waste, or malfeasance
19 occurring on or after the date of the enactment of this
20 Act.

21 (d) CONSTRUCTION.—Nothing in this title or the
22 amendments made by this title may be construed to mod-
23 ify the certification issued by the Office of Personnel Man-
24 agement and the Office of Management and Budget re-

1 guarding the performance appraisal system of the Senior
 2 Executive Service of the Department of Veterans Affairs.

3 **SEC. 114. AUTHORITY TO RECOUP RELOCATION EXPENSES**

4 **PAID TO OR ON BEHALF OF EMPLOYEES OF**
 5 **DEPARTMENT OF VETERANS AFFAIRS.**

6 (a) IN GENERAL.—Such chapter is further amended
 7 by adding at the end the following new section:

8 **“§ 719. Recoupment of relocation expenses paid on**
 9 **behalf of employees of Department**

10 “(a) RECOUPMENT.—(1) Notwithstanding any other
 11 provision of law, the Secretary may direct an employee of
 12 the Department to repay the amount, or a portion of the
 13 amount, paid to or on behalf of the employee under title
 14 5 for relocation expenses, including any expenses under
 15 section 5724 or 5724a of such title, or this title if—

16 “(A) the Secretary determines that—

17 “(i) the employee has committed an act of
 18 fraud, waste, or malfeasance;

19 “(ii) but for such act, the expenses would
 20 have been paid at a lower amount or would not
 21 have occurred; and

22 “(iii) such repayment is appropriate pursu-
 23 ant to regulations prescribed under subsection
 24 (c); and

1 “(B) before such repayment is ordered, the in-
2 dividual is afforded—

3 “(i) notice of the determination of the Sec-
4 retary and an opportunity to respond to the de-
5 termination; and

6 “(ii) consistent with paragraph (2), an op-
7 portunity to appeal the determination to an-
8 other department or agency of the Federal Gov-
9 ernment.

10 “(2) If a final decision on an appeal made under
11 paragraph (1)(B)(ii) is not made by the applicable depart-
12 ment or agency of the Federal Government within 30 days
13 after receiving such appeal, the order of the Secretary
14 under paragraph (1) shall be final and not subject to fur-
15 ther appeal.

16 “(b) REVIEW.—A decision regarding a repayment by
17 an employee pursuant to subsection (a)(1)(B)(ii) is final
18 and may not be reviewed by any department, agency, or
19 court.

20 “(c) REGULATIONS.—The Secretary shall prescribe
21 regulations to carry out this section.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is further amended by
24 adding at the end the following new item:

“719. Recoupment of relocation expenses paid to or on behalf of employees of
Department.”.

1 (c) EFFECTIVE DATE.—Section 719 of title 38,
2 United States Code, as added by subsection (a), shall
3 apply with respect to acts of fraud, waste, or malfeasance
4 occurring on or after the date of the enactment of this
5 Act.

6 (d) CONSTRUCTION.—Nothing in this section or the
7 amendments made by this section may be construed to
8 modify the certification issued by the Office of Personnel
9 Management and the Office of Management and Budget
10 regarding the performance appraisal system of the Senior
11 Executive Service of the Department of Veterans Affairs.

12 **Subtitle C—Supervisors and Senior**
13 **Executives**

14 **SEC. 121. REDUCTION OF BENEFITS FOR MEMBERS OF THE**
15 **SENIOR EXECUTIVE SERVICE WITHIN THE**
16 **DEPARTMENT OF VETERANS AFFAIRS CON-**
17 **VICTED OF CERTAIN CRIMES.**

18 (a) REDUCTION OF BENEFITS.—

19 (1) IN GENERAL.—Chapter 7 of title 38, United
20 States Code, is further amended by inserting after
21 section 719, as added by section 113, the following
22 new section:

1 **“§ 721. Senior executives: reduction of benefits of in-**
2 **dividuals convicted of certain crimes**

3 “(a) REDUCTION OF ANNUITY FOR REMOVED EM-
4 PLOYEE.—(1) The Secretary shall order that the covered
5 service of an individual removed from a senior executive
6 position for performance or misconduct under section 713
7 of this title, chapter 43 or subchapter V of chapter 75
8 of title 5, or any other provision of law shall not be taken
9 into account for purposes of calculating an annuity with
10 respect to such individual under chapter 83 or chapter 84
11 of title 5, if—

12 “(A) such performance or misconduct included
13 offenses committed by the individual for which the
14 individual is convicted of a felony (and the convic-
15 tion is final), as determined by the Director of the
16 Office of Personnel Management; and

17 “(B) before such order is made, the individual
18 is afforded—

19 “(i) notice of the order and an opportunity
20 to respond to the order; and

21 “(ii) consistent with paragraph (2), an op-
22 portunity to appeal the order to another depart-
23 ment or agency of the Federal Government.

24 “(2) If a final decision on an appeal made under
25 paragraph (1)(B)(ii) is not made by the applicable depart-
26 ment or agency of the Federal Government within 30 days

1 after receiving such appeal, the order of the Secretary
2 under paragraph (1) shall be final and not subject to fur-
3 ther appeal.

4 “(b) REDUCTION OF ANNUITY FOR RETIRED EM-
5 PLOYEE.—(1) The Secretary may order that the covered
6 service of an individual who is subject to a removal or
7 transfer action for performance or misconduct under sec-
8 tion 713 of this title, chapter 43 or subchapter V of chap-
9 ter 75 of title 5, or any other provision of law but who
10 leaves employment at the Department prior to the
11 issuance of a final decision with respect to such action
12 shall not be taken into account for purposes of calculating
13 an annuity with respect to such individual under chapter
14 83 or chapter 84 of title 5, if—

15 “(A) the individual is convicted of a felony that
16 influenced the individual’s performance while em-
17 ployed in the senior executive position; and

18 “(B) before such order is made, the individual
19 is afforded notice and an opportunity for a hearing
20 conducted by another department or agency of the
21 Federal Government.

22 “(2) The Secretary shall make such an order not
23 later than seven days after the date of the conclusion of
24 a hearing referred to in paragraph (1)(B) that determines
25 that such order is lawful.

1 “(c) ADMINISTRATIVE REQUIREMENTS.—(1) Not
2 later than 30 days after the Secretary issues an order
3 under subsection (a) or (b), the Director of the Office of
4 Personnel Management shall recalculate the annuity of the
5 individual.

6 “(2) A decision regarding whether the covered service
7 of an individual shall be taken into account for purposes
8 of calculating an annuity under subsection (a) or (b) is
9 final and may not be reviewed by any department or agen-
10 cy or any court.

11 “(d) LUMP-SUM ANNUITY CREDIT.—Any individual
12 with respect to whom an annuity is reduced under sub-
13 section (a) or (b) shall be entitled to be paid so much of
14 such individual’s lump-sum credit as is attributable to the
15 period of covered service.

16 “(e) SPOUSE OR CHILDREN EXCEPTION.—The Sec-
17 retary, in consultation with the Director of the Office of
18 Personnel Management, shall prescribe regulations that
19 may provide for the payment to the spouse or children
20 of any individual referred to in subsection (a) or (b) of
21 any amounts which (but for this subsection) would other-
22 wise have been nonpayable by reason of such subsections.
23 Any such regulations shall be consistent with the require-
24 ments of sections 8332(o)(5) and 8411(l)(5) of title 5, as
25 the case may be.

1 “(f) DEFINITIONS.—In this section:

2 “(1) The term ‘covered service’ means, with re-
3 spect to an individual subject to a removal or trans-
4 fer for performance or misconduct under section 713
5 of this title, chapter 43 or subchapter V of chapter
6 75 of title 5, or any other provision of law, the pe-
7 riod of service beginning on the date that the Sec-
8 retary determines under such applicable provision
9 that the individual engaged in activity that gave rise
10 to such action and ending on the date that the indi-
11 vidual is removed or transferred from the senior ex-
12 ecutive position or leaves employment at the Depart-
13 ment prior to the issuance of a final decision with
14 respect to such action, as the case may be.

15 “(2) The term ‘lump-sum credit’ has the mean-
16 ing given such term in section 8331(8) or section
17 8401(19) of title 5, as the case may be.

18 “(3) The term ‘senior executive position’ has
19 the meaning given such term in section 713(g)(3) of
20 this title.

21 “(4) The term ‘service’ has the meaning given
22 such term in section 8331(12) or section 8401(26)
23 of title 5, as the case may be.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 7 of such title is

1 amended by inserting after the item relating to sec-
2 tion 719, as added by section 113, the following new
3 item:

“721. Senior executives: reduction of benefits of individuals convicted of certain crimes.”.

4 (b) APPLICATION.—Section 721 of title 38, United
5 States Code, as added by subsection (a)(1), shall apply
6 to any action of removal or transfer under section 713
7 of title 38, United States Code, relating to performance
8 or misconduct occurring on or after the date of the enact-
9 ment of this Act.

10 **SEC. 122. IMPROVED AUTHORITIES OF SECRETARY OF VET-**
11 **ERANS AFFAIRS TO IMPROVE ACCOUNT-**
12 **ABILITY OF SENIOR EXECUTIVES.**

13 (a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—

14 (1) IN GENERAL.—Section 713 of title 38,
15 United States Code, is amended to read as follows:

16 **“§ 713. Accountability of senior executives**

17 “(a) AUTHORITY.—(1) The Secretary may, as pro-
18 vided in this section, reprimand or suspend, involuntarily
19 reassign, demote, or remove a covered individual from a
20 senior executive position at the Department if the Sec-
21 retary determines that the misconduct or performance of
22 the covered individual warrants such action.

1 “(2) If the Secretary so removes such an individual,
2 the Secretary may remove the individual from the civil
3 service (as defined in section 2101 of title 5).

4 “(b) RIGHTS AND PROCEDURES.—(1) A covered indi-
5 vidual who is the subject of an action under subsection
6 (a) is entitled to—

7 “(A) be represented by an attorney or other
8 representative of the covered individual’s choice;

9 “(B) not fewer than 10 business days advance
10 written notice of the charges and evidence sup-
11 porting the action and an opportunity to respond, in
12 a manner prescribed by the Secretary, before a deci-
13 sion is made regarding the action; and

14 “(C) grieve the action in accordance with an in-
15 ternal grievance process that the Secretary, in con-
16 sultation with the Assistant Secretary for Account-
17 ability and Whistleblower Protection, shall establish
18 for purposes of this subsection.

19 “(2)(A) The Secretary shall ensure that the grievance
20 process established under paragraph (1)(C) takes fewer
21 than 21 days.

22 “(B) The Secretary shall ensure that, under the proc-
23 ess established pursuant to paragraph (1)(C), grievances
24 are reviewed only by employees of the Department.

1 “(3) A decision or grievance decision under para-
2 graph (1)(C) shall be final and conclusive.

3 “(4) A covered individual adversely affected by a final
4 decision under paragraph (1)(C) may obtain judicial re-
5 view of the decision.

6 “(5) In any case in which judicial review is sought
7 under paragraph (4), the court shall review the record and
8 may set aside any Department action found to be—

9 “(A) arbitrary, capricious, an abuse of discre-
10 tion, or otherwise not in accordance with a provision
11 of law;

12 “(B) obtained without procedures required by a
13 provision of law having been followed; or

14 “(C) unsupported by substantial evidence.

15 “(c) RELATION TO OTHER PROVISIONS OF LAW.—

16 (1) The authority provided by subsection (a) is in addition
17 to the authority provided by section 3592 or subchapter
18 V of chapter 75 of title 5.

19 “(2) Section 3592(b)(1) of title 5 and the procedures
20 under section 7543(b) of such title do not apply to an ac-
21 tion under subsection (a).

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘covered individual’ means—

24 “(A) a career appointee (as that term is
25 defined in section 3132(a)(4) of title 5); or

1 “(B) any individual who occupies an ad-
 2 ministrative or executive position and who was
 3 appointed under section 7306(a) or section
 4 7401(1) of this title.

5 “(2) The term ‘misconduct’ includes neglect of
 6 duty, malfeasance, or failure to accept a directed re-
 7 assignment or to accompany a position in a transfer
 8 of function.

9 “(3) The term ‘senior executive position’
 10 means—

11 “(A) with respect to a career appointee (as
 12 that term is defined in section 3132(a) of title
 13 5), a Senior Executive Service position (as such
 14 term is defined in such section); and

15 “(B) with respect to a covered individual
 16 appointed under section 7306(a) or section
 17 7401(1) of this title, an administrative or exec-
 18 utive position.”.

19 (2) CONFORMING AMENDMENT.—Section
 20 7461(c)(1) of such title is amended by inserting
 21 “employees in senior executive positions (as defined
 22 in section 713(d) of this title) and” before “interns”.

23 (b) PERFORMANCE MANAGEMENT.—

24 (1) IN GENERAL.—The Secretary of Veterans
 25 Affairs shall establish a performance management

1 system for employees in senior executive positions,
 2 as defined in section 713(d) of title 38, United
 3 States Code, as amended by subsection (a), that en-
 4 sures performance ratings and awards given to such
 5 employees—

6 (A) meaningfully differentiate extraor-
 7 dinary from satisfactory contributions; and

8 (B) substantively reflect organizational
 9 achievements over which the employee has re-
 10 sponsibility and control.

11 (2) REGULATIONS.—The Secretary shall pre-
 12 scribe regulations to carry out paragraph (1).

13 **Subtitle D—Other Matters**

14 **SEC. 131. ANNUAL REPORT ON PERFORMANCE OF RE-** 15 **GIONAL OFFICES OF THE DEPARTMENT OF** 16 **VETERANS AFFAIRS.**

17 Section 7734 of title 38, United States Code, is
 18 amended—

19 (1) in the first sentence, by inserting before the
 20 period the following: “and on the performance of
 21 any regional office that fails to meet its administra-
 22 tive goals”;

23 (2) in paragraph (2), by striking “and”;

24 (3) by redesignating paragraph (3) as para-
 25 graph (4); and

1 (4) by inserting after paragraph (2) the fol-
2 lowing new paragraph (3):

3 “(3) in the case of any regional office that, for
4 the year covered by the report, did not meet the ad-
5 ministrative goal of no claim pending for more than
6 125 days and an accuracy rating of 98 percent—

7 “(A) a signed statement prepared by the
8 individual serving as director of the regional of-
9 fice as of the date of the submittal of the report
10 containing—

11 “(i) an explanation for why the re-
12 gional office did not meet the goal;

13 “(ii) a description of the additional re-
14 sources needed to enable the regional office
15 to reach the goal; and

16 “(iii) a description of any additional
17 actions planned for the subsequent year
18 that are proposed to enable the regional of-
19 fice to meet the goal; and

20 “(B) a statement prepared by the Under
21 Secretary for Benefits explaining how the fail-
22 ure of the regional office to meet the goal af-
23 fected the performance evaluation of the direc-
24 tor of the regional office; and”.

TITLE II—HEALTH CARE

Subtitle A—Access to Care

SEC. 201. AUTHORIZATION OF AGREEMENTS BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE PRO- VIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703A the following new section:

“§ 1703B. Veterans Care Agreements

“(a) AGREEMENTS TO FURNISH CARE.—(1) If the Secretary is not feasibly able to furnish hospital care, medical services, or extended care under this chapter at facilities of the Department or under contracts or sharing agreements entered into under authorities other than this section, the Secretary may furnish such care and services by entering into agreements under this section with eligible providers that are certified under subsection (c). An agreement entered into under this section may be referred to as a ‘Veterans Care Agreement’.

“(2) The Secretary is not feasibly able to furnish care or services as described in paragraph (1) if the Secretary determines that the medical condition of the veteran, the travel involved, the nature of the care or services required, or a combination of those factors make the use of facilities

1 of the Department, contracts, or sharing agreements im-
2 practicable or inadvisable.

3 “(3) Eligibility of a veteran under this section for the
4 care or services described in paragraph (1) shall be deter-
5 mined as if such care or services were furnished in a facil-
6 ity of the Department and provisions of this title applica-
7 ble to veterans receiving such care or services in a facility
8 of the Department shall apply to veterans receiving such
9 care or services under this section.

10 “(b) ELIGIBLE PROVIDERS.—For purposes of this
11 section, an eligible provider is one of the following:

12 “(1) A provider of services that has enrolled
13 and entered into a provider agreement under section
14 1866(a) of the Social Security Act (42 U.S.C.
15 1395cc(a)).

16 “(2) A physician or supplier that has enrolled
17 and entered into a participation agreement under
18 section 1842(h) of such Act (42 U.S.C. 1395u(h)).

19 “(3) A provider of items and services receiving
20 payment under a State plan under title XIX of such
21 Act (42 U.S.C. 1396 et seq.) or a waiver of such a
22 plan.

23 “(4) A provider that is—

24 “(A) an Aging and Disability Resource
25 Center, an area agency on aging, or a State

1 agency (as defined in section 102 of the Older
2 Americans Act of 1965 (42 U.S.C. 3002)); or

3 “(B) a center for independent living (as
4 defined in section 702 of the Rehabilitation Act
5 of 1973 (29 U.S.C. 796a)).

6 “(5) Such other health care providers as the
7 Secretary considers appropriate for purposes of this
8 section.

9 “(c) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1)
10 The Secretary shall establish a process for the certification
11 of eligible providers under this section that shall, at a min-
12 imum, set forth the following:

13 “(A) Procedures for the submittal of applica-
14 tions for certification and deadlines for actions taken
15 by the Secretary with respect to such applications.

16 “(B) Standards and procedures for approval
17 and denial of certification, duration of certification,
18 revocation of certification, and recertification.

19 “(C) Procedures for assessing eligible providers
20 based on the risk of fraud, waste, and abuse of such
21 providers similar to the level of screening under sec-
22 tion 1866(j)(2)(B) of the Social Security Act (42
23 U.S.C. 1395cc(j)(2)(B)) and the standards set forth
24 under section 9.104 of title 48, Code of Federal
25 Regulations, or any successor regulation.

1 “(2) The Secretary shall deny or revoke certification
2 to an eligible provider under this subsection if the Sec-
3 retary determines that the eligible provider is currently—

4 “(A) excluded from participation in a Federal
5 health care program (as defined in section 1128B(f)
6 of the Social Security Act (42 U.S.C. 1320a–7b(f)))
7 under section 1128 or 1128A of the Social Security
8 Act (42 U.S.C. 1320a–7 and 1320a–7a); or

9 “(B) identified as an excluded source on the list
10 maintained in the System for Award Management,
11 or any successor system.

12 “(d) TERMS OF AGREEMENTS.—Each agreement en-
13 tered into with an eligible provider under this section shall
14 include provisions requiring the eligible provider to do the
15 following:

16 “(1) To accept payment for care and services
17 furnished under this section at rates established by
18 the Secretary for purposes of this section, which
19 shall be, to the extent practicable, the rates paid by
20 the United States for such care and services to pro-
21 viders of services and suppliers under the Medicare
22 program under title XVIII of the Social Security Act
23 (42 U.S.C. 1395 et seq.).

24 “(2) To accept payment under paragraph (1) as
25 payment in full for care and services furnished

1 under this section and to not seek any payment for
2 such care and services from the recipient of such
3 care and services.

4 “(3) To furnish under this section only the care
5 and services authorized by the Department under
6 this section unless the eligible provider receives prior
7 written consent from the Department to furnish care
8 or services outside the scope of such authorization.

9 “(4) To bill the Department for care and serv-
10 ices furnished under this section in accordance with
11 a methodology established by the Secretary for pur-
12 poses of this section.

13 “(5) Not to seek to recover or collect from a
14 health-plan contract or third party, as those terms
15 are defined in section 1729 of this title, for any care
16 or services for which payment is made by the De-
17 partment under this section.

18 “(6) To provide medical records for veterans
19 furnished care or services under this section to the
20 Department in a timeframe and format specified by
21 the Secretary for purposes of this section.

22 “(7) To meet such other terms and conditions,
23 including quality of care assurance standards, as the
24 Secretary may specify for purposes of this section.

1 “(e) TERMINATION OF AGREEMENTS.—(1) An eligi-
2 ble provider may terminate an agreement with the Sec-
3 retary under this section at such time and upon such no-
4 tice to the Secretary as the Secretary may specify for pur-
5 poses of this section.

6 “(2) The Secretary may terminate an agreement with
7 an eligible provider under this section at such time and
8 upon such notice to the eligible provider as the Secretary
9 may specify for purposes of this section, if the Secretary—

10 “(A) determines that the eligible provider failed
11 to comply substantially with the provisions of the
12 agreement or with the provisions of this section and
13 the regulations prescribed thereunder;

14 “(B) determines that the eligible provider is—

15 “(i) excluded from participation in a Fed-
16 eral health care program (as defined in section
17 1128B(f) of the Social Security Act (42 U.S.C.
18 1320a–7b(f))) under section 1128 or 1128A of
19 the Social Security Act (42 U.S.C. 1320a–7
20 and 1320a–7a); or

21 “(ii) identified as an excluded source on
22 the list maintained in the System for Award
23 Management, or any successor system;

24 “(C) ascertains that the eligible provider has
25 been convicted of a felony or other serious offense

1 under Federal or State law and determines that the
2 continued participation of the eligible provider would
3 be detrimental to the best interests of veterans or
4 the Department; or

5 “(D) determines that it is reasonable to termi-
6 nate the agreement based on the health care needs
7 of a veteran or veterans.

8 “(f) PERIODIC REVIEW OF CERTAIN AGREE-
9 MENTS.—(1) Not less frequently than once every two
10 years, the Secretary shall review each Veterans Care
11 Agreement of material size entered into during the two-
12 year period preceding the review to determine whether it
13 is feasible and advisable to furnish the hospital care, med-
14 ical services, or extended care furnished under such agree-
15 ment at facilities of the Department or through contracts
16 or sharing agreements entered into under authorities other
17 than this section.

18 “(2)(A) Subject to subparagraph (B), a Veterans
19 Care Agreement is of material size as determined by the
20 Secretary for purposes of this section.

21 “(B) A Veterans Care Agreement entered into after
22 September 30, 2016, for the purchase of extended care
23 services is of material size if the purchase of such services
24 under the agreement exceeds \$1,000,000 annually. The
25 Secretary may adjust such amount to account for changes

1 in the cost of health care based upon recognized health
2 care market surveys and other available data and shall
3 publish any such adjustments in the Federal Register.

4 “(g) EXCLUSION OF CERTAIN FEDERAL CON-
5 TRACTING PROVISIONS.—(1) An agreement under this
6 section may be entered into without regard to any law that
7 would require the Secretary to use competitive procedures
8 in selecting the party with which to enter into the agree-
9 ment.

10 “(2)(A) Except as provided in subparagraph (B) and
11 unless otherwise provided in this section or in regulations
12 prescribed pursuant to this section, an eligible provider
13 that enters into an agreement under this section is not
14 subject to, in the carrying out of the agreement, any law
15 to which providers of services and suppliers under the
16 Medicare program under title XVIII of the Social Security
17 Act (42 U.S.C. 1395 et seq.) are not subject.

18 “(B) An eligible provider that enters into an agree-
19 ment under this section is subject to—

20 “(i) all laws regarding integrity, ethics, fraud,
21 or that subject a person to civil or criminal pen-
22 alties; and

23 “(ii) all laws that protect against employment
24 discrimination or that otherwise ensure equal em-
25 ployment opportunities.

1 “(h) MONITORING OF QUALITY OF CARE.—The Sec-
2 retary shall establish a system or systems, consistent with
3 survey and certification procedures used by the Centers
4 for Medicare & Medicaid Services and State survey agen-
5 cies to the extent practicable—

6 “(1) to monitor the quality of care and services
7 furnished to veterans under this section; and

8 “(2) to assess the quality of care and services
9 furnished by an eligible provider for purposes of de-
10 termining whether to renew an agreement under this
11 section with the eligible provider.

12 “(i) DISPUTE RESOLUTION.—(1) The Secretary shall
13 establish administrative procedures for eligible providers
14 with which the Secretary has entered an agreement under
15 this section to present any dispute arising under or related
16 to the agreement.

17 “(2) Before using any dispute resolution mechanism
18 under chapter 71 of title 41 with respect to a dispute aris-
19 ing under an agreement under this section, an eligible pro-
20 vider must first exhaust the administrative procedures es-
21 tablished by the Secretary under paragraph (1).”.

22 (b) REGULATIONS.—The Secretary of Veterans Af-
23 fairs shall prescribe an interim final rule to carry out sec-
24 tion 1703B of such title, as added by subsection (a), not

1 later than one year after the date of the enactment of this
2 Act.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 17 of such title is amended
5 by inserting after the item related to section 1703A the
6 following new item:

“1703B. Veterans Care Agreements.”.

7 **SEC. 202. MODIFICATION OF AUTHORITY TO ENTER INTO**
8 **AGREEMENTS WITH STATE HOMES TO PRO-**
9 **VIDE NURSING HOME CARE.**

10 (a) USE OF AGREEMENTS.—

11 (1) IN GENERAL.—Paragraph (1) of subsection
12 (a) of section 1745 of title 38, United States Code,
13 is amended, in the matter preceding subparagraph
14 (A), by striking “a contract (or agreement under
15 section 1720(c)(1) of this title)” and inserting “an
16 agreement”.

17 (2) PAYMENT.—Paragraph (2) of such sub-
18 section is amended by striking “contract (or agree-
19 ment)” each place it appears and inserting “agree-
20 ment”.

21 (b) EXCLUSION OF CERTAIN FEDERAL CON-
22 TRACTING PROVISIONS.—Such subsection is further
23 amended by adding at the end the following new para-
24 graph:

1 “(4)(A) An agreement under this section may be en-
2 tered into without regard to any law that would require
3 the Secretary to use competitive procedures in selecting
4 the party with which to enter into the agreement.

5 “(B)(i) Except as provided in clause (ii) and unless
6 otherwise provided in this section or in regulations pre-
7 scribed pursuant to this section, a State home that enters
8 into an agreement under this section is not subject to, in
9 the carrying out of the agreement, any law to which pro-
10 viders of services and suppliers under the Medicare pro-
11 gram under title XVIII of the Social Security Act (42
12 U.S.C. 1395 et seq.) are not subject.

13 “(ii) A State home that enters into an agreement
14 under this section is subject to—

15 “(I) all laws regarding integrity, ethics, fraud,
16 or that subject a person to civil or criminal pen-
17 alties; and

18 “(II) all laws that protect against employment
19 discrimination or that otherwise ensure equal em-
20 ployment opportunities.”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—The amendments made by
23 this section shall apply to agreements entered into
24 under section 1745 of such title on and after the
25 date on which the regulations prescribed by the Sec-

1 retary of Veterans Affairs to implement such amend-
2 ments take effect.

3 (2) PUBLICATION.—The Secretary shall publish
4 the date described in paragraph (1) in the Federal
5 Register not later than 30 days before such date.

6 **SEC. 203. REQUIREMENT FOR ADVANCE APPROPRIATIONS**
7 **FOR THE CARE IN THE COMMUNITY AC-**
8 **COUNT OF THE DEPARTMENT OF VETERANS**
9 **AFFAIRS.**

10 (a) IN GENERAL.—Section 117(c) of title 38, United
11 States Code, is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(7) Veterans Health Administration, Care in
14 the Community.”.

15 (b) CONFORMING AMENDMENT.—Section
16 1105(a)(37) of title 31, United States Code, is amended
17 by adding at the end the following new subparagraph:

18 “(G) Veterans Health Administration,
19 Care in the Community.”.

20 (c) APPLICABILITY.—The amendments made by this
21 section shall apply to fiscal years beginning on and after
22 October 1, 2016.

1 **SEC. 204. ANNUAL TRANSFER OF AMOUNTS WITHIN DE-**
2 **PARTMENT OF VETERANS AFFAIRS TO PAY**
3 **FOR HEALTH CARE FROM NON-DEPARTMENT**
4 **PROVIDERS.**

5 Section 106 of the Veterans Access, Choice, and Ac-
6 countability Act of 2014 (Public Law 113–146; 38 U.S.C.
7 1701 note) is amended by adding at the end the following
8 new subsection:

9 “(c) ANNUAL TRANSFER OF AMOUNTS.—

10 “(1) IN GENERAL.—At the beginning of each
11 fiscal year, the Secretary of Veterans Affairs shall
12 transfer to the Chief Business Office of the Veterans
13 Health Administration an amount equal to the
14 amount estimated to be required to furnish hospital
15 care, medical services, and other health care through
16 non-Department of Veterans Affairs providers dur-
17 ing that fiscal year.

18 “(2) ADJUSTMENTS.—During a fiscal year, the
19 Secretary may make adjustments to the amount
20 transferred under paragraph (1) for that fiscal year
21 to accommodate any variances in demand for hos-
22 pital care, medical services, or other health care
23 through non-Department providers.”.

1 **SEC. 205. ELIMINATION OF REQUIREMENT TO ACT AS SEC-**
2 **ONDARY PAYER FOR CARE RELATING TO**
3 **NON-SERVICE-CONNECTED DISABILITIES**
4 **UNDER CHOICE PROGRAM.**

5 (a) IN GENERAL.—Section 101(e) of the Veterans
6 Access, Choice, and Accountability Act of 2014 (Public
7 Law 113–146; 38 U.S.C. 1701 note) is amended—

8 (1) by striking paragraphs (2) and (3);

9 (2) by redesignating paragraph (4) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing new paragraph (2):

13 “(2) RESPONSIBILITY FOR COSTS OF CERTAIN
14 CARE.—In any case in which an eligible veteran is
15 furnished hospital care or medical services under
16 this section for a non-service-connected disability de-
17 scribed in subsection (a)(2) of section 1729 of title
18 38, United States Code, the Secretary may recover
19 or collect reasonable charges for such care or serv-
20 ices from a health-care plan described in paragraph
21 (3) in accordance with such section.”.

22 (b) CONFORMING AMENDMENT.—Paragraph (1) of
23 such section is amended by striking “paragraph (4)” and
24 inserting “paragraph (3)”.

1 **SEC. 206. AUTHORIZATION OF USE OF CERTAIN AMOUNTS**
2 **APPROPRIATED TO THE VETERANS CHOICE**
3 **FUND FOR OTHER NON-DEPARTMENT OF**
4 **VETERANS AFFAIRS CARE.**

5 (a) IN GENERAL.—Section 802 of the Veterans Ac-
6 cess, Choice, and Accountability Act of 2014 (Public Law
7 113–146; 38 U.S.C. 1701 note) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) by striking “Except as provided by
11 paragraph (3), any” and inserting “Any”;
12 and

13 (ii) by striking “by the Secretary of
14 Veterans Affairs” and all that follows
15 through the period at the end and insert-
16 ing “by the Secretary of Veterans Af-
17 fairs—

18 “(A) to carry out section 101, including,
19 subject to paragraph (2), any administrative re-
20 quirements of such section;

21 “(B) to furnish health care to individuals
22 under chapter 17 of title 38, United States
23 Code, at non-Department facilities, including
24 pursuant to authority other than the authority
25 under section 101; and

1 “(C) to furnish disability examinations
2 conducted by health care providers that are not
3 health care providers of the Department of Vet-
4 erans Affairs.”; and

5 (B) by striking paragraph (3) and insert-
6 ing the following new paragraphs:

7 “(3) TREATMENT OF AMOUNTS.—Amounts
8 made available to the Secretary under this sub-
9 section shall be used to supplement, not supplant,
10 amounts made available to the Secretary in the Med-
11 ical Services account of the Department of Veterans
12 Affairs.

13 “(4) NON-DEPARTMENT FACILITIES DE-
14 FINED.—In this subsection, the term ‘non-Depart-
15 ment facilities’ has the meaning given that term in
16 section 1701 of title 38, United States Code.”; and

17 (2) in subsection (d)(1), by striking “only for
18 the program” and all that follows through the period
19 at the end and inserting “only for the purposes spec-
20 ified in subsection (c)(1).”.

21 (b) EMERGENCY DESIGNATIONS.—

22 (1) IN GENERAL.—This section is designated as
23 an emergency requirement pursuant to section 4(g)
24 of the Statutory Pay-As-You-Go Act of 2010 (2
25 U.S.C. 933(g)).

1 (2) DESIGNATION IN SENATE.—In the Senate,
 2 this section is designated as an emergency require-
 3 ment pursuant to section 403(a) of S. Con. Res. 13
 4 (111th Congress), the concurrent resolution on the
 5 budget for fiscal year 2010.

6 **SEC. 207. MODIFICATION OF PROCESS THROUGH WHICH**
 7 **DEPARTMENT OF VETERANS AFFAIRS**
 8 **RECORDS OBLIGATIONS FOR NON-DEPART-**
 9 **MENT CARE.**

10 (a) IN GENERAL.—Subchapter III of chapter 17 of
 11 title 38, United States Code, is amended by adding at the
 12 end the following new section:

13 **“§ 1730B. Recording obligations for care at non-De-**
 14 **partment facilities**

15 “The Secretary may record as an obligation of the
 16 United States Government amounts owed for hospital care
 17 or medical services furnished under this chapter at non-
 18 Department facilities on the date on which a claim by a
 19 health care provider for payment is approved rather than
 20 on the date that the hospital care or medical services are
 21 authorized by the Secretary.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of chapter 17 of such title is amended
 24 by inserting after the item relating to section 1730A the
 25 following new item:

“1730B. Recording obligations for care at non-Department facilities.”.

1 **SEC. 208. AUTHORITY TO DISCLOSE CERTAIN MEDICAL**
2 **RECORDS OF VETERANS WHO RECEIVE NON-**
3 **DEPARTMENT OF VETERANS AFFAIRS**
4 **HEALTH CARE.**

5 Section 7332(b)(2) of title 38, United States Code,
6 is amended by adding at the end the following new sub-
7 paragraph:

8 “(H) To a non-Department entity (including
9 private entities and other departments or agencies of
10 the Federal Government) that provides hospital care
11 or medical treatment to veterans.”.

12 **SEC. 209. CHILD CARE ASSISTANCE FOR VETERANS RE-**
13 **CEIVING MENTAL HEALTH CARE AND OTHER**
14 **INTENSIVE HEALTH CARE SERVICES PRO-**
15 **VIDED BY THE DEPARTMENT OF VETERANS**
16 **AFFAIRS.**

17 (a) IN GENERAL.—Subchapter III of chapter 17 of
18 title 38, United States Code, is further amended by adding
19 at the end the following new section:

20 **“§ 1730C. Child care assistance for veterans receiving**
21 **mental health care and other intensive**
22 **health care services**

23 “(a) IN GENERAL.—The Secretary shall provide child
24 care assistance to an eligible veteran for any period that
25 the veteran—

1 “(1) receives covered health care services at a
2 facility of the Department; and

3 “(2) is required travel to and return from such
4 facility for the receipt of such health care services.

5 “(b) CHILD CARE ASSISTANCE.—(1) Child care as-
6 sistance provided under this section may include any of
7 the following:

8 “(A) A stipend for the payment of child care of-
9 fered by a licensed child care center (either directly
10 or through a voucher program) which shall be, to
11 the extent practicable, modeled after the Depart-
12 ment of Veterans Affairs Child Care Subsidy Pro-
13 gram established pursuant to section 590 of title 40.

14 “(B) Direct provision of child care at an on-site
15 facility of the Department.

16 “(C) A payment made directly to a private child
17 care agency.

18 “(D) A collaboration with a facility or program
19 of another Federal department or agency.

20 “(E) Such other form of assistance as the Sec-
21 retary considers appropriate.

22 “(2) In the case that child care assistance under this
23 section is provided as a stipend under paragraph (1)(A),
24 such stipend shall cover the full cost of such child care.

25 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘eligible veteran’ means a vet-
2 eran who—

3 “(A) is the primary caretaker of a child or
4 children; and

5 “(B) is—

6 “(i) receiving covered health care serv-
7 ices from the Department; or

8 “(ii) in need of covered health care
9 services, and but for lack of child care
10 services, would receive such covered health
11 care services from the Department.

12 “(2) The term ‘covered health care services’
13 means—

14 “(A) regular mental health care services;

15 “(B) intensive mental health care services;

16 or

17 “(C) such other intensive health care serv-
18 ices that the Secretary determines that provi-
19 sion of assistance to the veteran to obtain child
20 care would improve access to such health care
21 services by the veteran.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 1730B, as added by sec-
25 tion 207, the following new item:

“1730C. Child care for veterans receiving mental health care and other intensive health care services.”.

Subtitle B—Expansion of Care

SEC. 211. IN VITRO FERTILIZATION FOR CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1720H. In vitro fertilization for certain disabled veterans

“(a) IN GENERAL.—In addition to any fertility treatment otherwise furnished by the Secretary under this title, if the Secretary determines that in vitro fertilization is medically necessary, the Secretary shall furnish in vitro fertilization to the covered individual upon the joint request of the covered individual and the spouse of the covered individual.

“(b) LIMITATION ON CYCLES AND ATTEMPTS.—In furnishing in vitro fertilization to a covered individual under this section, the Secretary may provide not more than three in vitro fertilization cycles that result in a total of not more than six implantation attempts.

“(c) STORAGE AND DISPOSITION OF GAMETES, ZYGOTES, AND EMBRYOS.—(1) In carrying out this section, the Secretary may provide for cryogenic storage of

1 the gametes, zygotes, and embryos of a covered individual
2 only for a period not to exceed three years.

3 “(2) During the period of cryogenic storage of the
4 gametes, zygotes, or embryos of a covered individual under
5 paragraph (1)—

6 “(A) any determination regarding the disposi-
7 tion of the gametes, zygotes, or embryos shall be
8 made by the covered individual in accordance with
9 the laws of the State in which the gametes, zygotes,
10 or embryos are located; and

11 “(B) the Secretary shall ensure that any activi-
12 ties relating to the custody or disposition of the
13 gametes, zygotes, or embryos are carried out in ac-
14 cordance with the laws of the State in which the
15 gametes, zygotes, or embryos are located.

16 “(3) After the period of cryogenic storage of the
17 gametes, zygotes, or embryos of a covered individual under
18 paragraph (1), the covered individual—

19 “(A) shall be solely responsible for—

20 “(i) the custody of the gametes, zygotes, or
21 embryos; and

22 “(ii) the payment of any costs relating to
23 the cryogenic storage of the gametes, zygotes,
24 or embryos; and

1 “(B) shall, with respect to any action or inac-
2 tion by the covered individual relating to custody
3 under subparagraph (A)(i) or costs under subpara-
4 graph (A)(ii), be subject to the laws of the State in
5 which the gametes, zygotes, or embryos are located.

6 “(4) The Secretary may not possess or store the
7 gametes, zygotes, or embryos of a covered individual at
8 a facility of the Department.

9 “(d) PROHIBITIONS.—In carrying out this section,
10 the Secretary may not—

11 “(1) provide any benefits or services relating to
12 surrogacy;

13 “(2) furnish in vitro fertilization that includes
14 mitochondrial donation;

15 “(3) assist with obtaining a donation of
16 gametes, zygotes, or embryos from a third party; or

17 “(4) use gametes, zygotes, or embryos for re-
18 search or cloning.

19 “(e) ACKNOWLEDGMENT OF REQUIREMENTS.—The
20 Secretary may not furnish in vitro fertilization to a cov-
21 ered individual under this section unless the covered indi-
22 vidual acknowledges, in writing—

23 “(1) the limitation described in subsection (b);
24 and

1 “(2) the period of cryogenic storage of gametes,
2 zygotes, and embryos described in subsection (c)(1)
3 and the responsibilities of the covered individual
4 under subsection (c)(3) after such period.

5 “(f) ANNUAL REPORT.—(1) Not later than one year
6 after the date of the enactment of the Women Veterans
7 and Families Health Services Act of 2015, and not less
8 frequently than annually thereafter, the Secretary shall
9 submit to the Committee on Veterans’ Affairs of the Sen-
10 ate and the Committee on Veterans’ Affairs of the House
11 of Representatives a report on in vitro fertilization fur-
12 nished to covered individuals under this section.

13 “(2) Each report submitted under paragraph (1)
14 shall include the following:

15 “(A) With respect to the year preceding the
16 submittal of the report, the following:

17 “(i) The number of covered individuals
18 who sought in vitro fertilization under this sec-
19 tion.

20 “(ii) An identification, in aggregate form
21 and excluding individually identifying informa-
22 tion, of the service-connected conditions de-
23 scribed in subsection (g)(1)(A)(ii) of such cov-
24 ered individuals.

1 “(iii) The cost of furnishing in vitro fer-
2 tilization under this section and a comparison
3 of such cost to the cost to a covered individual
4 of obtaining in vitro fertilization through the
5 private sector without assistance from the De-
6 partment.

7 “(iv) The number of successful implanta-
8 tions or births that occurred through the use of
9 in vitro fertilization furnished under this sec-
10 tion.

11 “(v) The number of individuals that the
12 Secretary determined were ineligible for in vitro
13 fertilization furnished under this section, in-
14 cluding the reasons for such ineligibility.

15 “(B) The total number, in aggregate form and
16 excluding individually identifying information, of in
17 vitro fertilization cycles and implantation attempts
18 furnished to covered individuals under this section
19 and the total number of such cycles and attempts
20 that such covered individuals have remaining.

21 “(g) DEFINITIONS.—In this section:

22 “(1) The term ‘covered individual’ means—

23 “(A) a veteran, regardless of sex, who—

24 “(i) is enrolled in the system of an-
25 nual patient enrollment established and op-

“(ii) has a service-connected condition
and such condition results in the veteran
being unable to procreate without the use
of in vitro fertilization; and

7 “(B) a spouse of a veteran described in
8 subparagraph (A).

9 “(2) The term ‘service-connected condition’
10 means a condition that was incurred or aggravated
11 in line of duty in the active military, naval, or air
12 service.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1720G the following new item:

17 SEC. 212. ADOPTION ASSISTANCE FOR CERTAIN DISABLED
18 VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is further amended by adding at the end the following new section:

22 **“§ 1720I. Adoption assistance for certain disabled vet-**
23 **erans**

24 “(a) IN GENERAL.—The Secretary may pay an
25 amount, not to exceed the limitation amount, to assist a

1 covered veteran and the spouse of the covered veteran, if
2 any, in the adoption of one or more children.

3 “(b) DEFINITIONS.—In this section:

4 “(1) The term ‘covered veteran’ means a vet-
5 eran, regardless of sex, who—

6 “(A) is enrolled in the system of annual
7 patient enrollment established and operated by
8 the Secretary under section 1705(a) of this
9 title; and

10 “(B) has a service-connected condition and
11 such condition results in the veteran being un-
12 able to procreate without the use of in vitro fer-
13 tilization.

14 “(2) The term ‘limitation amount’ means the
15 amount equal to the cost the Department would
16 incur by paying the expenses of three adoptions by
17 covered veterans, as determined by the Secretary.

18 “(3) The term ‘service-connected condition’
19 means a condition that was incurred or aggravated
20 in line of duty in the active military, naval, or air
21 service.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 17 of such title is further
24 amended by inserting after the item relating to section
25 1720H the following new item:

“1720I. Adoption assistance for certain disabled veterans.”.

1 **SEC. 213. EXPANSION OF ELIGIBILITY FOR PARTICIPATION**
2 **IN AND SERVICES PROVIDED UNDER FAMILY**
3 **CAREGIVER PROGRAM OF DEPARTMENT OF**
4 **VETERANS AFFAIRS.**

5 (a) FAMILY CAREGIVER PROGRAM.—

6 (1) EXPANSION OF ELIGIBILITY.—Subsection
7 (a)(2)(B) of section 1720G of title 38, United States
8 Code, is amended by striking “on or after September
9 11, 2001”.

10 (2) CLARIFICATION OF ELIGIBILITY FOR ILL-
11 NESS.—Such subsection is further amended by in-
12 serting “or illness” after “serious injury”.

13 (3) EXPANSION OF NEEDED SERVICES IN ELI-
14 GIBILITY CRITERIA.—Subsection (a)(2)(C) of such
15 section is amended—

16 (A) in clause (ii), by striking “; or” and in-
17 serting a semicolon;

18 (B) by redesignating clause (iii) as clause
19 (iv); and

20 (C) by inserting after clause (ii) the fol-
21 lowing new clause (iii):

22 “(iii) a need for regular or extensive in-
23 struction or supervision without which the abil-
24 ity of the veteran to function in daily life would
25 be seriously impaired; or”.

1 (4) EXPANSION OF SERVICES PROVIDED.—Sub-
2 section (a)(3)(A)(ii) of such section is amended—

3 (A) in subclause (IV), by striking “; and”
4 and inserting a semicolon;

5 (B) in subclause (V), by striking the period
6 at the end and inserting a semicolon; and

7 (C) by adding at the end the following new
8 subclauses:

9 “(VI) child care services or a monthly sti-
10 pend for such services if such services are not
11 readily available from the Department;

12 “(VII) financial planning services relating
13 to the needs of injured and ill veterans and
14 their caregivers; and

15 “(VIII) legal services, including legal ad-
16 vice and consultation, relating to the needs of
17 injured and ill veterans and their caregivers.”.

18 (5) EXPANSION OF RESPITE CARE PROVIDED.—
19 Subsection (a)(3)(B) of such section is amended by
20 striking “shall be” and all that follows through the
21 period at the end and inserting “shall—

22 “(i) be medically and age-appropriate;

23 “(ii) include in-home care; and

24 “(iii) include peer-oriented group activities.”.

1 (6) MODIFICATION OF STIPEND CALCULA-
2 TION.—Subsection (a)(3)(C) of such section is
3 amended—

4 (A) by redesignating clause (iii) as clause
5 (iv); and

6 (B) by inserting after clause (ii) the fol-
7 lowing new clause (iii):

8 “(iii) In determining the amount and degree of per-
9 sonal care services provided under clause (i) with respect
10 to an eligible veteran whose need for personal care services
11 is based in whole or in part on a need for supervision or
12 protection under paragraph (2)(C)(ii) or regular instruc-
13 tion or supervision under paragraph (2)(C)(iii), the Sec-
14 retary shall take into account the following:

15 “(I) The assessment by the family caregiver of
16 the needs and limitations of the veteran.

17 “(II) The extent to which the veteran can func-
18 tion safely and independently in the absence of such
19 supervision, protection, or instruction.

20 “(III) The amount of time required for the
21 family caregiver to provide such supervision, protec-
22 tion, or instruction to the veteran.”.

23 (7) PERIODIC EVALUATION OF NEED FOR CER-
24 TAIN SERVICES.—Subsection (a)(3) of such section

1 is amended by adding at the end the following new
2 subparagraph:

3 “(D) In providing instruction, preparation, and train-
4 ing under subparagraph (A)(i)(I) and technical support
5 under subparagraph (A)(i)(II) to each family caregiver
6 who is approved as a provider of personal care services
7 for an eligible veteran under paragraph (6), the Secretary
8 shall periodically evaluate the needs of the eligible veteran
9 and the skills of the family caregiver of such veteran to
10 determine if additional instruction, preparation, training,
11 or technical support under those subparagraphs is nec-
12 essary.”.

13 (8) USE OF PRIMARY CARE TEAMS.—Subsection
14 (a)(5) of such section is amended, in the matter pre-
15 ceding subparagraph (A), by inserting “(in collabo-
16 ration with the primary care team for the eligible
17 veteran to the maximum extent practicable)” after
18 “evaluate”.

19 (9) ELIGIBILITY OF AND ASSISTANCE FOR FAM-
20 ILY CAREGIVERS.—Subsection (a) of such section is
21 amended by adding at the end the following new
22 paragraphs:

23 “(11) Notwithstanding any other provision of this
24 subsection, a family caregiver of an eligible veteran who
25 is eligible under paragraph (2) solely because of a serious

1 injury or illness (including traumatic brain injury, psycho-
2 logical trauma, or other mental disorder) incurred or ag-
3 gravated in the line of duty in the active military, naval,
4 or air service before September 11, 2001, is eligible for
5 assistance under this subsection as follows:

6 “(A) Not earlier than October 1, 2016, if the
7 family caregiver would merit a monthly personal
8 caregiver stipend under paragraph (3)(A)(ii)(V) in
9 an amount that is in the highest tier specified in the
10 schedule established by the Secretary under para-
11 graph (3)(C)(i).

12 “(B) Not earlier than October 1, 2018, if the
13 family caregiver would merit such a stipend in an
14 amount that is in the middle tier specified in such
15 schedule.

16 “(C) Not earlier than October 1, 2020, if the
17 family caregiver would merit such a stipend in an
18 amount that is in the lowest tier specified in such
19 schedule.

20 “(12)(A) In providing assistance under this sub-
21 section to family caregivers of eligible veterans, the Sec-
22 retary may enter into contracts, provider agreements, and
23 memoranda of understanding with Federal agencies,
24 States, and private, nonprofit, and other entities to pro-
25 vide such assistance to such family caregivers.

1 “(B) The Secretary may provide assistance under
2 this paragraph only if such assistance is reasonably acces-
3 sible to the family caregiver and is substantially equivalent
4 or better in quality to similar services provided by the De-
5 partment.

6 “(C) The Secretary may provide fair compensation
7 to Federal agencies, States, and other entities that provide
8 assistance under this paragraph.

9 “(D) In carrying out this paragraph, the Secretary
10 shall work with the interagency working group on policies
11 relating to caregivers of veterans and members of the
12 Armed Forces established under section 7 of the Military
13 and Veteran Caregiver Services Improvement Act of
14 2015.”.

15 (b) TERMINATION OF GENERAL CAREGIVER SUP-
16 PORT PROGRAM.—

17 (1) IN GENERAL.—Subsection (b) of such sec-
18 tion is amended by adding at the end the following
19 new paragraph:

20 “(6) The authority of the Secretary to provide sup-
21 port services for caregivers of covered veterans under this
22 subsection shall terminate on October 1, 2020.”.

23 (2) CONTINUATION OF CERTAIN ASSISTANCE.—

24 The Secretary of Veterans Affairs shall ensure that
25 any activities carried out under subsection (b) of

1 such section on September 30, 2020, are continued
2 under subsection (a) of such section on and after
3 October 1, 2020.

4 (c) MODIFICATION OF DEFINITION OF FAMILY MEM-
5 BER.—Subparagraph (B) of subsection (d)(3) of such sec-
6 tion is amended to read as follows:

7 “(B) is not a member of the family of the
8 veteran and does not provide care to the vet-
9 eran on a professional basis.”.

10 (d) MODIFICATION OF DEFINITION OF PERSONAL
11 CARE SERVICES.—Subsection (d)(4) of such section is
12 amended—

13 (1) in subparagraph (A), by striking “inde-
14 pendent”;

15 (2) by redesignating subparagraph (B) as sub-
16 paragraph (D); and

17 (3) by inserting after subparagraph (A) the fol-
18 lowing new subparagraphs:

19 “(B) Supervision or protection based on
20 symptoms or residuals of neurological or other
21 impairment or injury.

22 “(C) Regular or extensive instruction or
23 supervision without which the ability of the vet-
24 eran to function in daily life would be seriously
25 impaired.”.

1 (e) ANNUAL EVALUATION REPORT.—Paragraph (2)
2 of section 101(c) of the Caregivers and Veterans Omnibus
3 Health Services Act of 2010 (Public Law 111–163; 38
4 U.S.C. 1720G note) is amended to read as follows:

5 “(2) CONTENTS.—Each report required by
6 paragraph (1) after the date of the enactment of the
7 Military and Veteran Caregiver Services Improve-
8 ment Act of 2015 shall include the following with re-
9 spect to the program of comprehensive assistance for
10 family caregivers required by subsection (a)(1) of
11 such section 1720G:

12 “(A) The number of family caregivers that
13 received assistance under such program.

14 “(B) The cost to the Department of pro-
15 viding assistance under such program.

16 “(C) A description of the outcomes
17 achieved by, and any measurable benefits of,
18 carrying out such program.

19 “(D) An assessment of the effectiveness
20 and the efficiency of the implementation of such
21 program, including a description of any barriers
22 to accessing and receiving care and services
23 under such program.

1 “(E) A description of the outreach activi-
2 ties carried out by the Secretary under such
3 program.

4 “(F) An assessment of the manner in
5 which resources are expended by the Secretary
6 under such program, particularly with respect
7 to the provision of monthly personal caregiver
8 stipends under subsection (a)(3)(A)(ii)(V) of
9 such section 1720G.

10 “(G) An evaluation of the sufficiency and
11 consistency of the training provided to family
12 caregivers under such program in preparing
13 family caregivers to provide care to veterans
14 under such program.

15 “(H) Such recommendations, including
16 recommendations for legislative or administra-
17 tive action, as the Secretary considers appro-
18 priate in light of carrying out such program.”.

1 **SEC. 214. AUTHORITY TO TRANSFER ENTITLEMENT TO**
2 **POST-9/11 EDUCATIONAL ASSISTANCE TO**
3 **FAMILY MEMBERS BY SERIOUSLY INJURED**
4 **VETERANS IN NEED OF PERSONAL CARE**
5 **SERVICES.**

6 (a) IN GENERAL.—Subchapter II of chapter 33 of
7 title 38, United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 3319A. Authority to transfer unused education**
10 **benefits to family members by seriously**
11 **injured veterans**

12 “(a) IN GENERAL.—Subject to the provisions of this
13 section, the Secretary may permit an individual described
14 in subsection (b) who is entitled to educational assistance
15 under this chapter to elect to transfer to one or more of
16 the dependents specified in subsection (c) a portion of
17 such individual’s entitlement to such assistance, subject
18 to the limitation under subsection (d).

19 “(b) ELIGIBLE INDIVIDUALS.—An individual re-
20 ferred to in subsection (a) is any individual who is de-
21 scribed in paragraph (2) of section 1720G(a) of this title
22 and who is participating in the program established under
23 paragraph (1) of such section.

24 “(c) ELIGIBLE DEPENDENTS.—An individual ap-
25 proved to transfer an entitlement to educational assistance

1 under this section may transfer the individual's entitle-
2 ment as follows:

3 “(1) To the individual's spouse.

4 “(2) To one or more of the individual's chil-
5 dren.

6 “(3) To a combination of the individuals re-
7 ferred to in paragraphs (1) and (2).

8 “(d) LIMITATION ON MONTHS OF TRANSFER.—(1)
9 The total number of months of entitlement transferred by
10 an individual under this section may not exceed 36
11 months.

12 “(2) The Secretary may prescribe regulations that
13 would limit the months of entitlement that may be trans-
14 ferred under this section to no less than 18 months.

15 “(e) DESIGNATION OF TRANSFEREE.—An individual
16 transferring an entitlement to educational assistance
17 under this section shall—

18 “(1) designate the dependent or dependents to
19 whom such entitlement is being transferred;

20 “(2) designate the number of months of such
21 entitlement to be transferred to each such depend-
22 ent; and

23 “(3) specify the period for which the transfer
24 shall be effective for each dependent designated
25 under paragraph (1).

1 “(f) TIME FOR TRANSFER; REVOCATION AND MODI-
 2 FICATION.—(1) Transfer of entitlement to educational as-
 3 sistance under this section shall be subject to the time lim-
 4 itation for use of entitlement under section 3321 of this
 5 title.

6 “(2)(A) An individual transferring entitlement under
 7 this section may modify or revoke at any time the transfer
 8 of any unused portion of the entitlement so transferred.

9 “(B) The modification or revocation of the transfer
 10 of entitlement under this paragraph shall be made by the
 11 submittal of written notice of the action to the Secretary.

12 “(3) Entitlement transferred under this section may
 13 not be treated as marital property, or the asset of a mar-
 14 ital estate, subject to division in a divorce or other civil
 15 proceeding.

16 “(g) COMMENCEMENT OF USE.—A dependent child
 17 to whom entitlement to educational assistance is trans-
 18 ferred under this section may not commence the use of
 19 the transferred entitlement until either—

20 “(1) the completion by the child of the require-
 21 ments of a secondary school diploma (or equivalency
 22 certificate); or

23 “(2) the attainment by the child of 18 years of
 24 age.

1 “(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1)

2 The use of any entitlement to educational assistance
3 transferred under this section shall be charged against the
4 entitlement of the individual making the transfer at the
5 rate of one month for each month of transferred entitle-
6 ment that is used.

7 “(2) Except as provided under subsection (e)(2) and
8 subject to paragraphs (5) and (6), a dependent to whom
9 entitlement is transferred under this section is entitled to
10 educational assistance under this chapter in the same
11 manner as the individual from whom the entitlement was
12 transferred.

13 “(3) The monthly rate of educational assistance pay-
14 able to a dependent to whom entitlement referred to in
15 paragraph (2) is transferred under this section shall be
16 payable at the same rate as such entitlement would other-
17 wise be payable under this chapter to the individual mak-
18 ing the transfer.

19 “(4) The death of an individual transferring an enti-
20 tlement under this section shall not affect the use of the
21 entitlement by the dependent to whom the entitlement is
22 transferred.

23 “(5)(A) A child to whom entitlement is transferred
24 under this section may use the benefits transferred with-
25 out regard to the 15-year delimiting date specified in sec-

1 tion 3321 of this title, but may not, except as provided
2 in subparagraph (B), use any benefits so transferred after
3 attaining the age of 26 years.

4 “(B)(i) Subject to clause (ii), in the case of a child
5 who, before attaining the age of 26 years, is prevented
6 from pursuing a chosen program of education by reason
7 of acting as the primary provider of personal care services
8 for a veteran or member of the Armed Forces under sec-
9 tion 1720G(a) of this title, the child may use the benefits
10 beginning on the date specified in clause (iii) for a period
11 whose length is specified in clause (iv).

12 “(ii) Clause (i) shall not apply with respect to the
13 period of an individual as a primary provider of personal
14 care services if the period concludes with the revocation
15 of the individual’s designation as such a primary provider
16 under section 1720G(a)(7)(D) of this title.

17 “(iii) The date specified in this clause for the begin-
18 ning of the use of benefits by a child under clause (i) is
19 the later of—

20 “(I) the date on which the child ceases acting
21 as the primary provider of personal care services for
22 the veteran or member concerned as described in
23 clause (i);

24 “(II) the date on which it is reasonably feasible,
25 as determined under regulations prescribed by the

1 Secretary, for the child to initiate or resume the use
2 of benefits; or

3 “(III) the date on which the child attains the
4 age of 26 years.

5 “(iv) The length of the period specified in this clause
6 for the use of benefits by a child under clause (i) is the
7 length equal to the length of the period that—

8 “(I) begins on the date on which the child be-
9 gins acting as the primary provider of personal care
10 services for the veteran or member concerned as de-
11 scribed in clause (i); and

12 “(II) ends on the later of—

13 “(aa) the date on which the child ceases
14 acting as the primary provider of personal care
15 services for the veteran or member as described
16 in clause (i); or

17 “(bb) the date on which it is reasonably
18 feasible, as so determined, for the child to ini-
19 tiate or resume the use of benefits.

20 “(6) The purposes for which a dependent to whom
21 entitlement is transferred under this section may use such
22 entitlement shall include the pursuit and completion of the
23 requirements of a secondary school diploma (or equiva-
24 lency certificate).

1 “(7) The administrative provisions of this chapter
 2 shall apply to the use of entitlement transferred under this
 3 section, except that the dependent to whom the entitle-
 4 ment is transferred shall be treated as the eligible indi-
 5 vidual for purposes of such provisions.

6 “(i) OVERPAYMENT.—In the event of an overpayment
 7 of educational assistance with respect to a dependent to
 8 whom entitlement is transferred under this section, the de-
 9 pendent and the individual making the transfer shall be
 10 jointly and severally liable to the United States for the
 11 amount of the overpayment for purposes of section 3685
 12 of this title.

13 “(j) REGULATIONS.—(1) The Secretary shall pre-
 14 scribe regulations to carry out this section.

15 “(2) Such regulations shall specify—

16 “(A) the manner of authorizing the transfer of
 17 entitlements under this section;

18 “(B) the eligibility criteria in accordance with
 19 subsection (b); and

20 “(C) the manner and effect of an election to
 21 modify or revoke a transfer of entitlement under
 22 subsection (f)(2).”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) TRANSFERS BY MEMBERS OF ARMED
 25 FORCES.—The heading of section 3319 of such title

1 is amended by inserting “**by members of the**
2 **Armed Forces**” after “**family members**”.

3 (2) BAR TO DUPLICATION OF EDUCATIONAL AS-
4 SISTANCE BENEFITS.—Section 3322(e) of such title
5 is amended by inserting “or 3319A” after “and
6 3319”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 33 of such title is amended
9 by striking the item relating to section 3319 and inserting
10 the following new items:

“3319. Authority to transfer unused education benefits to family members by
members of the Armed Forces.

“3319A. Authority to transfer unused education benefits to family members by
seriously injured veterans.”.

11 **SEC. 215. ENHANCEMENT OF SPECIAL COMPENSATION FOR**
12 **MEMBERS OF THE UNIFORMED SERVICES**
13 **WITH INJURIES OR ILLNESSES REQUIRING**
14 **ASSISTANCE IN EVERYDAY LIVING.**

15 (a) EXPANSION OF COVERED MEMBERS.—Sub-
16 section (b) of section 439 of title 37, United States Code,
17 is amended—

18 (1) by striking paragraphs (1) through (3) and
19 inserting the following new paragraphs:

20 “(1) has a serious injury or illness that was in-
21 curred or aggravated in the line of duty;

22 “(2) is in need of personal care services (includ-
23 ing supervision or protection or regular instruction

1 or supervision) as a result of such injury or illness;
2 and”; and

3 (2) by redesignating paragraph (4) as para-
4 graph (3).

5 (b) NONTAXABILITY OF SPECIAL COMPENSATION.—

6 Such section is further amended—

7 (1) by redesignating subsections (e), (f), (g),
8 and (h) as subsections (g), (h), (i), and (j), respec-
9 tively; and

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsection (e):

12 “(e) NONTAXABILITY OF COMPENSATION.—Monthly
13 special compensation paid under subsection (a) shall not
14 be included in income for purposes of the Internal Rev-
15 enue Code of 1986.”.

16 (c) PROVISION OF ASSISTANCE TO FAMILY CARE-
17 GIVERS.—Such section is further amended by inserting
18 after subsection (e), as amended by subsection (b) of this
19 section, the following new subsection (f):

20 “(f) ASSISTANCE FOR FAMILY CAREGIVERS.—(1)
21 The Secretary of Veterans Affairs shall provide family
22 caregivers of a member in receipt of monthly special com-
23 pensation under subsection (a) the assistance required to
24 be provided to family caregivers of eligible veterans under
25 section 1720G(a)(3)(A) of title 38 (other than the monthly

1 personal caregiver stipend provided for in clause (ii)(V)
2 of such section). For purposes of the provision of such
3 assistance under this subsection, the definitions in section
4 1720G(d) of title 38 shall apply, except that any reference
5 in such definitions to a veteran or eligible veteran shall
6 be deemed to be a reference to the member concerned.

7 “(2) The Secretary of Veterans Affairs shall provide
8 assistance under this subsection—

9 “(A) in accordance with a memorandum of un-
10 derstanding entered into by the Secretary of Vet-
11 erans Affairs and the Secretary of Defense; and

12 “(B) in accordance with a memorandum of un-
13 derstanding entered into by the Secretary of Vet-
14 erans Affairs and the Secretary of Homeland Secu-
15 rity (with respect to members of the Coast Guard).”.

16 (d) EXPANSION OF COVERED INJURIES AND ILL-
17 NESSES.—Subsection (i) of such section, as redesignated
18 by subsection (b)(1) of this section, is amended to read
19 as follows:

20 “(i) SERIOUS INJURY OR ILLNESS DEFINED.—In
21 this section, the term ‘serious injury or illness’ means an
22 injury, disorder, or illness (including traumatic brain in-
23 jury, psychological trauma, or other mental disorder)
24 that—

1 “(1) renders the afflicted person unable to
2 carry out one or more activities of daily living;

3 “(2) renders the afflicted person in need of su-
4 pervision or protection due to the manifestation by
5 such person of symptoms or residuals of neurological
6 or other impairment or injury;

7 “(3) renders the afflicted person in need of reg-
8 ular or extensive instruction or supervision in com-
9 pleting two or more instrumental activities of daily
10 living; or

11 “(4) otherwise impairs the afflicted person in
12 such manner as the Secretary of Defense (or the
13 Secretary of Homeland Security, with respect to the
14 Coast Guard) prescribes for purposes of this sec-
15 tion.”.

16 (e) CLERICAL AMENDMENTS.—

17 (1) HEADING AMENDMENT.—The heading for
18 such section is amended to read as follows:

19 **“§ 439. Special compensation: members of the uni-**
20 **formed services with serious injuries or**
21 **illnesses requiring assistance in everyday**
22 **living”.**

23 (2) TABLE OF SECTIONS AMENDMENT.—The
24 table of sections at the beginning of chapter 7 of

1 such title is amended by striking the item relating
2 to section 439 and inserting the following new item:

“439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.”.

3 **SEC. 216. FLEXIBLE WORK ARRANGEMENTS FOR CERTAIN**
4 **FEDERAL EMPLOYEES.**

5 (a) DEFINITION OF COVERED EMPLOYEE.—In this
6 section, the term “covered employee” means an employee
7 (as defined in section 2105 of title 5, United States Code)
8 who—

9 (1) is a caregiver, as defined in section 1720G
10 of title 38, United States Code; or

11 (2) is a caregiver of an individual who receives
12 compensation under section 439 of title 37, United
13 States Code.

14 (b) AUTHORITY TO ALLOW FLEXIBLE WORK AR-
15 RANGEMENTS.—The Director of the Office of Personnel
16 Management may promulgate regulations under which a
17 covered employee may—

18 (1) use a flexible schedule or compressed sched-
19 ule in accordance with subchapter II of chapter 61
20 of title 5, United States Code; or

21 (2) telework in accordance with chapter 65 of
22 title 5, United States Code.

1 **SEC. 217. LIFESPAN RESPITE CARE.**

2 (a) DEFINITIONS.—Section 2901 of the Public
3 Health Service Act (42 U.S.C. 300ii) is amended—

4 (1) in paragraph (1)—

5 (A) by redesignating subparagraphs (A)
6 through (C) as clauses (i) through (iii), respec-
7 tively, and realigning the margins accordingly;

8 (B) by striking “who requires care or su-
9 pervision to—” and inserting “who—

10 “(A) requires care or supervision to—”;

11 (C) by striking the period and inserting “;
12 or”; and

13 (D) by adding at the end the following:

14 “(B) is a veteran participating in the pro-
15 gram of comprehensive assistance for family
16 caregivers under section 1720G(a) of title 38,
17 United States Code.”; and

18 (2) in paragraph (5), by striking “or another
19 unpaid adult,” and inserting “another unpaid adult,
20 or a family caregiver as defined in section 1720G of
21 title 38, United States Code, who receives compensa-
22 tion under such section,”.

23 (b) GRANTS AND COOPERATIVE AGREEMENTS.—Sec-
24 tion 2902(c) of the Public Health Service Act (42 U.S.C.
25 300ii–1(c)) is amended by inserting “and the interagency
26 working group on policies relating to caregivers of vet-

1 erans established under section 7 of the Military and Vet-
 2 eran Caregiver Services Improvement Act of 2015” after
 3 “Human Services”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 5 2905 of the Public Health Service Act (42 U.S.C. 300ii–
 6 4) is amended by striking “There are” and all that follows
 7 through “2011.” and inserting “There are authorized to
 8 be appropriated to carry out this title \$15,000,000 for
 9 each of fiscal years 2016 through 2020.”.

10 **SEC. 218. INTERAGENCY WORKING GROUP ON CAREGIVER**
 11 **POLICY.**

12 (a) ESTABLISHMENT.—There shall be established in
 13 the executive branch an interagency working group on
 14 policies relating to caregivers of veterans and members of
 15 the Armed Forces (in this section referred to as the
 16 “working group”).

17 (b) COMPOSITION.—

18 (1) IN GENERAL.—The working group shall be
 19 composed of the following:

20 (A) A chair selected by the President.

21 (B) A representative from each of the fol-
 22 lowing agencies or organizations selected by the
 23 head of such agency or organization:

24 (i) The Department of Veterans Af-
 25 fairs.

1 (ii) The Department of Defense.

2 (iii) The Department of Health and
3 Human Services.

4 (iv) The Department of Labor.

5 (v) The Centers for Medicare and
6 Medicaid Services.

7 (2) ADVISORS.—The chair may select any of
8 the following individuals that the chair considers ap-
9 propriate to advise the working group in carrying
10 out the duties of the working group:

11 (A) Academic experts in fields relating to
12 caregivers.

13 (B) Clinicians.

14 (C) Caregivers.

15 (D) Individuals in receipt of caregiver serv-
16 ices.

17 (c) DUTIES.—The duties of the working group are
18 as follows:

19 (1) To regularly review policies relating to care-
20 givers of veterans and members of the Armed
21 Forces.

22 (2) To coordinate and oversee the implementa-
23 tion of policies relating to caregivers of veterans and
24 members of the Armed Forces.

1 (3) To evaluate the effectiveness of policies re-
2 lating to caregivers of veterans and members of the
3 Armed Forces, including programs in each relevant
4 agency, by developing and applying specific goals
5 and performance measures.

6 (4) To develop standards of care for caregiver
7 services and respite care services provided to a care-
8 giver, veteran, or member of the Armed Forces by
9 a nonprofit or private sector entity.

10 (5) To ensure the availability of mechanisms for
11 agencies, and entities affiliated with or providing
12 services on behalf of agencies, to enforce the stand-
13 ards described in paragraph (4) and conduct over-
14 sight on the implementation of such standards.

15 (6) To develop recommendations for legislative
16 or administrative action to enhance the provision of
17 services to caregivers, veterans, and members of the
18 Armed Forces, including eliminating gaps in such
19 services and eliminating disparities in eligibility for
20 such services.

21 (7) To coordinate with State and local agencies
22 and relevant nonprofit organizations on maximizing
23 the use and effectiveness of resources for caregivers
24 of veterans and members of the Armed Forces.

25 (d) REPORTS.—

1 (1) IN GENERAL.—Not later than December 31,
2 2015, and annually thereafter, the chair of the work-
3 ing group shall submit to Congress a report on poli-
4 cies and services relating to caregivers of veterans
5 and members of the Armed Forces.

6 (2) ELEMENTS.—Each report required by para-
7 graph (1) shall include the following:

8 (A) An assessment of the policies relating
9 to caregivers of veterans and members of the
10 Armed Forces and services provided pursuant
11 to such policies as of the date of submittal of
12 the report.

13 (B) A description of any steps taken by
14 the working group to improve the coordination
15 of services for caregivers of veterans and mem-
16 bers of the Armed Forces among the entities
17 specified in subsection (b)(1)(B) and eliminate
18 barriers to effective use of such services, includ-
19 ing aligning eligibility criteria.

20 (C) An evaluation of the performance of
21 the entities specified in subsection (b)(1)(B) in
22 providing services for caregivers of veterans and
23 members of the Armed Forces.

24 (D) An evaluation of the quality and suffi-
25 ciency of services for caregivers of veterans and

1 members of the Armed Forces available from
2 nongovernmental organizations.

3 (E) A description of any gaps in care or
4 services provided by caregivers to veterans or
5 members of the Armed Forces identified by the
6 working group, and steps taken by the entities
7 specified in subsection (b)(1)(B) to eliminate
8 such gaps or recommendations for legislative or
9 administrative action to address such gaps.

10 (F) Such other matters or recommenda-
11 tions as the chair considers appropriate.

12 **SEC. 219. STUDIES ON POST-SEPTEMBER 11, 2001, VET-**
13 **ERANS AND SERIOUSLY INJURED VETERANS.**

14 (a) LONGITUDINAL STUDY ON POST-9/11 VET-
15 ERANS.—

16 (1) IN GENERAL.—The Secretary of Veterans
17 Affairs shall provide for the conduct of a longitu-
18 dinal study on members of the Armed Forces who
19 commenced service in the Armed Forces after Sep-
20 tember 11, 2001.

21 (2) GRANT OR CONTRACT.—The Secretary shall
22 award a grant to, or enter into a contract with, an
23 appropriate entity unaffiliated with the Department
24 of Veterans Affairs to conduct the study required by
25 paragraph (1).

1 (3) PLAN.—Not later than one year after the
2 date of the enactment of this Act, the Secretary
3 shall submit to the Committee on Veterans' Affairs
4 of the Senate and the Committee on Veterans' Af-
5 fairs of the House of Representatives a plan for the
6 conduct of the study required by paragraph (1).

7 (4) REPORTS.—Not later than October 1, 2019,
8 and not less frequently than once every four years
9 thereafter, the Secretary shall submit to the Com-
10 mittee on Veterans' Affairs of the Senate and the
11 Committee on Veterans' Affairs of the House of
12 Representatives a report on the results of the study
13 required by paragraph (1) as of the date of such re-
14 port.

15 (b) COMPREHENSIVE STUDY ON SERIOUSLY IN-
16 JURED VETERANS AND THEIR CAREGIVERS.—

17 (1) IN GENERAL.—The Secretary of Veterans
18 Affairs shall provide for the conduct of a comprehen-
19 sive study on the following:

20 (A) Veterans who have incurred a serious
21 injury or illness, including a mental health in-
22 jury.

23 (B) Individuals who are acting as care-
24 givers for veterans.

1 (2) ELEMENTS.—The comprehensive study re-
2 quired by paragraph (1) shall include the following
3 with respect to each veteran included in such study:

4 (A) The health of the veteran and, if appli-
5 cable, the impact of the caregiver of such vet-
6 eran on the health of such veteran.

7 (B) The employment status of the veteran
8 and, if applicable, the impact of the caregiver of
9 such veteran on the employment status of such
10 veteran.

11 (C) The financial status and needs of the
12 veteran.

13 (D) The use by the veteran of benefits
14 available to such veteran from the Department
15 of Veterans Affairs.

16 (E) Any other information that the Sec-
17 retary considers appropriate.

18 (3) GRANT OR CONTRACT.—The Secretary shall
19 award a grant to, or enter into a contract with, an
20 appropriate entity unaffiliated with the Department
21 of Veterans Affairs to conduct the study required by
22 paragraph (1).

23 (4) REPORT.—Not later than two years after
24 the date of the enactment of this Act, the Secretary
25 shall submit to the Committee on Veterans' Affairs

1 of the Senate and the Committee on Veterans' Af-
2 fairs of the House of Representatives a report on the
3 results of the study required by paragraph (1).

4 **SEC. 220. INCREASE OF MAXIMUM AGE FOR CHILDREN ELI-**
5 **GIBLE FOR MEDICAL CARE UNDER CHAMPVA**
6 **PROGRAM.**

7 (a) INCREASE.—Section 1781(c) of title 38, United
8 States Code, is amended—

9 (1) by striking “twenty-three” and inserting
10 “twenty-six”; and

11 (2) by striking “twenty-third birthday” and in-
12 serting “twenty-sixth birthday”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall apply with respect to medical care pro-
15 vided on or after the date of the enactment of this title.

16 **SEC. 221. EXPANSION OF REIMBURSEMENT OF VETERANS**
17 **FOR EMERGENCY TREATMENT AND URGENT**
18 **CARE.**

19 (a) IN GENERAL.—Section 1725 of title 38, United
20 States Code, is amended to read as follows:

21 **“§ 1725. Reimbursement for emergency treatment**
22 **and urgent care**

23 “(a) IN GENERAL.—(1) Subject to the provisions of
24 this section, the Secretary shall reimburse a veteran de-
25 scribed in subsection (b) for the reasonable value of emer-

1 gency treatment or urgent care furnished the veteran in
2 a non-Department facility.

3 “(2) In any case in which reimbursement of a veteran
4 is authorized under paragraph (1), the Secretary may, in
5 lieu of reimbursing the veteran, make payment of the rea-
6 sonable value of the furnished emergency treatment or ur-
7 gent care directly—

8 “(A) to the hospital or other health care pro-
9 vider that furnished the treatment or care; or

10 “(B) to the person or organization that paid for
11 such treatment or care on behalf of the veteran.

12 “(b) ELIGIBILITY.—A veteran described in this sub-
13 section is an individual who—

14 “(1) is enrolled in the patient enrollment sys-
15 tem of the Department established and operated
16 under section 1705 of this title; and

17 “(2) has received care under this chapter dur-
18 ing the 24-month period preceding the furnishing of
19 the emergency treatment or urgent care for which
20 reimbursement is sought under this section.

21 “(c) EMERGENCY TRANSPORTATION.—Notwith-
22 standing section 111 of this title, reimbursement of emer-
23 gency treatment or urgent care under this section shall
24 include reimbursement for the reasonable value of emer-
25 gency transportation.

1 “(d) RESPONSIBILITY FOR PAYMENT.—The Sec-
2 retary shall be primarily responsible for reimbursing or
3 otherwise paying the reasonable value of emergency treat-
4 ment or urgent care under this section.

5 “(e) LIMITATIONS ON PAYMENT.—(1) The Secretary,
6 in accordance with regulations prescribed by the Secretary
7 for purposes of this section, shall—

8 “(A) establish the maximum amount payable
9 under subsection (a); and

10 “(B) delineate the circumstances under which
11 such payments may be made, including such require-
12 ments on requesting reimbursement as the Secretary
13 may establish.

14 “(2)(A) Payment by the Secretary under this section
15 on behalf of a veteran to a provider of emergency treat-
16 ment or urgent care shall, unless rejected and refunded
17 by the provider within 30 days of receipt—

18 “(i) constitute payment in full for the emer-
19 gency treatment or urgent care provided; and

20 “(ii) extinguish any liability on the part of the
21 veteran for that treatment or care.

22 “(B) Neither the absence of a contract or agreement
23 between the Secretary and a provider of emergency treat-
24 ment or urgent care nor any provision of a contract, agree-

1 ment, or assignment to the contrary shall operate to mod-
2 ify, limit, or negate the requirements of subparagraph (A).

3 “(C) A provider of emergency treatment or urgent
4 care may not seek to recover from any third party the
5 cost of emergency treatment or urgent care for which the
6 provider has received payment from the Secretary under
7 this section.

8 “(f) RECOVERY.—The United States has the right to
9 recover or collect reasonable charges for emergency treat-
10 ment or urgent care furnished under this section in ac-
11 cordance with the provisions of section 1729 of this title.

12 “(g) COPAYMENTS.—(1) Except as provided in para-
13 graph (2), a veteran shall pay to the Department a copay-
14 ment (in an amount prescribed by the Secretary for pur-
15 poses of this section) for each episode of emergency treat-
16 ment or urgent care for which reimbursement is provided
17 to the veteran under this section.

18 “(2) The requirement under paragraph (1) to pay a
19 copayment does not apply to a veteran who—

20 “(A) would not be required to pay to the De-
21 partment a copayment for emergency treatment or
22 urgent care furnished at facilities of the Depart-
23 ment;

1 “(B) meets an exemption specified by the Sec-
2 retary in regulations prescribed by the Secretary for
3 purposes of this section; or

4 “(C) is admitted to a hospital for treatment or
5 observation following, and in connection with, the
6 emergency treatment or urgent care for which the
7 veteran is provided reimbursement under this sec-
8 tion.

9 “(3) The requirement that a veteran pay a copayment
10 under this section shall apply notwithstanding the author-
11 ity of the Secretary to offset such a requirement with
12 amounts recovered from a third party under section 1729
13 of this title.

14 “(h) DEFINITIONS.—In this section:

15 “(1) The term ‘emergency treatment’ means
16 medical care or services furnished, in the judgment
17 of the Secretary—

18 “(A) when such care or services are ren-
19 dered in a medical emergency of such nature
20 that a prudent layperson reasonably expects
21 that delay in seeking immediate medical atten-
22 tion would be hazardous to life or health; and

23 “(B) until—

24 “(i) such time as the veteran can be
25 transferred safely to a Department facility

1 or community care provider authorized by
2 the Secretary and such facility or provider
3 is capable of accepting such transfer; or

4 “(ii) such time as a Department facil-
5 ity or community care provider authorized
6 by the Secretary accepts such transfer if—

7 “(I) at the time the veteran could
8 have been transferred safely to such a
9 facility or provider, no such facility or
10 provider agreed to accept such trans-
11 fer; and

12 “(II) the non-Department facility
13 in which such medical care or services
14 was furnished made and documented
15 reasonable attempts to transfer the
16 veteran to a Department facility or
17 community care provider.

18 “(2) The term ‘health-plan contract’ includes
19 any of the following:

20 “(A) An insurance policy or contract, med-
21 ical or hospital service agreement, membership
22 or subscription contract, or similar arrangement
23 under which health services for individuals are
24 provided or the expenses of such services are
25 paid.

1 “(B) An insurance program described in
2 section 1811 of the Social Security Act (42
3 U.S.C. 1395c) or established by section 1831 of
4 such Act (42 U.S.C. 1395j).

5 “(C) A State plan for medical assistance
6 approved under title XIX of such Act (42
7 U.S.C. 1396 et seq.).

8 “(D) A workers’ compensation law or plan
9 described in section 1729(a)(2)(A) of this title.

10 “(3) The term ‘third party’ means any of the
11 following:

12 “(A) A Federal entity.

13 “(B) A State or political subdivision of a
14 State.

15 “(C) An employer or an employer’s insur-
16 ance carrier.

17 “(D) An automobile accident reparations
18 insurance carrier.

19 “(E) A person or entity obligated to pro-
20 vide, or to pay the expenses of, health services
21 under a health-plan contract.

22 “(4) The term ‘urgent care’ shall have the
23 meaning given that term by the Secretary in regula-
24 tions prescribed by the Secretary for purposes of
25 this section.”.

1 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 1728 of such title is repealed.

3 (c) CLERICAL AMENDMENTS.—The table of sections
4 at the beginning of chapter 17 of such title is amended—

5 (1) by striking the item relating to section 1725
6 and inserting the following new item:

“1725. Reimbursement for emergency treatment and urgent care.”;

7 and

8 (2) by striking the item relating to section
9 1728.

10 (d) CONFORMING AMENDMENTS.—

11 (1) MEDICAL CARE FOR SURVIVORS AND DE-
12 PENDENTS.—Section 1781(a)(4) of such title is
13 amended by striking “(as defined in section 1725(f)
14 of this title)” and inserting “(as defined in section
15 1725(h) of this title)”.

16 (2) HEALTH CARE OF FAMILY MEMBERS OF
17 VETERANS STATIONED AT CAMP LEJEUNE, NORTH
18 CAROLINA.—Section 1787(b)(3) of such title is
19 amended by striking “(as defined in section 1725(f)
20 of this title)” and inserting “(as defined in section
21 1725(h) of this title)”.

22 (e) REGULATIONS.—Not later than 270 days after
23 the date of the enactment of this Act, the Secretary shall
24 prescribe regulations to carry out the amendments made
25 by this section.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect one year after the date of
3 the enactment of this Act.

4 **SEC. 222. PROVISION OF REHABILITATIVE EQUIPMENT AND**
5 **HUMAN-POWERED VEHICLES TO CERTAIN**
6 **DISABLED VETERANS.**

7 Section 1714(a) of title 38, United States Code, is
8 amended—

9 (1) by striking “Any veteran” and inserting
10 “(1) Any veteran”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2)(A) The Secretary may furnish rehabilitative
14 equipment to any veteran who is entitled to a prosthetic
15 appliance.

16 “(B) In carrying out subparagraph (A), the Secretary
17 may modify non-rehabilitative equipment owned by a vet-
18 eran only if the veteran elects for such modification.

19 “(C) The Secretary shall annually submit to the
20 Committees on Veterans’ Affairs of the House of Rep-
21 resentatives and the Senate a report on rehabilitative
22 equipment furnished to veterans under subparagraph (A).
23 Each such report shall include, with respect to the year
24 covered by the report—

1 “(i) the number of veterans eligible to receive
2 such rehabilitative equipment;

3 “(ii) the number of veterans who received such
4 rehabilitative equipment;

5 “(iii) the number of veterans who elected to re-
6 ceive modified equipment pursuant to subparagraph
7 (B); and

8 “(iv) any recommendations of the Secretary to
9 improve furnishing veterans with rehabilitative
10 equipment.

11 “(D) In this paragraph, the term ‘rehabilitative
12 equipment’ means—

13 “(i) rehabilitative equipment, including rec-
14 reational sports equipment that provide an adaption
15 or accommodation for the veteran, regardless of
16 whether such equipment is intentionally designed to
17 be adaptive equipment; and

18 “(ii) includes hand cycles, recumbent bicycles,
19 medically adapted upright bicycles, and upright bicy-
20 cles.”.

1 **Subtitle C—Health Care Quality**

2 **SEC. 231. ESTABLISHMENT OF OFFICE OF HEALTH CARE**
3 **QUALITY IN VETERANS HEALTH ADMINISTRA-**
4 **TION.**

5 (a) IN GENERAL.—Subchapter I of chapter 73 of title
6 38, United States Code, is amended by adding at the end
7 the following new section:

8 **“§ 7310. Office of Health Care Quality**

9 “(a) ESTABLISHMENT.—There is in the Veterans
10 Health Administration an Office of Health Care Quality
11 (hereinafter in this section referred to as the ‘Office’). The
12 Office shall oversee the implementation and dissemination
13 across all medical facilities of the Department of best
14 practices, quality improvements, corrective actions, and
15 Inspector General recommendations.

16 “(b) DIRECTOR.—(1) The head of the Office shall be
17 a Director, who shall report directly to the Under Sec-
18 retary for Health (without delegation).

19 “(2) Any person appointed as Director shall be—

20 “(A) an established expert in the field of health
21 care quality, administration of medical facilities, or
22 similar fields; and

23 “(B) qualified to carry out the duties of the Of-
24 fice based on demonstrated experience and expertise.

1 “(c) FUNCTIONS.—The functions of the Office are as
2 follows:

3 “(1) To develop and maintain a system to pro-
4 vide notice to all medical facilities of the Department
5 of any applicable best practices, quality improve-
6 ments, corrective actions, and Inspector General rec-
7 ommendations.

8 “(2) To monitor the compliance of such medical
9 facilities with such best practices, quality improve-
10 ments, corrective actions, and Inspector General rec-
11 ommendations.

12 “(d) RESOURCES.—The Secretary shall ensure that
13 the Director has sufficient resources to carry out the re-
14 sponsibilities of the Director in a timely manner.

15 “(e) REPORT.—The Director shall submit to Con-
16 gress an annual report on the progress of the medical fa-
17 cilities of the Department in implementing applicable best
18 practices, quality improvements, corrective actions, and
19 Inspector General recommendations.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 7309 the following new
23 item:

“7310. Office of Health Care Quality.”.

24 (c) DEADLINE FOR IMPLEMENTATION.—Not later
25 than one year after the date of the enactment of this Act,

1 the Director of the Office of Health Care Quality, as es-
 2 tablished under section 7310 of title 38, United States
 3 Code, as added by subsection (a), shall develop an initial
 4 system for proving the notice required under such section
 5 7310.

6 **Subtitle D—Medical Workforce**

7 **SEC. 241. DISREGARD OF RESIDENT SLOTS THAT INCLUDE** 8 **VA TRAINING AGAINST THE MEDICARE GRAD-** 9 **UATE MEDICAL EDUCATION LIMITATIONS.**

10 (a) DIRECT GME.—Section 1886(h)(4)(F) of the So-
 11 cial Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amend-
 12 ed by adding at the end the following new clause:

13 “(iii) DISREGARD OF CERTAIN RESI-
 14 DENT SLOTS THAT INCLUDE VA TRAIN-
 15 ING.—For portions of cost reporting peri-
 16 ods beginning on or after July 1, 2016, in
 17 applying the limitations regarding the total
 18 number of full-time equivalent residents in
 19 the field of allopathic or osteopathic medi-
 20 cine under clause (i) in a hospital’s ap-
 21 proved medical residency training program,
 22 the Secretary shall not take into account
 23 any resident within such program that
 24 counts towards meeting the obligation of
 25 the Secretary of Veterans Affairs under

1 section 301(b)(2) of the Veterans Access,
2 Choice, and Accountability Act of 2014
3 (Public Law 113–146; 38 U.S.C. 7302
4 note).”.

5 (b) INDIRECT GME.—Section 1886(d)(5)(B)(v) of
6 the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v))
7 is amended, in the second sentence, by striking “sub-
8 section (h)(4)(F)(ii)” and inserting “clauses (ii) and (iii)
9 of subsection (h)(4)(F)”.

10 **SEC. 242. EXTENSION OF PERIOD FOR INCREASE IN GRAD-**
11 **UATE MEDICAL EDUCATION RESIDENCY PO-**
12 **SITIONS AT MEDICAL FACILITIES OF THE DE-**
13 **PARTMENT OF VETERANS AFFAIRS.**

14 (a) IN GENERAL.—Paragraph (2) of section 301(b)
15 of the Veterans Access, Choice, and Accountability Act of
16 2014 (Public Law 113–146; 38 U.S.C. 7302 note) is
17 amended—

18 (1) in the paragraph heading, by striking
19 “FIVE-YEAR” and inserting “TEN-YEAR”; and

20 (2) in subparagraph (A), by striking “5-year
21 period” and inserting “10-year period”.

22 (b) REPORT.—Paragraph (3)(A) of such section is
23 amended by striking “2019” and inserting “2024”.

1 **SEC. 243. RECRUITMENT OF PHYSICIANS IN DEPARTMENT**
2 **OF VETERANS AFFAIRS.**

3 (a) IN GENERAL.—Section 7402(b)(1) of title 38,
4 United States Code, is amended—

5 (1) by inserting “or to be offered a contingent
6 appointment to such position,” after “position,”; and

7 (2) by striking subparagraph (B) and inserting
8 the following new subparagraph (B):

9 “(B)(i) have completed a residency program
10 satisfactory to the Secretary; or

11 “(ii) with respect to an offer for a contingent
12 appointment upon the completion of a post-graduate
13 training program, complete such a residency pro-
14 gram by not later than two years after the date of
15 such offer; and”.

16 (b) OVERSIGHT OF GRADUATE MEDICAL EDUCATION
17 PROGRAMS.—The Secretary shall—

18 (1) ensure that a recruiter or other similar offi-
19 cial of each Veterans Integrated Service Network
20 visits, not less than annually, each allopathic and os-
21 teopathic teaching institution with a graduate med-
22 ical education program within the Network to re-
23 cruit individuals to be appointed to positions in the
24 Veterans Health Administration; and

1 (2) submit to Congress an annual report on the
2 implementation of paragraph (1), including the suc-
3 cess of such recruiting efforts.

4 **Subtitle E—Mental Health Care**

5 **SEC. 251. STANDARD OF PROOF FOR SERVICE-CONNECTION** 6 **OF MENTAL HEALTH CONDITIONS RELATED** 7 **TO MILITARY SEXUAL TRAUMA.**

8 (a) STANDARD OF PROOF.—Section 1154 of title 38,
9 United States Code, is amended by adding at the end the
10 following new subsection:

11 “(c)(1) In the case of any veteran who claims that
12 a covered mental health condition was incurred in or ag-
13 gravated by military sexual trauma during active military,
14 naval, or air service, the Secretary shall accept as suffi-
15 cient proof of service-connection a diagnosis of such men-
16 tal health condition by a mental health professional to-
17 gether with satisfactory lay or other evidence of such trau-
18 ma and an opinion by the mental health professional that
19 such covered mental health condition is related to such
20 military sexual trauma, if consistent with the cir-
21 cumstances, conditions, or hardships of such service, not-
22 withstanding the fact that there is no official record of
23 such incurrence or aggravation in such service, and, to
24 that end, shall resolve every reasonable doubt in favor of
25 the veteran. Service-connection of such covered mental

1 health condition may be rebutted by clear and convincing
2 evidence to the contrary. The reasons for granting or de-
3 nying service-connection in each case shall be recorded in
4 full.

5 “(2) For purposes of this subsection, in the absence
6 of clear and convincing evidence to the contrary, and pro-
7 vided that the claimed military sexual trauma is consistent
8 with the circumstances, conditions, or hardships of the
9 veteran’s service, the veteran’s lay testimony alone may
10 establish the occurrence of the claimed military sexual
11 trauma.

12 “(3) In this subsection:

13 “(A) The term ‘covered mental health condi-
14 tion’ means post-traumatic stress disorder, anxiety,
15 depression, or other mental health diagnosis de-
16 scribed in the current version of the Diagnostic and
17 Statistical Manual of Mental Disorders published by
18 the American Psychiatric Association that the Sec-
19 retary determines to be related to military sexual
20 trauma.

21 “(B) The term ‘military sexual trauma’ means,
22 with respect to a veteran, psychological trauma,
23 which in the judgment of a mental health profes-
24 sional, resulted from a physical assault of a sexual
25 nature, battery of a sexual nature, or sexual harass-

1 ment which occurred during active military, naval,
2 or air service.”.

3 (b) ANNUAL REPORTS.—

4 (1) IN GENERAL.—Subchapter VI of chapter 11
5 of title 38, United States Code, is amended by add-
6 ing at the end the following new section:

7 **“SEC. 1164. REPORTS ON CLAIMS FOR DISABILITIES IN-**
8 **CURRED OR AGGRAVATED BY MILITARY SEX-**
9 **UAL TRAUMA.**

10 “(a) REPORTS.—Not later than December 1, 2016,
11 and each year thereafter through 2020, the Secretary shall
12 submit to Congress a report on covered claims submitted
13 during the previous fiscal year.

14 “(b) ELEMENTS.—Each report under subsection (a)
15 shall include the following:

16 “(1) The number of covered claims submitted
17 to or considered by the Secretary during the fiscal
18 year covered by the report.

19 “(2) Of the covered claims listed under para-
20 graph (1), the number and percentage of such
21 claims—

22 “(A) submitted by each sex;

23 “(B) that were approved, including the
24 number and percentage of such approved claims
25 submitted by each sex; and

1 “(C) that were denied, including the num-
2 ber and percentage of such denied claims sub-
3 mitted by each sex.

4 “(3) Of the covered claims listed under para-
5 graph (1) that were approved, the number and per-
6 centage, listed by each sex, of claims assigned to
7 each rating percentage.

8 “(4) Of the covered claims listed under para-
9 graph (1) that were denied—

10 “(A) the three most common reasons given
11 by the Secretary under section 5104(b)(1) of
12 this title for such denials; and

13 “(B) the number of denials that were
14 based on the failure of a veteran to report for
15 a medical examination.

16 “(5) The number of covered claims that, as of
17 the end of the fiscal year covered by the report, are
18 pending and, separately, the number of such claims
19 on appeal.

20 “(6) For the fiscal year covered by the report,
21 the average number of days that covered claims take
22 to complete beginning on the date on which the
23 claim is submitted.

24 “(7) A description of the training that the Sec-
25 retary provides to employees of the Veterans Bene-

1 fits Administration specifically with respect to cov-
2 ered claims, including the frequency, length, and
3 content of such training.

4 “(c) DEFINITIONS.—In this section:

5 “(1) The term ‘covered claims’ means claims
6 for disability compensation submitted to the Sec-
7 retary based on a covered mental health condition
8 alleged to have been incurred or aggravated by mili-
9 tary sexual trauma.

10 “(2) The term ‘covered mental health condition’
11 has the meaning given that term in subparagraph
12 (A) of section 1154(c)(3) of this title.

13 “(3) The term ‘military sexual trauma’ has the
14 meaning given that term in subparagraph (B) of
15 such section.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by adding at the end the following new item:

“1164. Annual reports on claims for disabilities incurred or aggravated by mili-
tary sexual trauma.”.

19 (c) EFFECTIVE DATE.—Subsection (c) of section
20 1154 of title 38, United States Code, as added by sub-
21 section (a), shall apply with respect to any claim for dis-
22 ability compensation under laws administered by the Sec-
23 retary of Veterans Affairs for which no final decision has
24 been made before the date of the enactment of this Act.

Subtitle F—Opioid Therapy and Pain Management

SEC. 261. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Many veterans and their families have been affected by the national opioid epidemic caused in part by the prescription of opioid medication to manage pain.

(2) Prescription opioid overdose rates for veterans receiving medical care furnished by the Department of Veterans Affairs are twice the national average.

(3) More than 50 percent of veterans receiving such care are suffering from chronic pain.

(4) Almost one in three veterans receiving such care are prescribed opioids to manage pain.

(5) Many veterans prescribed opioids for the management of chronic pain are at risk of developing a dependency on opioids.

(6) Many veterans receive health care from both the Department and community providers but the lack of care coordination among the Department and community providers when veterans receive purchased care places veterans at risk for poor health

1 outcomes and results in inefficient use of finite
2 health care resources.

3 (7) Veteran-centric care coordination is associ-
4 ated with improved patient outcomes, as Department
5 and non-Department health care teams coordinate
6 and collaborate to provide the best care for veterans.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) veterans suffering from opioid dependency
10 should receive timely access to treatment and social
11 services at Department of Veterans Affairs facilities
12 or through qualified community providers and
13 should have care and services managed and coordi-
14 nated by the Department of Veterans Affairs;

15 (2) veterans who are authorized by the Sec-
16 retary of Veterans Affairs to receive opioid addiction
17 treatment in the community must not lose the high-
18 quality, safety, care coordination, and other veteran-
19 centric elements that the health care system of the
20 Department of Veterans Affairs provides; and

21 (3) if the Secretary purchases care for veterans
22 from a community provider, such care must be se-
23 cured in a cost-effective manner, in a way that com-
24 plements the larger health care system of the De-

1 partment by using industry standards for care and
2 costs.

3 **SEC. 262. PILOT PROGRAM TO IMPROVE TREATMENT FOR**
4 **VETERANS SUFFERING FROM OPIOID ADDIC-**
5 **TION AND CHRONIC PAIN.**

6 (a) IN GENERAL.—Beginning not later than 120
7 days after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall conduct a pilot program
9 under which the Secretary provides health and social serv-
10 ices and coordination of care and case management to cov-
11 ered veterans in need of treatment for opioid addiction and
12 chronic pain through facilities of the Department and
13 through qualified non-Department health care providers.

14 (b) PROGRAM LOCATIONS.—

15 (1) IN GENERAL.—The pilot program shall be
16 carried out within at least five areas within different
17 States.

18 (2) SELECTION.—

19 (A) IN GENERAL.—The Secretary shall se-
20 lect five States with Department medical facili-
21 ties to participate in the pilot program. Each of
22 the five Department facilities selected shall be
23 located in States that demonstrate—

24 (i) the need for additional resources to
25 provide health care services, including

1 mental health, chronic pain management
2 and social services to veterans in need of
3 treatment for opioid abuse based upon the
4 community assessment in subsection (a) of
5 this section;

6 (ii) demographic, population, and cen-
7 sus data showing the highest rates per
8 capita of opioid addiction in the United
9 States or greater demand in the veteran
10 patient population than capacity in facili-
11 ties of the Department for treatment for
12 opioid addiction; and

13 (iii) lack of sufficient Department ca-
14 pacity to meet the demand of all patients
15 in need of treatment for opioid addiction.

16 (B) OTHER REQUIREMENTS.—In addition
17 to the requirements in subparagraph (A), not
18 fewer than four of the five selected States shall
19 include—

20 (i) at least one highly rural county, as
21 determined by the Secretary upon consid-
22 eration of the most recent decennial census
23 with the highest per capita rate of opioid
24 addiction;

1 (ii) an urban county as determined by
2 the Secretary upon consideration of the
3 most recent decennial census with the larg-
4 est population per capita of opioid addic-
5 tion;

6 (iii) a county as determined by the
7 Secretary in a State with one of the high-
8 est statistically significant drug and opioid
9 overdose death rate increases from 2013 to
10 2014 according to the Centers for Disease
11 Control and Prevention and a low expendi-
12 ture of funding per capita on substance
13 abuse treatment in comparison to other
14 States; and

15 (iv) a county as determined by the
16 Secretary in a State with a high rate per
17 capita of veterans diagnosed with chronic
18 pain and prescribed prescription opioids.

19 (c) PROVISION OF SERVICES THROUGH CON-
20 TRACT.—The Secretary may provide health care services
21 to veterans under the pilot program by entering into con-
22 tracts with non-Department health care providers which
23 are qualified to provide such services, as determined by
24 the Secretary.

1 (d) EXCHANGE OF MEDICAL INFORMATION.—In con-
2 ducting the pilot program under this section, the Secretary
3 shall develop and use a functional capability to provide for
4 the exchange of appropriate medical information between
5 the Department and any non-Department provider with
6 which the Secretary enters into a contract under sub-
7 section (c).

8 (e) REPORT.—Not later than the 30 days after the
9 end of each year in which the pilot program under this
10 section is conducted, the Secretary shall submit to the
11 Committee on Veterans' Affairs of the Senate and the
12 Committee on Veterans' Affairs of the House of Rep-
13 resentatives a report which includes—

14 (1) the assessment of the Secretary of the pilot
15 program during the preceding year, including its
16 cost, volume, quality, patient satisfaction, benefit to
17 veterans, and such other findings and conclusions
18 with respect to the pilot program as the Secretary
19 considers appropriate; and

20 (2) such recommendations as the Secretary con-
21 siders appropriate regarding—

22 (A) the continuation of the pilot program;

23 (B) extension of the pilot program to addi-
24 tional Veterans Integrated Service Networks of
25 the Department; and

1 (C) making the pilot program permanent.

2 (f) COVERED VETERAN.—In this section, the term
3 “covered veteran” means a veteran who—

4 (1) is enrolled in the system of patient enroll-
5 ment established under section 1705(a) of title 38,
6 United States Code, as of the date of the commence-
7 ment of the pilot program under subsection (a)(2);

8 (2) is eligible for health care under section
9 1710(e)(3)(C) of title 38, United States Code; or

10 (3) is determined by the Secretary to be in need
11 of treatment for opioid addiction and chronic pain.

12 (g) TERMINATION.—The authority to carry out a
13 pilot program under this section shall terminate on the
14 date that is three years after the date of the commence-
15 ment of the pilot program.

16 **SEC. 263. ASSESSMENT OF DEPARTMENT AND NON-DE-**
17 **PARTMENT CAPABILITIES TO TREAT OPIOID**
18 **DEPENDENCY AND ENSURE ACCESS TO**
19 **NEEDED HEALTH CARE SERVICES.**

20 (a) ASSESSMENT OF DEPARTMENT CAPABILITIES.—
21 The Secretary shall conduct an assessment of the capabili-
22 ties of the Department of Veterans Affairs, using such
23 data, including demographic data and patient access data,
24 as the Secretary determines necessary to provide—

1 (1) health care services related to the treatment
2 of opioid dependency and abuse, including mental
3 health, opioid agonist treatment, social services, and
4 non-opioid chronic pain management necessary for
5 treating opioid addiction nationally, regionally, and
6 locally;

7 (2) management of chronic pain without the
8 long-term use of opioids, including alternative thera-
9 pies such as physical therapy, chiropractic care, acu-
10 puncture, massage, exercise programs, and other
11 such evidence-based and experimental treatments;

12 (3) evidence-based methods for safely reducing
13 the dose and duration of the prescription of opioids
14 for patients;

15 (4) methods by which health care services are
16 coordinated by the Department when care is pro-
17 vided by community providers; and

18 (5) the manner by which the Department en-
19 sures placement of veterans in need of treatment for
20 opioid dependency in treatment programs within a
21 clinically sufficient time period according to pub-
22 lished practice guidelines for the treatment of pa-
23 tients with opioid dependency.

24 (b) ASSESSMENT OF NON-DEPARTMENT CAPABILI-
25 TIES.—In addition to the assessment required under sub-

1 section (a), the Secretary shall concurrently conduct an
2 assessment of community providers to provide health care,
3 mental health, social services, and alternative chronic pain
4 management treatments necessary for the treatment of
5 veterans diagnosed with an opioid addiction and for the
6 treatment of veterans suffering from chronic pain.

7 (c) COMMUNITY PROVIDERS.—In this section, the
8 term “community provider” means a non-Department of
9 Veterans Affairs health care provider or social services
10 provider determined by the Secretary as capable of pro-
11 viding health care services related to the treatment of
12 opioid dependency and abuse, including mental health,
13 opioid agonist treatment, social services, and non-opioid
14 chronic pain management.

15 (d) REPORT.—At the conclusion of the assessments
16 conducted under this section, and not later than one year
17 after the date of the enactment of this Act, the Secretary
18 shall submit to the Committees on Veterans’ Affairs of
19 the Senate and House of Representatives a comprehensive
20 summary of the results of the assessments, including any
21 implementation plans resulting from such assessments,
22 and any recommendations for ways to better enable the
23 Department to provide health care services within the pro-
24 grams and facilities of the Department and in coordina-

1 tion with community providers to veterans needing treat-
 2 ment for pain management and opioid addiction.

3 **SEC. 264. INCREASED ACCESS TO NALOXONE AND OTHER**
 4 **TREATMENTS FOR REVERSING OPIOID OVER-**
 5 **DOSE.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs
 7 shall require all appropriate health care facilities of the
 8 Department of Veterans Affairs, and all Vet Centers and
 9 other Department facilities providing mental health and
 10 social services to veterans, to have a supply of naloxone
 11 or other medication for reversing opioid overdose.

12 (b) TRAINING ON USE OF MEDICATION.—The Sec-
 13 retary shall ensure that all appropriate employees of the
 14 Department who are employed at facilities referred to in
 15 subsection (a) receive training on the administration of
 16 naloxone or other medication for reversing opioid overdose.

17 **Subtitle G—Toxic Exposure**

18 **SEC. 271. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
 19 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
 20 **BILITATION OF HEALTH CONDITIONS RELAT-**
 21 **ING TO EXPOSURE TO BURN PITS AND OTHER**
 22 **ENVIRONMENTAL EXPOSURES.**

23 (a) ESTABLISHMENT.—The Secretary of Veterans
 24 Affairs shall establish within the Department of Veterans
 25 Affairs a center of excellence in the prevention, diagnosis,

1 mitigation, treatment, and rehabilitation of health condi-
2 tions relating to exposure to burn pits and other environ-
3 mental exposures to carry out the responsibilities specified
4 in subsection (d). Such center shall be established using—

5 (1) the directives, policies, and Comptroller
6 General and Inspector General recommendations in
7 effect as of the date of the enactment of this Act;
8 and

9 (2) guidance issued pursuant to section 313 of
10 the National Defense Authorization Act for Fiscal
11 Year 2013 (Public Law 112–239; 126 Stat. 1692;
12 10 U.S.C. 1074 note).

13 (b) SELECTION OF SITES.—In selecting the site for
14 the center of excellence established under subsection (a),
15 the Secretary of Veterans Affairs shall consider entities
16 that—

17 (1) are equipped with the specialized equipment
18 needed to study, diagnose, and treat health condi-
19 tions relating to exposure to burn pits and other en-
20 vironmental exposures;

21 (2) have a publication track record of post-de-
22 ployment health exposures among veterans who
23 served in the Armed Forces in support of Operation
24 Iraqi Freedom and Operation Enduring Freedom;

1 (3) have collaborated with a geosciences depart-
2 ment that has a medical geology division;

3 (4) have developed animal models and in vitro
4 models of dust immunology and lung injury con-
5 sistent with the injuries of members of the Armed
6 Forces who served in support of Operation Iraqi
7 Freedom and Operation Enduring Freedom; and

8 (5) have expertise in allergy and immunology,
9 pulmonary diseases, and industrial and management
10 engineering.

11 (c) COLLABORATION.—The Secretary shall ensure
12 that the center of excellence collaborates, to the maximum
13 extent practicable, with the Secretary of Defense, institu-
14 tions of higher education, and other appropriate public
15 and private entities (including international entities) to
16 carry out the responsibilities specified in subsection (d).

17 (d) RESPONSIBILITIES.—The center of excellence
18 shall have the following responsibilities:

19 (1) To provide for the development, testing, and
20 dissemination within the Department of Veterans
21 Affairs of best practices for the treatment of health
22 conditions relating to exposure to burn pits and
23 other environmental exposures.

24 (2) To provide guidance for the health system
25 of the Department of Veterans Affairs and the De-

1 partment of Defense in determining the personnel
2 required to provide quality health care for members
3 of the Armed Forces and veterans with health condi-
4 tions relating to exposure to burn pits and other en-
5 vironmental exposures.

6 (3) To establish, implement, and oversee a com-
7 prehensive program to train health professionals of
8 the Department of Veterans Affairs and the Depart-
9 ment of Defense in the treatment of health condi-
10 tions relating to exposure to burn pits and other en-
11 vironmental exposures.

12 (4) To facilitate advancements in the study of
13 the short-term and long-term effects of exposure to
14 burn pits and other environmental exposures.

15 (5) To disseminate within the military medical
16 treatment facilities of the Department of Veterans
17 Affairs best practices for training health profes-
18 sionals with respect to health conditions relating to
19 exposure to burn pits and other environmental expo-
20 sures.

21 (6) To conduct basic science and translational
22 research on health conditions relating to exposure to
23 burn pits and other environmental exposures for the
24 purposes of understanding the etiology of such con-

1 ditions and developing preventive interventions and
2 new treatments.

3 (7) To provide medical treatment to all veterans
4 identified as part of the burn pits registry estab-
5 lished under section 201 of the Dignified Burial and
6 Other Veterans' Benefits Improvement Act of 2012
7 (Public Law 112–260; 38 U.S.C. 527 note).

8 (e) USE OF BURN PITS REGISTRY DATA.—In car-
9 rying out its responsibilities under subsection (d), the cen-
10 ter shall have access to and make use of the data accumu-
11 lated by the burn pits registry established under section
12 201 of the Dignified Burial and Other Veterans' Benefits
13 Improvement Act of 2012 (Public Law 112–260; 38
14 U.S.C. 527 note).

15 (f) DEFINITIONS.—In this section:

16 (1) The term “burn pit” means an area of land
17 located in Afghanistan or Iraq that—

18 (A) is designated by the Secretary of De-
19 fense to be used for disposing solid waste by
20 burning in the outdoor air; and

21 (B) does not contain a commercially manu-
22 factured incinerator or other equipment specifi-
23 cally designed and manufactured for the burn-
24 ing of solid waste.

1 (2) The term “other environmental exposures”
 2 means exposure to environmental hazards, including
 3 burn pits, dust or sand, hazardous materials, and
 4 waste at any site in Afghanistan or Iraq that emits
 5 smoke containing pollutants present in the environ-
 6 ment or smoke from fires or explosions.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
 8 authorized to be appropriated to carry out this section
 9 \$30,000,000 for each of fiscal years 2016 through 2021.

10 **TITLE III—EDUCATION**

11 **Subtitle A—GI Bill Oversight**

12 **SEC. 301. DEPARTMENT OF VETERANS AFFAIRS INSPECTOR**

13 **GENERAL HEIGHTENED SCRUTINY OF PRO-**

14 **GRAMS OF EDUCATION.**

15 (a) IN GENERAL.—Subchapter II of chapter 36 of
 16 title 38, United States Code, is amended by adding at the
 17 end the following new section:

18 **“§ 3699. Inspector General heightened scrutiny of**

19 **programs of education**

20 “(a) HEIGHTENED SCRUTINY REQUIRED.—The In-
 21 specter General of the Department shall apply heightened
 22 scrutiny to any program of education if any Federal or
 23 State agency has made a final determination or settlement
 24 that the program of education used deceptive or mis-

1 leading practices that are potentially in violation of section
2 3696 of this title.

3 “(b) NOTICE TO STUDENTS.—(1) Upon commence-
4 ment of heightened scrutiny with respect to a program of
5 education under this section, the Secretary shall provide
6 notice of the heightened scrutiny and the reasons for such
7 heightened scrutiny to any individual who—

8 “(A) is enrolled in a course of education ap-
9 proved under this chapter provided by the program
10 of education; and

11 “(B) is entitled to educational assistance under
12 the laws administered by the Secretary.

13 “(2) The Secretary shall provide to any individual
14 who receives notice under this subsection advice that the
15 individual—

16 “(A) request a copy of the individual’s tran-
17 script; and

18 “(B) seek counseling from an appropriate advi-
19 sor about transferring any credits earned at the pro-
20 gram of education.

21 “(c) MONITORING OF ALLEGATIONS.—The Secretary
22 shall monitor allegations of deceptive and misleading prac-
23 tices made against programs of education offering courses
24 of education approved for purposes of this chapter, includ-
25 ing Federal and State investigations. The Secretary shall

1 include information about any such allegation on the GI
 2 Bill Comparison Tool, or any similar Internet website of
 3 the Department.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of such chapter is amended by adding
 6 at the end of the items relating to subchapter II the fol-
 7 lowing new item:

“3699. Inspector General heightened scrutiny of programs of education.”.

8 **SEC. 302. DEPARTMENT OF VETERANS AFFAIRS DIS-**
 9 **APPROVAL OF COURSES OF EDUCATION OF-**
 10 **FERED BY INSTITUTIONS OF HIGHER LEARN-**
 11 **ING ACCUSED OF CERTAIN DECEPTIVE OR**
 12 **MISLEADING PRACTICES.**

13 Section 3679 of title 38, United States Code, is
 14 amended by adding at the end the following new sub-
 15 section:

16 “(d)(1) The Secretary shall disapprove a course of
 17 education provided by an institution of higher learning if
 18 the Secretary determines pursuant to heightened scrutiny
 19 applied by the Inspector General under section 3699 of
 20 this title that the institution of higher learning has en-
 21 gaged in practices that are in violation of section 3696
 22 of this title.

23 “(2) The Secretary shall provide counseling services
 24 to individuals enrolled in a course of education dis-

1 approved under paragraph (1) to assist such individuals
2 in transferring to another institution of higher learning.”.

3 **SEC. 303. INTERAGENCY WORKING GROUP ON PROGRAMS**
4 **OF EDUCATION EMPLOYING DECEPTIVE OR**
5 **MISLEADING PRACTICES.**

6 The Secretary of Veterans Affairs, in collaboration
7 with the Secretary of Education, the Secretary of Defense,
8 the Commissioner of the Federal Trade Commission, the
9 Commissioner of the Securities and Exchange Commis-
10 sion, and the Director of the Bureau of Consumer Finan-
11 cial Protection, shall establish an interagency working
12 group to—

13 (1) share information regarding programs of
14 education that employ deceptive or misleading prac-
15 tices; and

16 (2) enter into memorandum of understanding
17 under which the Inspector Generals of each relevant
18 department or agency agree to share information to
19 determine if funds from other Federal programs are
20 affected when one department or agency takes ac-
21 tion to investigate a program of education for decep-
22 tive or misleading practices.

1 **SEC. 304. APPROVAL OF COURSES FOR PURPOSES OF EDU-**
2 **CATIONAL ASSISTANCE PROGRAMS ADMINIS-**
3 **TERED BY SECRETARY OF VETERANS AF-**
4 **FAIRS.**

5 (a) APPROVAL OF NON-ACCREDITED COURSES.—

6 Subsection (c) of section 3676 of title 38, United States
7 Code, is amended—

8 (1) by redesignating paragraph (14) as para-
9 graph (16); and

10 (2) by inserting after paragraph (13) the fol-
11 lowing new paragraphs:

12 “(14) In the case of a program designed to pre-
13 pare an individual for licensure or certification in a
14 State, the program meets any instructional cur-
15 riculum licensure or certification requirements of
16 such State.

17 “(15) In the case of a program designed to pre-
18 pare an individual for employment pursuant to
19 standards developed by a board or agency of a State
20 in an occupation that requires approval or licensure,
21 the program is approved or licensed by such board
22 or agency of the State.”.

23 (b) EXCEPTIONS.—Such section is further amended
24 by adding at the end the following new subsection:

25 “(f)(1) The Secretary may waive the requirements of
26 paragraph (14) or (15) of subsection (c) in the case of

1 a program of education offered by an educational institu-
2 tion if the Secretary determines all of the following:

3 “(A) The educational institution is not accred-
4 ited by an agency or association recognized by the
5 Secretary of Education.

6 “(B) The program did not meet the require-
7 ments of such paragraph at any time during the
8 two-year period preceding the date of the waiver.

9 “(C) The waiver furthers the purposes of the
10 educational assistance programs administered by the
11 Secretary or would further the education interests of
12 individuals eligible for assistance under such pro-
13 grams.

14 “(D) The educational institution does not pro-
15 vide any commission, bonus, or other incentive pay-
16 ment based directly or indirectly on success in secur-
17 ing enrollments or financial aid to any persons or
18 entities engaged in any student recruiting or admis-
19 sion activities or in making decisions regarding the
20 award of student financial assistance, except for the
21 recruitment of foreign students residing in foreign
22 countries who are not eligible to receive Federal stu-
23 dent assistance.

24 “(2) Not later than 30 days after the Secretary issues
25 a waiver under paragraph (1), the Secretary shall submit

1 to Congress notice of the waiver and the justification of
2 the Secretary for issuing the waiver.”.

3 (c) APPROVAL OF ACCREDITED PROGRAMS.—Section
4 3675(b)(3) of such title is amended—

5 (1) by striking “and (3)” and inserting “(3),
6 (14), and (15)”;

7 (2) by inserting before the period at the end the
8 following: “(or, with respect to such paragraphs (14)
9 and (15), the requirements under such paragraphs
10 are waived pursuant to subsection (f) of section
11 3676)”.

12 (d) DISAPPROVAL OF COURSES.—Section 3679 of
13 such title is amended by adding at the end the following
14 new subsection:

15 “(d) Notwithstanding any other provision of this
16 chapter, the Secretary shall disapprove a course of edu-
17 cation described in section 3676(c)(14) or (15) unless the
18 educational institution providing the course of education
19 publicly discloses any conditions or additional require-
20 ments, including training, experience, or exams, required
21 to obtain the license, certification, or approval for which
22 the course of education is designed to provide prepara-
23 tion.”.

24 (e) CONFORMING AMENDMENT.—Section
25 3672(b)(2)(A)(i) of such title is amended by striking “An

1 accredited” and inserting “Except as provided in para-
 2 graphs (14) and (15) of section 3676(c) of this title, an
 3 accredited”.

4 (f) APPLICABILITY.—If after enrollment in a course
 5 of education that is subject to disapproval by reason of
 6 an amendment made by this Act, an individual pursues
 7 one or more courses of education at the same educational
 8 institution while remaining continuously enrolled (other
 9 than during regularly scheduled breaks between courses,
 10 semesters or terms) at that institution, any course so pur-
 11 sued by the individual at that institution while so continu-
 12 ously enrolled shall not be subject to disapproval by reason
 13 of such amendment.

14 **SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR**
 15 **PROPRIETARY INSTITUTIONS OF HIGHER**
 16 **EDUCATION.**

17 Section 487 of the Higher Education Act of 1965 (20
 18 U.S.C. 1094) is amended—

19 (1) in subsection (a)(24)—

20 (A) by inserting “that receives funds pro-
 21 vided under this title” before “, such institu-
 22 tion”; and

23 (B) by striking “other than funds provided
 24 under this title, as calculated in accordance
 25 with subsection (d)(1)” and inserting “other

1 than Federal educational assistance, as defined
2 in subsection (d)(5) and calculated in accord-
3 ance with subsection (d)(1)”; and
4 (2) in subsection (d)—

5 (A) in the subsection heading, by striking
6 “NON-TITLE IV” and inserting “NON-FED-
7 ERAL EDUCATIONAL”;

8 (B) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “that receives
11 funds provided under this title” before
12 “shall”;

13 (ii) in subparagraph (B)—

14 (I) in clause (i), by striking “as-
15 sistance under this title” and insert-
16 ing “Federal educational assistance”;
17 and

18 (II) in clause (ii)(I), by inserting
19 “, or on a military base if the admin-
20 istering Secretary for a program of
21 Federal educational assistance under
22 clause (ii), (iii), or (iv) of paragraph
23 (5)(B) has authorized such location”
24 before the semicolon;

1 (iii) in subparagraph (C), by striking
2 “program under this title” and inserting
3 “program of Federal educational assist-
4 ance”;

5 (iv) in subparagraph (E), by striking
6 “funds received under this title” and in-
7 serting “Federal educational assistance”;
8 and

9 (v) in subparagraph (F)—

10 (I) in clause (iii), by striking
11 “under this title” and inserting “of
12 Federal educational assistance”; and

13 (II) in clause (iv), by striking
14 “under this title” and inserting “of
15 Federal educational assistance”;

16 (C) in paragraph (2)—

17 (i) by striking subparagraph (A) and
18 inserting the following:

19 “(A) INELIGIBILITY.—

20 “(i) IN GENERAL.—Notwithstanding
21 any other provision of law, a proprietary
22 institution of higher education receiving
23 funds provided under this title that fails to
24 meet a requirement of subsection (a)(24)
25 for two consecutive institutional fiscal

1 years shall be ineligible to participate in or
2 receive funds under any program of Fed-
3 eral educational assistance for a period of
4 not less than two institutional fiscal years.

5 “(ii) REGAINING ELIGIBILITY.—To re-
6 gain eligibility to participate in or receive
7 funds under any program of Federal edu-
8 cational assistance after being ineligible
9 pursuant to clause (i), a proprietary insti-
10 tution of higher education shall dem-
11 onstrate compliance with all eligibility and
12 certification requirements for the program
13 for a minimum of two consecutive institu-
14 tional fiscal years after the institutional
15 fiscal year in which the institution became
16 ineligible. In order to regain eligibility to
17 participate in any program of Federal edu-
18 cational assistance under this title, such
19 compliance shall include meeting the re-
20 quirements of section 498 for such 2-year
21 period.

22 “(iii) NOTIFICATION OF INELIGI-
23 BILITY.—The Secretary of Education shall
24 determine when a proprietary institution of
25 higher education that receives funds under

1 this title is ineligible under clause (i) and
2 shall notify all other administering Secre-
3 taries of the determination.

4 “(iv) ENFORCEMENT.—Each admin-
5 istering Secretary for a program of Fed-
6 eral educational assistance shall enforce
7 the requirements of this subparagraph for
8 the program concerned upon receiving no-
9 tification under clause (iii) of a proprietary
10 institution of higher education’s ineligi-
11 bility.”; and

12 (ii) in subparagraph (B)—

13 (I) in the matter preceding clause

14 (i)—

15 (aa) by striking “In addi-
16 tion” and all that follows through
17 “education fails” and inserting
18 “Notwithstanding any other pro-
19 vision of law, in addition to such
20 other means of enforcing the re-
21 quirements of a program of Fed-
22 eral educational assistance as
23 may be available to the admin-
24 istering Secretary, if a propri-
25 etary institution of higher edu-

1 cation that receives funds pro-
2 vided under this title fails”; and

3 (bb) by striking “the pro-
4 grams authorized by this title”
5 and inserting “all programs of
6 Federal educational assistance”;
7 and

8 (II) in clause (i), by inserting
9 “with respect to a program of Federal
10 educational assistance under this
11 title,” before “on the expiration date”;

12 (D) in paragraph (4)(A), by striking
13 “sources under this title” and inserting “Fed-
14 eral educational assistance”; and

15 (E) by adding at the end the following:

16 “(5) DEFINITIONS.—In this subsection:

17 “(A) ADMINISTERING SECRETARY.—The
18 term ‘administering Secretary’ means the Sec-
19 retary of Education, the Secretary of Defense,
20 the Secretary of Veterans Affairs, the Secretary
21 of Homeland Security, or the Secretary of a
22 military department responsible for admin-
23 istering the Federal educational assistance con-
24 cerned.

1 “(B) FEDERAL EDUCATIONAL ASSIST-
 2 ANCE.—The term ‘Federal educational assist-
 3 ance’ means funds provided under any of the
 4 following provisions of law:

5 “(i) This title.

6 “(ii) Chapter 30, 31, 32, 33, 34, or
 7 35 of title 38, United States Code.

8 “(iii) Chapter 101, 105, 106A, 1606,
 9 1607, or 1608 of title 10, United States
 10 Code.

11 “(iv) Section 1784a of title 10, United
 12 States Code.”.

13 **SEC. 306. DEPARTMENT OF DEFENSE AND DEPARTMENT OF**
 14 **VETERANS AFFAIRS ACTIONS ON INELIGI-**
 15 **BILITY OF CERTAIN PROPRIETARY INSTITU-**
 16 **TIONS OF HIGHER EDUCATION FOR PARTICI-**
 17 **PATION IN PROGRAMS OF EDUCATIONAL AS-**
 18 **SISTANCE.**

19 (a) DEPARTMENT OF DEFENSE.—

20 (1) IN GENERAL.—Chapter 101 of title 10,
 21 United States Code, is amended by inserting after
 22 section 2008 the following new section:

1 **“§ 2008a. Ineligibility of certain proprietary institu-**
2 **tions of higher education for participa-**
3 **tion in Department of Defense programs**
4 **of educational assistance**

5 “(a) IN GENERAL.—Upon receipt of a notice from
6 the Secretary of Education under clause (iii) of section
7 487(d)(2)(A) of the Higher Education Act of 1965 (20
8 U.S.C. 1094(d)(2)(A)) that a proprietary institution of
9 higher education is ineligible for participation in or receipt
10 of funds under any program of Federal educational assist-
11 ance by reason of such section, the Secretary of Defense
12 shall ensure that no educational assistance under the pro-
13 visions of law specified in subsection (b) is available or
14 used for education at the institution for the period of insti-
15 tutional fiscal years covered by such notice.

16 “(b) COVERED ASSISTANCE.—The provisions of law
17 specified in this subsection are the provisions of law on
18 educational assistance through the Department of Defense
19 as follows:

20 “(1) This chapter.

21 “(2) Chapters 105, 106A, 1606, 1607, and
22 1608 of this title.

23 “(3) Section 1784a of this title.

24 “(c) NOTICE ON INELIGIBILITY.—(1) The Secretary
25 of Defense shall take appropriate actions to notify persons
26 receiving or eligible for educational assistance under the

1 provisions of law specified in subsection (b) of the applica-
2 tion of the limitations in section 487(d)(2) of the Higher
3 Education Act of 1965 to particular proprietary institu-
4 tions of higher education.

5 “(2) The actions taken under this subsection with re-
6 spect to a proprietary institution shall include publication,
7 on the Internet website of the Department of Defense that
8 provides information to persons described in paragraph
9 (1), of the following:

10 “(A) The name of the institution.

11 “(B) The extent to which the institution failed
12 to meet the requirements of section 487(a)(24) of
13 the Higher Education Act of 1965.

14 “(C) The length of time the institution will be
15 ineligible for participation in or receipt of funds
16 under any program of Federal educational assistance
17 by reason of section 487(d)(2)(A) of that Act.

18 “(D) The nonavailability of educational assist-
19 ance through the Department for enrollment, at-
20 tendance, or pursuit of a program of education at
21 the institution by reason of such ineligibility.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 101 of such title
24 is amended by inserting after the item relating to
25 section 2008 the following new item:

“2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.”.

1 (b) DEPARTMENT OF VETERANS AFFAIRS.—

2 (1) IN GENERAL.—Subchapter II of chapter 36
3 of title 38, United States Code, is amended by in-
4 serting after section 3681 the following new section:

5 **“§ 3681A. Ineligibility of certain proprietary institu-**
6 **tions of higher education for participa-**
7 **tion in Department of Veterans Affairs**
8 **programs of educational assistance**

9 “(a) IN GENERAL.—Upon receipt of a notice from
10 the Secretary of Education under clause (iii) of section
11 487(d)(2)(A) of the Higher Education Act of 1965 (20
12 U.S.C. 1094(d)(2)(A)) that a proprietary institution of
13 higher education is ineligible for participation in or receipt
14 of funds under any program of Federal educational assist-
15 ance by reason of such section, the Secretary of Veterans
16 Affairs shall ensure that no educational assistance under
17 the provisions of law specified in subsection (b) is available
18 or used for education at the institution for the period of
19 institutional fiscal years covered by such notice.

20 “(b) COVERED ASSISTANCE.—The provisions of law
21 specified in this subsection are the provisions of law on
22 educational assistance through the Department under
23 chapters 30, 31, 32, 33, 34, and 35 of this title.

1 “(c) NOTICE ON INELIGIBILITY.—(1) The Secretary
2 of Veterans Affairs shall take appropriate actions to notify
3 persons receiving or eligible for educational assistance
4 under the provisions of law specified in subsection (b) of
5 the application of the limitations in section 487(d)(2) of
6 the Higher Education Act of 1965 to particular propri-
7 etary institutions of higher education.

8 “(2) The actions taken under this subsection with re-
9 spect to a proprietary institution shall include publication,
10 on the Internet website of the Department that provides
11 information to persons described in paragraph (1), of the
12 following:

13 “(A) The name of the institution.

14 “(B) The extent to which the institution failed
15 to meet the requirements of section 487(a)(24) of
16 the Higher Education Act of 1965.

17 “(C) The length of time the institution will be
18 ineligible for participation in or receipt of funds
19 under any program of Federal educational assistance
20 by reason of section 487(d)(2)(A) of that Act.

21 “(D) The nonavailability of educational assist-
22 ance through the Department for enrollment, at-
23 tendance, or pursuit of a program of education at
24 the institution by reason of such ineligibility.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 36 of such title is
 3 amended by inserting after the item relating to sec-
 4 tion 3681 the following new item:

“3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.”.

5 **Subtitle B—Supports for Student** 6 **Veterans**

7 **SEC. 311. RESTORATION OF ENTITLEMENT TO EDU-** 8 **CATIONAL ASSISTANCE AND OTHER RELIEF** 9 **FOR VETERANS AFFECTED BY CLOSURES OF** 10 **EDUCATIONAL INSTITUTIONS.**

11 (a) EDUCATIONAL ASSISTANCE.—

12 (1) IN GENERAL.—Section 3312 of title 38,
 13 United States Code, is amended by adding at the
 14 end the following new subsection:

15 “(d) DISCONTINUATION OF EDUCATION DUE TO
 16 CLOSURE OF EDUCATIONAL INSTITUTION.—

17 “(1) IN GENERAL.—Any payment of edu-
 18 cational assistance described in paragraph (2) shall
 19 not—

20 “(A) be charged against any entitlement to
 21 educational assistance of the individual con-
 22 cerned under this chapter; or

23 “(B) be counted against the aggregate pe-
 24 riod for which section 3695 of this title limits

1 the individual's receipt of educational assistance
2 under this chapter.

3 “(2) DESCRIPTION OF PAYMENT OF EDU-
4 CATIONAL ASSISTANCE.—Subject to paragraph (3),
5 the payment of educational assistance described in
6 this paragraph is the payment of such assistance to
7 an individual for pursuit of a course or courses
8 under this chapter if the Secretary finds that the in-
9 dividual—

10 “(A) was forced to discontinue such course
11 pursuit as a result of a permanent closure of an
12 educational institution; and

13 “(B) did not receive credit, or lost training
14 time, toward completion of the program of edu-
15 cation being pursued at the time of such clo-
16 sure.

17 “(3) PERIOD FOR WHICH PAYMENT NOT
18 CHARGED.—The period for which, by reason of this
19 subsection, educational assistance is not charged
20 against entitlement or counted toward the applicable
21 aggregate period under section 3695 of this title
22 shall not exceed the aggregate of—

23 “(A) the portion of the period of enroll-
24 ment in the course or courses from which the
25 individual failed to receive credit or with respect

to which the individual lost training time, as determined under paragraph (2)(B), and

“(B) the period by which monthly stipend is extended under section 3680(a)(2)(B) of this title.”.

(2) APPLICABILITY.—Subsection (d) of such section, as added by paragraph (1), shall apply with respect to courses and programs of education discontinued as described in subparagraph (A) or (B) of paragraph (2) of such subsection in fiscal year 2015 or any fiscal year thereafter.

(b) MONTHLY HOUSING STIPEND.—

(1) IN GENERAL.—Section 3680(a) of such title is amended—

(A) by striking the matter after paragraph (3)(B);

(B) in paragraph (3), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) in the matter before subparagraph (A), as redesignated, in the first sentence, by striking “Payment of” and inserting “(1) Ex-

1 cept as provided in paragraph (2), payment of”;
2 and

3 (E) by adding at the end the following new
4 paragraph (2):

5 “(2) Notwithstanding paragraph (1), the Secretary
6 may, pursuant to such regulations as the Secretary shall
7 prescribe, continue to pay allowances to eligible veterans
8 and eligible persons enrolled in courses set forth in para-
9 graph (1)(A)—

10 “(A) during periods when schools are tempo-
11 rarily closed under an established policy based on an
12 Executive order of the President or due to an emer-
13 gency situation, except that the total number of
14 weeks for which allowances may continue to be so
15 payable in any 12-month period may not exceed four
16 weeks; or

17 “(B) solely for the purpose of awarding a
18 monthly housing stipend described in section 3313
19 of this title, during periods following a permanent
20 school closure, except that payment of such a sti-
21 pend may only be continued until the earlier of—

22 “(i) the date of the end of the term, quar-
23 ter, or semester during which the school closure
24 occurred; and

1 “(ii) the date that is 4 months after the
2 date of the school closure.”.

3 (2) CONFORMING AMENDMENT.—Paragraph
4 (1)(C)(ii) of such section, as redesignated, is amend-
5 ed by striking “described in subclause (A) of this
6 clause” and inserting “described in clause (ii)”.

7 **SEC. 312. WORK-STUDY ALLOWANCE.**

8 Section 3485(a)(4) of title 38, United States Code,
9 is amended by striking “June 30, 2013” each place it ap-
10 pears and inserting “June 30, 2020”.

11 **SEC. 313. COSTS OF APPLYING TO INSTITUTION OF HIGHER**
12 **LEARNING.**

13 (a) IN GENERAL.—Chapter 33 of title 38, United
14 States Code, is amended by inserting after section 3315A
15 the following new section:

16 **“§ 3315B. Costs of applying to institution of higher**
17 **learning**

18 “(a) IN GENERAL.—An individual entitled to edu-
19 cational assistance under this chapter shall also be entitled
20 to educational assistance for the application fee required
21 to apply to an approved program of education at an insti-
22 tution of higher learning.

23 “(b) AMOUNT.—The total amount of educational as-
24 sistance payable under this chapter to an individual for
25 applications described in subsection (a) is the lesser of—

1 “(1) the total application fees charged to the in-
 2 dividual by the institutions of higher learning; or

3 “(2) \$750.

4 “(c) CHARGE AGAINST ENTITLEMENT.—The number
 5 of months (and any fraction thereof) of entitlement
 6 charged an individual under this chapter for an applica-
 7 tion described in subsection (a) shall be determined at the
 8 rate of one month for each amount that equals the amount
 9 determined under section 3315A(c)(2) of this title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by inserting
 12 after the item relating to section 3315A the following new
 13 item:

“3315B. Costs of applying to institution of higher learning.”.

14 **SEC. 314. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND**
 15 **IMPROVE VETERAN STUDENT CENTERS.**

16 Title VIII of the Higher Education Act of 1965 is
 17 amended by striking part T (20 U.S.C. 1161t) and insert-
 18 ing the following:

19 **“PART T—GRANTS FOR VETERAN STUDENT**
 20 **CENTERS**

21 **“SEC. 873. GRANTS FOR VETERAN STUDENT CENTERS.**

22 “(a) GRANTS AUTHORIZED.—Subject to the avail-
 23 ability of appropriations under subsection (i), the Sec-
 24 retary shall award grants to institutions of higher edu-
 25 cation or consortia of institutions of higher education to

1 assist in the establishment, maintenance, improvement,
2 and operation of Veteran Student Centers. The Secretary
3 shall award not more than 30 grants under this sub-
4 section.

5 “(b) ELIGIBILITY.—

6 “(1) APPLICATION.—An institution or consor-
7 tium seeking a grant under subsection (a) shall sub-
8 mit to the Secretary an application at such time, in
9 such manner, and containing such information as
10 the Secretary may require.

11 “(2) CRITERIA.—The Secretary may award a
12 grant under subsection (a) to an institution or a
13 consortium if the institution or consortium meets
14 each of the following criteria:

15 “(A) The institution or consortium enrolls
16 in undergraduate or graduate courses—

17 “(i) a significant number of veteran
18 students, members of the Armed Forces
19 serving on active duty, and members of a
20 reserve component of the Armed Forces; or

21 “(ii) a significant percentage of vet-
22 eran students,
23 as measured by comparing the overall enroll-
24 ment of the institution or consortium to the
25 number, for the most recent academic year for

1 which data are available, of veteran students,
2 members of the Armed Forces serving on active
3 duty, and members of a reserve component of
4 the Armed Forces who are enrolled in under-
5 graduate or graduate courses at the institution
6 or consortium.

7 “(B) The institution or consortium pre-
8 sents a sustainability plan to demonstrate that
9 its Veteran Student Center will be maintained
10 and will continue to operate after the grant pe-
11 riod of the grant received under subsection (a)
12 has ended.

13 “(3) ADDITIONAL CRITERIA.—In awarding
14 grants under subsection (a), the Secretary—

15 “(A) shall consider institutions or con-
16 sortia representing a broad spectrum of sectors
17 and sizes, including institutions or consortia
18 from urban, suburban, and rural regions of the
19 United States; and

20 “(B) may provide consideration to institu-
21 tions or consortia that meet one or more of the
22 following criteria:

23 “(i) The institution or consortium is
24 located in a region or community that has
25 a significant population of veterans.

1 “(ii) The institution or consortium
2 carries out programs or activities that as-
3 sist veterans in the local community and
4 the spouses of veteran students.

5 “(iii) The institution or consortium
6 partners in its veteran-specific program-
7 ming with nonprofit veteran service organi-
8 zations, local workforce development orga-
9 nizations, or institutions of higher edu-
10 cation.

11 “(iv) The institution or consortium
12 commits to hiring a staff at the Veteran
13 Student Center that includes veterans (in-
14 cluding veteran student volunteers and vet-
15 eran students participating in a Federal
16 work-study program under part C of title
17 IV, a work-study program administered by
18 the Secretary of Veterans Affairs, or a
19 State work-study program).

20 “(v) The institution or consortium
21 commits to using a portion of the grant re-
22 ceived under this section to develop an
23 early-warning veteran student retention
24 program carried out by the Veteran Stu-
25 dent Center.

1 “(vi) The institution or consortium
2 commits to providing mental health coun-
3 seling to its veteran students and their
4 spouses.

5 “(c) USE OF FUNDS.—

6 “(1) IN GENERAL.—An institution or consor-
7 tium that is awarded a grant under subsection (a)
8 shall use such grant to establish, maintain, improve,
9 or operate a Veteran Student Center.

10 “(2) OTHER ALLOWABLE USES.—An institution
11 or consortium receiving a grant under subsection (a)
12 may use a portion of such funds to carry out sup-
13 portive instruction services for student veterans, in-
14 cluding—

15 “(A) assistance with special admissions
16 and transfer of credit from previous postsec-
17 ondary education or experience; and

18 “(B) any other support services the insti-
19 tution or consortium determines to be necessary
20 to ensure the success of veterans on campus in
21 achieving education and career goals.

22 “(d) AMOUNTS AWARDED.—

23 “(1) DURATION.—Each grant awarded under
24 subsection (a) shall be for a 4-year period.

1 “(2) TOTAL AMOUNT OF GRANT AND SCHED-
2 ULE.—Each grant awarded under subsection (a)
3 may not exceed a total of \$500,000. The Secretary
4 shall disburse to an institution or consortium the
5 amounts awarded under the grant in such amounts
6 and at such times during the grant period as the
7 Secretary determines appropriate.

8 “(e) REPORT.—From the amounts appropriated to
9 carry out this section, and not later than 3 years after
10 the date on which the first grant is awarded under sub-
11 section (a), the Secretary shall submit to Congress a re-
12 port on the grant program established under subsection
13 (a), including—

14 “(1) the number of grants awarded;

15 “(2) the institutions of higher education and
16 consortia that have received grants;

17 “(3) with respect to each such institution of
18 higher education and consortium—

19 “(A) the amounts awarded;

20 “(B) how such institution or consortium
21 used such amounts;

22 “(C) a description of the students to whom
23 services were offered as a result of the award;
24 and

1 “(D) data enumerating whether the use of
2 the amounts awarded helped veteran students
3 at the institution or consortium toward comple-
4 tion of a degree, certificate, or credential;

5 “(4) best practices for veteran student success,
6 identified by reviewing data provided by institutions
7 and consortia that received a grant under this sec-
8 tion; and

9 “(5) a determination by the Secretary with re-
10 spect to whether the grant program under this sec-
11 tion should be extended or expanded.

12 “(f) TERMINATION.—The authority of the Secretary
13 to carry out the grant program established under sub-
14 section (a) shall terminate on the date that is 4 years after
15 the date on which the first grant is awarded under sub-
16 section (a).

17 “(g) DEPARTMENT OF EDUCATION BEST PRACTICES
18 WEBSITE.—Subject to the availability of appropriations
19 under subsection (i) and not later than 3 years after the
20 date on which the first grant is awarded under subsection
21 (a), the Secretary shall develop and implement a website
22 for veteran student services at institutions of higher edu-
23 cation, which details best practices for serving veteran stu-
24 dents at institutions of higher education.

25 “(h) DEFINITIONS.—In this section:

1 “(1) INSTITUTION OF HIGHER EDUCATION.—

2 The term ‘institution of higher education’ has the
3 meaning given the term in section 101.

4 “(2) VETERAN STUDENT CENTER.—The term
5 ‘Veteran Student Center’ means a dedicated space
6 on a campus of an institution of higher education
7 that provides students who are veterans or members
8 of the Armed Forces with the following:

9 “(A) A lounge or meeting space for such
10 veteran students, their spouses or partners, and
11 veterans in the community.

12 “(B) A centralized office for veteran serv-
13 ices that—

14 “(i) is a single point of contact to co-
15 ordinate comprehensive support services
16 for veteran students;

17 “(ii) is staffed by trained employees
18 and volunteers, which includes veterans
19 and at least one full-time employee or vol-
20 unteer who is trained as a veterans’ bene-
21 fits counselor;

22 “(iii) provides veteran students with
23 assistance relating to—

24 “(I) transitioning from the mili-
25 tary to student life;

1 “(II) transitioning from the mili-
2 tary to the civilian workforce;

3 “(III) networking with other vet-
4 eran students and veterans in the
5 community;

6 “(IV) understanding and obtain-
7 ing benefits provided by the institu-
8 tion of higher education, Federal Gov-
9 ernment, and State for which such
10 students may be eligible;

11 “(V) understanding how to suc-
12 ceed in the institution of higher edu-
13 cation, including by understanding
14 academic policies, the course selection
15 process, and institutional policies and
16 practices related to the transfer of
17 academic credits; and

18 “(VI) understanding their dis-
19 ability-related rights and protections
20 under the Americans with Disabilities
21 Act of 1990 (42 U.S.C. 12101 et seq.)
22 and section 504 of the Rehabilitation
23 Act of 1973 (29 U.S.C. 794); and

24 “(iv) provides comprehensive academic
25 and tutoring services for veteran students,

1 including peer-to-peer tutoring and aca-
2 demic mentorship.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this part
5 such sums as may be necessary for fiscal year 2016 and
6 each of the 3 succeeding fiscal years.”.

7 **SEC. 315. CONTINUATION OF AWARDS.**

8 An institution of higher education that received a
9 grant under section 873 of the Higher Education Act of
10 1965 (20 U.S.C. 1161t) before the date of enactment of
11 this Act, as such section 873 (20 U.S.C. 1161t) was in
12 effect on the day before the date of enactment of this Act,
13 shall continue to receive funds in accordance with the
14 terms and conditions of such grant.

15 **SEC. 316. DEPARTMENT OF VETERANS AFFAIRS GRANTS TO**
16 **EDUCATIONAL INSTITUTIONS FOR PROVI-**
17 **SION OF CHILD CARE SERVICES.**

18 (a) IN GENERAL.—Subchapter II of chapter 36 of
19 title 38, United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 3699. Grants to educational institutions for provi-**
22 **sion of child care services**

23 “(a) IN GENERAL.—The Secretary may make a grant
24 to an eligible educational institution for the purpose of
25 providing child care services on the campus of the edu-

1 cational institution to students enrolled in courses of edu-
2 cation offered by the educational institution.

3 “(b) ELIGIBLE EDUCATIONAL INSTITUTION.—To be
4 eligible for a grant under this section, an educational insti-
5 tution shall—

6 “(1) offer a course of education that is ap-
7 proved as provided in this chapter and chapters 34
8 and 35 of this title by the State approving agency
9 where the educational institution is located; and

10 “(2) submit to the Secretary an application
11 containing such information and assurances as the
12 Secretary may require.

13 “(c) USE OF FUNDS.—(1) An educational institution
14 that receives a grant under this section shall use the grant
15 to—

16 “(A) establish or expand a child care center on
17 the campus of the educational institution; or

18 “(B) pay the costs of providing child care serv-
19 ices to students enrolled in courses of education of-
20 fered by the educational institution at a child care
21 center located on the campus of the educational in-
22 stitution.

23 “(2) The Secretary shall require, as a condition of
24 a grant under this section, that the educational institution
25 that receives the grant provides at least 75 percent of the

1 new child care services funded by the grant to students
2 who are veterans.

3 “(d) LIMITATION.—The Secretary may not make
4 more than 50 grants under this section for fiscal year
5 2016.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated such sums as may be nec-
8 essary to carry out this section.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 at the end of the items relating to subchapter II the fol-
12 lowing new item:

“3699. Grants to educational institutions for provision of child care services.”.

13 **SEC. 317. PILOT PROGRAM TO PROVIDE EDUCATIONAL AS-**
14 **SISTANCE TO PHYSICIAN ASSISTANTS TO BE**
15 **EMPLOYED AT THE DEPARTMENT OF VET-**
16 **ERANS AFFAIRS.**

17 (a) PILOT PROGRAM.—

18 (1) IN GENERAL.—The Secretary of Veterans
19 Affairs shall carry out a pilot program to be known
20 as the “Grow Our Own Directive” or “G.O.O.D.”
21 pilot program (in this section referred to as the
22 “pilot program”) to provide educational assistance
23 to certain former members of the Armed Forces for
24 education and training as physician assistants of the
25 Department of Veterans Affairs.

1 (2) INFORMATION ON PILOT PROGRAM.—The
2 Secretary shall provide information on the pilot pro-
3 gram to eligible individuals under subsection (b), in-
4 cluding information on application requirements and
5 a list of entities with which the Secretary has
6 partnered under subsection (g).

7 (b) ELIGIBLE INDIVIDUALS.—An individual is eligi-
8 ble to participate in the pilot program if the individual—

9 (1) has medical or military health experience
10 gained while serving as a member of the Armed
11 Forces;

12 (2) has received a certificate, associate degree,
13 baccalaureate degree, master’s degree, or postbacca-
14 laureate training in a science relating to health care;

15 (3) has participated in the delivery of health
16 care services or related medical services, including
17 participation in military training relating to the
18 identification, evaluation, treatment, and prevention
19 of diseases and disorders; and

20 (4) does not have a degree of doctor of medi-
21 cine, doctor of osteopathy, or doctor of dentistry.

22 (c) DURATION.—The pilot program shall be carried
23 out during the five-year period beginning on the date that
24 is 180 days after the date of the enactment of this Act.

25 (d) SELECTION.—

1 (1) IN GENERAL.—The Secretary shall select
2 not less than 250 eligible individuals under sub-
3 section (b) to participate in the pilot program.

4 (2) PRIORITY FOR SELECTION.—In selecting in-
5 dividuals to participate in the pilot program under
6 paragraph (1), the Secretary shall give priority to
7 the following individuals:

8 (A) Individuals who participated in the In-
9 termediate Care Technician Pilot Program of
10 the Department that was carried out by the
11 Secretary between January 2011 and February
12 2015.

13 (B) Individuals who agree to be employed
14 as a physician assistant for the Veterans Health
15 Administration at a medical facility of the De-
16 partment located in a community that—

17 (i) is designated as a medically under-
18 served population under section
19 330(b)(3)(A) of the Public Health Service
20 Act (42 U.S.C. 254b(b)(3)(A)); and

21 (ii) is in a State with a per capita
22 population of veterans of more than 9 per-
23 cent according to the National Center for
24 Veterans Analysis and Statistics and the
25 United States Census Bureau.

1 (e) EDUCATIONAL ASSISTANCE.—

2 (1) IN GENERAL.—In carrying out the pilot
3 program, the Secretary shall provide educational as-
4 sistance to individuals participating in the pilot pro-
5 gram, including through the use of scholarships, to
6 cover the costs to such individuals of obtaining a
7 master's degree in physician assistant studies or a
8 similar master's degree.

9 (2) USE OF EXISTING PROGRAMS.—In pro-
10 viding educational assistance under paragraph (1),
11 the Secretary shall use the Department of Veterans
12 Affairs Health Professionals Educational Assistance
13 Program under chapter 76 of title 38, United States
14 Code, and such other educational assistance pro-
15 grams of the Department as the Secretary considers
16 appropriate.

17 (3) USE OF SCHOLARSHIPS.—The Secretary
18 shall provide not less than 35 scholarships under the
19 pilot program to individuals participating in the pilot
20 program during each year in which the pilot pro-
21 gram is carried out.

22 (f) PERIOD OF OBLIGATED SERVICE.—

23 (1) IN GENERAL.—The Secretary shall enter
24 into an agreement with each individual participating
25 in the pilot program in which such individual agrees

1 to be employed as a physician assistant for the Vet-
2 erans Health Administration for a period of obli-
3 gated service specified in paragraph (2).

4 (2) PERIOD SPECIFIED.—With respect to each
5 individual participating in the pilot program, the pe-
6 riod of obligated service specified in this paragraph
7 for the individual is—

8 (A) if the individual is participating in the
9 pilot program through a program described in
10 subsection (e)(2) that specifies a period of obli-
11 gated service, the period specified with respect
12 to such program; or

13 (B) if the individual is participating in the
14 pilot program other than through a program
15 described in such subsection, or if such program
16 does not specify a period of obligated service, a
17 period of three years or such other period as
18 the Secretary considers appropriate for pur-
19 poses of the pilot program.

20 (g) BREACH.—

21 (1) LIABILITY.—Except as provided in para-
22 graph (2), an individual who participates in the pilot
23 program and fails to satisfy the period of obligated
24 service under subsection (f) shall be liable to the
25 United States, in lieu of such obligated service, for

1 the amount that has been paid or is payable to or
2 on behalf of the individual under the pilot program,
3 reduced by the proportion that the number of days
4 served for completion of the period of obligated serv-
5 ice bears to the total number of days in the period
6 of obligated service of such individual.

7 (2) EXCEPTION.—If an individual is partici-
8 pating in the pilot program through a program de-
9 scribed in subsection (e)(2) that specifies a period of
10 obligated service, the liability of the individual for
11 failing to satisfy the period of obligated service
12 under subsection (f) shall be determined as specified
13 with respect to such program.

14 (h) MENTORS.—The Secretary shall ensure that a
15 physician assistant mentor or mentors are available for in-
16 dividuals participating in the pilot program at each facility
17 of the Veterans Health Administration at which a partici-
18 pant in the pilot program is employed.

19 (i) PARTNERSHIPS.—In carrying out the pilot pro-
20 gram, the Secretary shall seek to partner with the fol-
21 lowing:

22 (1) Not less than 15 institutions of higher edu-
23 cation that—

24 (A) offer a master's degree program in
25 physician assistant studies or a similar area of

1 study that is accredited by the Accreditation
2 Review Commission on Education for the Phy-
3 sician Assistant; and

4 (B) agree—

5 (i) to guarantee seats in such master's
6 degree program for individuals partici-
7 pating in the pilot program who meet the
8 entrance requirements for such master's
9 degree program; and

10 (ii) to provide individuals partici-
11 pating in the pilot program with informa-
12 tion on admissions criteria and the admis-
13 sions process.

14 (2) Other institutions of higher education that
15 offer programs in physician assistant studies or
16 other similar areas of studies that are accredited by
17 the Accreditation Review Commission on Education
18 for the Physician Assistant.

19 (3) The Transition Assistance Program of the
20 Department of Defense.

21 (4) The Veterans' Employment and Training
22 Service of the Department of Labor.

23 (5) Programs carried out under chapter 41 of
24 title 38, United States Code, for the purpose of mar-
25 keting and advertising the pilot program to veterans

1 and members of the Armed Forces who may be in-
2 terested in the pilot program.

3 (j) ADMINISTRATION OF PILOT PROGRAM.—For pur-
4 poses of carrying out the pilot program, the Secretary
5 shall appoint or select within the Office of Physician As-
6 sistant Services of the Veterans Health Administration the
7 following:

8 (1) A Deputy Director for Education and Ca-
9 reer Development of Physician Assistants who—

10 (A) is a physician assistant, a veteran, and
11 employed by the Department as of the date of
12 the enactment of this Act;

13 (B) is responsible for—

14 (i) overseeing the pilot program;

15 (ii) recruiting candidates to partici-
16 pate in the pilot program;

17 (iii) coordinating with individuals par-
18 ticipating in the pilot program and assist-
19 ing those individuals in applying and being
20 admitted to a master's degree program
21 under the pilot program; and

22 (iv) providing information to eligible
23 individuals under subsection (b) with re-
24 spect to the pilot program; and

1 (C) may be employed in the field at a med-
2 ical center of the Department.

3 (2) A Deputy Director of Recruitment and Re-
4 tention who—

5 (A) is a physician assistant, a veteran, and
6 employed by the Department as of the date of
7 the enactment of this Act;

8 (B) is responsible for—

9 (i) identifying and coordinating the
10 needs of the pilot program and assist the
11 Secretary in providing mentors under sub-
12 section (h) to participants in the pilot pro-
13 gram; and

14 (ii) coordinating the staff of facilities
15 of the Veterans Health Administration
16 with respect to identifying employment po-
17 sitions and mentors under subsection (h)
18 for participants in the pilot program; and

19 (C) may be employed in the field at a med-
20 ical center of the Department.

21 (3) A recruiter who—

22 (A) reports directly to the Deputy Director
23 of Recruitment and Retention; and

24 (B) works with the Workforce Manage-
25 ment and Consulting Office and the Healthcare

1 Talent Management Office of the Veterans
2 Health Administration to develop and imple-
3 ment national recruiting strategic plans for the
4 recruitment and retention of physician assist-
5 ants within the Department.

6 (4) An administrative assistant, compensated at
7 a rate not less than level GS-6 of the General
8 Schedule, or equivalent, who assists with administra-
9 tive duties relating to the pilot program in the Office
10 of Physician Assistant Services and such other du-
11 ties as determined by the Secretary to ensure that
12 the Office runs effectively and efficiently.

13 (k) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the Sec-
16 retary of Veterans Affairs, in collaboration with the
17 Secretary of Labor, the Secretary of Defense, and
18 the Secretary of Health and Human Services, shall
19 submit to Congress a report on the pilot program.

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

22 (A) The extent to which the pilot program
23 is effective in improving the ability of eligible
24 individuals under subsection (b) to become phy-
25 sician assistants.

1 (B) An examination of whether the pilot
2 program is achieving the goals of—

3 (i) enabling individuals to build on
4 medical skills gained as members of the
5 Armed Forces by entering into the physi-
6 cian assistant workforce of the Depart-
7 ment; and

8 (ii) helping to meet the shortage of
9 physician assistants employed by the De-
10 partment.

11 (C) An identification of such modifications
12 to the pilot program as the Secretary of Vet-
13 erans Affairs, the Secretary of Labor, the Sec-
14 retary of Defense, and the Secretary of Health
15 and Human Services consider necessary to meet
16 the goals described in subparagraph (B).

17 (D) An assessment of whether the pilot
18 program could serve as a model for other pro-
19 grams of the Department to assist individuals
20 in obtaining certification and employment in
21 other health care fields.

22 (I) SOURCE OF AMOUNTS.—Not less than \$8,000,000
23 of the amount necessary to carry out the pilot program
24 shall be derived from amounts appropriated to the Depart-

1 ment of Veterans Affairs before the date of the enactment
2 of this Act.

3 **SEC. 318. ESTABLISHMENT OF STANDARDS FOR THE DE-**
4 **PARTMENT OF VETERANS AFFAIRS FOR**
5 **USING EDUCATIONAL ASSISTANCE PRO-**
6 **GRAMS TO EDUCATE AND HIRE PHYSICIAN**
7 **ASSISTANTS.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs
9 shall establish standards described in subsection (b) to im-
10 prove the use by the Department of Veterans Affairs of
11 the Department of Veterans Affairs Health Professionals
12 Educational Assistance Program under chapter 76 of title
13 38, United States Code, and other educational assistance
14 programs of the Department, including the pilot program
15 under section 2, to educate and hire physician assistants
16 of the Department.

17 (b) STANDARDS.—The standards described in this
18 subsection are the following:

19 (1) Holding directors of medical centers of the
20 Department accountable for failure to use the edu-
21 cational assistance programs described in subsection

22 (a) and other incentives—

23 (A) to advance employees of the Depart-
24 ment in their education as physician assistants;
25 and

1 (B) to improve recruitment and retention
2 of physician assistants.

3 (2) Ensuring that the Department of Veterans
4 Affairs Education Debt Reduction Program under
5 subchapter VII of chapter 76 of such title is avail-
6 able for participants in the pilot program under sec-
7 tion 2 to fill vacant physician assistant positions at
8 the Department, including by—

9 (A) including in all vacancy announce-
10 ments for physician assistant positions the
11 availability of the Education Debt Reduction
12 Program; and

13 (B) informing applicants to physician as-
14 sistant positions of their eligibility for the Edu-
15 cation Debt Reduction Program.

16 (3) Monitoring compliance with the application
17 process for educational assistance programs de-
18 scribed in subsection (a) to ensure that such pro-
19 grams are being fully utilized to carry out this sec-
20 tion.

21 (4) Creating programs, including through the
22 use of the Department of Veterans Affairs Employee
23 Incentive Scholarship Program under subchapter VI
24 of chapter 76 of such title, to encourage employees

1 of the Department to apply to accredited physician
2 assistant programs.

3 (c) REGULATIONS.—The Secretary shall prescribe
4 such regulations as the Secretary considers appropriate to
5 carry out this section.

6 **SEC. 319. ESTABLISHMENT OF PAY GRADES FOR PHYSICIAN**
7 **ASSISTANTS OF THE DEPARTMENT OF VET-**
8 **ERANS AFFAIRS AND REQUIREMENT TO PRO-**
9 **VIDE COMPETITIVE PAY.**

10 (a) ESTABLISHMENT OF PAY GRADES.—Section
11 7404(b) of title 38, United States Code, is amended by
12 adding at the end the following:

“PHYSICIAN ASSISTANT SCHEDULE
“Physician Assistant IV.
“Physician Assistant III.
“Physician Assistant II.
“Physician Assistant I.”.

13 (b) COMPETITIVE PAY.—Section 7451(a)(2) of such
14 title is amended—

15 (1) by redesignating subparagraph (B) as sub-
16 paragraph (C);

17 (2) by inserting after subparagraph (A) the fol-
18 lowing new subparagraph (B):

19 “(B) Physician assistant.”; and

20 (3) in subparagraph (C), as redesignated by
21 paragraph (1), by striking “and registered nurse”
22 and inserting “registered nurse, and physician as-
23 sistant”.

1 (c) NATIONAL STRATEGIC PLAN.—

2 (1) IN GENERAL.—The Secretary of Veterans
3 Affairs shall implement a national strategic plan for
4 the retention and recruitment of physician assistants
5 of the Department of Veterans Affairs that includes
6 the establishment and adoption of standards for the
7 provision of competitive pay to physician assistants
8 of the Department in comparison to the pay of phy-
9 sician assistants in the private sector.

10 (2) REPORT.—Not later than one year after the
11 date of the enactment of this Act, the Secretary
12 shall submit to the Committee on Veterans’ Affairs
13 of the Senate and the Committee on Veterans’ Af-
14 fairs of the House of Representatives a report on the
15 implementation of the national strategic plan under
16 paragraph (1).

17 **Subtitle C—Eligibility**

18 **SEC. 321. CONSIDERATION OF ELIGIBILITY FOR POST-9/11** 19 **EDUCATIONAL ASSISTANCE FOR CERTAIN** 20 **TIME ON ACTIVE DUTY IN RESERVE COMPO-** 21 **NENTS OF ARMED FORCES.**

22 (a) IN GENERAL.—Section 3301(1)(B) of title 38,
23 United States Code, is amended by striking “12302, or
24 12304” and inserting “12301(h), 12302, 12304, 12304a,
25 or 12304b”.

1 (b) EFFECTIVE DATE AND APPLICABILITY.—The
2 amendment made by subsection (a) shall—

3 (1) take effect on the date that is one year after
4 the date of the enactment of this Act;

5 (2) apply with respect to assistance provided
6 under chapter 33 of such title on and after the date
7 that is one year after the date of the enactment of
8 this Act; and

9 (3) apply with respect to any member of a re-
10 serve component of the Armed Forces who serves or
11 has served on active duty under section 12301(h),
12 12304a, or 12304b of title 10, United States Code,
13 before, on, or after the date of the enactment of this
14 Act.

15 **SEC. 322. CLARIFICATION OF ELIGIBILITY FOR MARINE**
16 **GUNNERY SERGEANT JOHN DAVID FRY**
17 **SCHOLARSHIP.**

18 (a) IN GENERAL.—Section 701(d) of the Veterans
19 Access, Choice, and Accountability Act of 2014 (Public
20 Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is
21 amended to read as follows:

22 “(d) APPLICABILITY.—

23 “(1) IN GENERAL.—The amendments made by
24 this section shall apply with respect to a quarter, se-

mester, or term, as applicable, commencing on or after January 1, 2015.

“(2) DEATHS THAT OCCURRED BETWEEN SEPTEMBER 11, 2001, AND DECEMBER 31, 2005.—For purposes of section 3311(f)(2) of title 38, United States Code, any member of the Armed Forces who died during the period beginning on September 11, 2001, and ending on December 31, 2005, is deemed to have died on January 1, 2006.”.

(b) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—Section 3311(f) of title 38, United States Code, is amended—

(1) in paragraph (3), by striking “A surviving spouse” and inserting “Except as provided in paragraph (4), a surviving spouse”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) EXCEPTION FOR CERTAIN ELECTIONS.—

“(A) IN GENERAL.—An election made under paragraph (3) by a spouse described in subparagraph (B) may not be treated as irrevocable if such election occurred before the date of the enactment of this paragraph.

1 “(B) ELIGIBLE SURVIVING SPOUSE.—A
2 spouse described in this subparagraph is an in-
3 dividual—

4 “(i) who is entitled to assistance
5 under subsection (a) pursuant to para-
6 graph (9) of subsection (b); and

7 “(ii) who was the spouse of a member
8 of the Armed Forces who died during the
9 period beginning on September 11, 2001,
10 and ending on December 31, 2005.”.

11 (c) TECHNICAL AMENDMENT.—Paragraph (5) of
12 subsection (f) of section 3311 of title 38, United States
13 Code, as redesignated by subsection (b)(2), is amended by
14 striking “that paragraph” and inserting “paragraph (9)
15 of subsection (b)”.

16 (d) YELLOW RIBBON G.I. EDUCATION ENHANCE-
17 MENT PROGRAM.—Section 3317(a) of such title is amend-
18 ed by striking “paragraphs (1) and (2) of section
19 3311(b)” and inserting “paragraphs (1), (2), and (9) of
20 section 3311(b) of this title”.

1 **SEC. 323. CONSIDERATION OF ELIGIBILITY FOR POST-9/11**
2 **EDUCATIONAL ASSISTANCE FOR CERTAIN**
3 **TIME ON ACTIVE DUTY IN RESERVE COMPO-**
4 **NENTS OF ARMED FORCES.**

5 (a) IN GENERAL.—Section 3301(1)(B) of title 38,
6 United States Code, is amended by striking “12302, or
7 12304” and inserting “12301(h), 12302, 12304, 12304a,
8 or 12304b”.

9 (b) EFFECTIVE DATE AND APPLICABILITY.—The
10 amendment made by subsection (a) shall—

11 (1) take effect on the date that is one year after
12 the date of the enactment of this Act;

13 (2) apply with respect to assistance provided
14 under chapter 33 of such title on and after the date
15 that is one year after the date of the enactment of
16 this Act; and

17 (3) apply with respect to any member of a re-
18 serve component of the Armed Forces who serves or
19 has served on active duty under section 12301(h),
20 12304a, or 12304b of title 10, United States Code,
21 before, on, or after the date of the enactment of this
22 Act.

1 **SEC. 324. ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-**
2 **SISTANCE FOR CERTAIN MEMBERS OF RE-**
3 **SERVE COMPONENTS OF ARMED FORCES**
4 **WHO LOST ENTITLEMENT TO EDUCATIONAL**
5 **ASSISTANCE UNDER RESERVE EDUCATIONAL**
6 **ASSISTANCE PROGRAM.**

7 (a) ELECTION.—Section 16167 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new subsection:

10 “(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-
11 SISTANCE.—A member who loses eligibility for benefits
12 under this chapter pursuant to subsection (b) shall be al-
13 lowed to elect (in such form and manner as the Secretary
14 of Veterans Affairs may prescribe) to have such service
15 previously credited toward this chapter credited towards
16 establishing eligibility for educational assistance under
17 chapter 33 of title 38, United States Code, notwith-
18 standing the provisions of section 16163(e) of this title
19 or section 3322(h)(1) of title 38.”.

20 (b) QUALIFICATION OF SERVICE.—Section 3301(1)
21 of title 38, United States Code, shall be construed to in-
22 clude, in the case of a member of a reserve component
23 of the Armed Forces who, before November 25, 2015, es-
24 tablished eligibility for educational assistance under chap-
25 ter 1607 of title 10, United States Code, pursuant to sec-
26 tion 16163(a)(1) of such title, but lost eligibility for such

1 educational assistance pursuant to section 16167(b) of
2 such title, service on active duty (as defined in section 101
3 of such title) that satisfies the requirements of section
4 16163(a)(1) of such title.

5 (c) ENTITLEMENT.—Section 3311(b)(8) of title 38,
6 United States Code, shall be construed to include an indi-
7 vidual who, before November 25, 2015, established eligi-
8 bility for educational assistance under chapter 1607 of
9 title 10, United States Code, pursuant to section 16163(b)
10 of such title, but lost such eligibility pursuant to section
11 16167(b) of such title.

12 (d) DURATION.—Notwithstanding section 3312 of
13 title 38, United States Code, an individual who establishes
14 eligibility for educational assistance under chapter 33 of
15 such title by crediting towards such chapter service pre-
16 viously credited towards chapter 1607 of title 10, United
17 States Code, is only entitled to a number of months of
18 educational assistance under section 3313 of title 38,
19 United States Code, equal to the number of months of
20 entitlement remaining under chapter 1607 of title 10,
21 United States Code, at the time of conversion to chapter
22 33 of title 38, United States Code.

1 **TITLE IV—DISABILITY**
2 **COMPENSATION AND PENSION**

3 **SEC. 401. APPEALS REFORM.**

4 (a) DEFINITIONS.—Section 101 of title 38, United
5 States Code, is amended by adding at the end the fol-
6 lowing new paragraphs:

7 “(34) The term ‘Agency of Original Jurisdic-
8 tion’ means the activity which entered the original
9 determination with regard to a claim for benefits
10 under this title.

11 “(35) The term ‘relevant evidence’ means evi-
12 dence that tends to prove or disprove a matter in
13 issue.”.

14 (b) NOTICE OF SUPPLEMENTAL CLAIMS.—Section
15 5103 of title 38, United States Code, is amended—

16 (1) in subsection (a)(2)(B)(i) by striking “, a
17 claim for reopening a prior decision on a claim, or
18 a claim for an increase in benefits;” and inserting
19 “or a supplemental claim;”; and

20 (2) in subsection (b) by adding at the end the
21 following new paragraph:

22 “(6) Nothing in this section shall require notice
23 to be sent for a supplemental claim that is filed
24 within the timeframe set forth in subsections

1 (a)(2)(B) and (a)(2)(D) of section 5110 of this
2 title.”.

3 (c) DISALLOWED CLAIMS.—Subsection (f) of section
4 5103A of title 38, United States Code, is amended to read
5 as follows:

6 “(f) RULE WITH RESPECT TO DISALLOWED
7 CLAIMS.—Nothing in this section shall be construed to re-
8 quire the Secretary to readjudicate a claim that has been
9 disallowed except when new and relevant evidence is pre-
10 sented or secured, as described in section 5108 of this
11 title.”.

12 (d) DUTY TO ASSIST.—Chapter 51 of title 38,
13 United States Code, is amended by adding the following
14 new sections:

15 **“§ 5103B. Applicability of duty to assist**

16 “(a) The Secretary’s duty to assist under section
17 5103A of this title shall apply only to a claim, or supple-
18 mental claim, for a benefit under a law administered by
19 the Secretary until the time that a claimant is provided
20 notice of the Agency of Original Jurisdiction’s decision
21 with respect to such claim, or supplemental claim, under
22 section 5104 of this title.

23 “(b) The Secretary’s duty to assist under section
24 5103A of this title shall not apply to higher-level review
25 by the Agency of Original Jurisdiction, pursuant to section

1 5104B of this title, or to review on appeal by the Board
2 of Veterans' Appeals.

3 “(c) CORRECTION OF DUTY TO ASSIST ERRORS.—

4 “(1) HIGHER-LEVEL REVIEW.—If, during re-
5 view of the Agency of Original Jurisdiction's deci-
6 sion under section 5104B of this title, the higher-
7 level reviewer identifies an error on the part of the
8 Agency of Original Jurisdiction to satisfy its duties
9 under section 5103A of this title, and that error oc-
10 curred prior to the Agency of Original Jurisdiction's
11 decision being reviewed, unless the claim can be
12 granted in full, the higher-level reviewer shall return
13 the claim for correction of such error and readjudi-
14 cation.

15 “(2) BOARD OF VETERANS' APPEALS.—If the
16 Board, during review on appeal of an Agency of
17 Original Jurisdiction decision, identifies an error on
18 the part of the Agency of Original Jurisdiction to
19 satisfy its duties under section 5103A of this title,
20 and that error occurred prior to the Agency of Ori-
21 ginal Jurisdiction decision on appeal, unless the claim
22 can be granted in full, the Board shall remand the
23 claim to the Agency of Original Jurisdiction for cor-
24 rection of such error and readjudication. Remand for
25 correction of such error may include directing the

1 Agency of Original Jurisdiction to obtain an advisory
2 medical opinion under section 5109 of this title.

3 **“§ 5104A. Binding nature of favorable findings**

4 “Any finding favorable to the claimant as described
5 in section 5104(b)(4) of this title shall be binding on all
6 subsequent adjudicators within the department, unless
7 clear and convincing evidence is shown to the contrary to
8 rebut such favorable finding.

9 **“§ 5104B. Higher-level review by the Agency of Original**
10 **Jurisdiction**

11 “(a) IN GENERAL.—The claimant may request a review
12 of the decision of the Agency of Original Jurisdiction
13 by a higher-level adjudicator within the Agency of Original
14 Jurisdiction.

15 “(b) TIME AND MANNER OF REQUEST.—A request
16 for higher-level review by the Agency of Original Jurisdiction
17 must be in writing in the form prescribed by the Secretary
18 and made within one year of the notice of the Agency
19 of Original Jurisdiction’s decision. Such request may
20 specifically indicate whether such review is requested by
21 a higher-level adjudicator at the same office within the
22 Agency of Original Jurisdiction or by an adjudicator at
23 a different office of the Agency of Original Jurisdiction.

24 “(c) DECISION.—Notice of a higher-level review decision
25 under this section shall be provided in writing.

1 “(d) EVIDENTIARY RECORD FOR REVIEW.—The evi-
2 dentiary record before the higher-level reviewer shall be
3 limited to the evidence of record in the Agency of Original
4 Jurisdiction’s decision being reviewed.

5 “(e) DE NOVO REVIEW.—Higher-level review under
6 this section shall be de novo.”.

7 (e) DENIAL OF BENEFITS SOUGHT.—Section
8 5104(b) of title 38, United States Code, is amended to
9 read as follows:

10 “(b) In any case where the Secretary denies a benefit
11 sought, the notice required by subsection (a) shall also in-
12 clude—

13 “(1) identification of the issues adjudicated;

14 “(2) a summary of the evidence considered by
15 the Secretary;

16 “(3) a summary of the applicable laws and reg-
17 ulations;

18 “(4) identification of findings favorable to the
19 claimant;

20 “(5) identification of elements not satisfied
21 leading to the denial;

22 “(6) an explanation of how to obtain or access
23 evidence used in making the decision; and

1 “(7) if applicable, identification of the criteria
2 that must be satisfied to grant service connection or
3 the next higher level of compensation.”.

4 (f) SUPPLEMENTAL CLAIMS.—Section 5108 of title
5 38, United States Code, is amended to read as follows:

6 **“§ 5108. Supplemental claims**

7 “If new and relevant evidence is presented or secured
8 with respect to a supplemental claim, the Secretary shall
9 readjudicate the claim taking into consideration any evi-
10 dence added to the record prior to the former disposition
11 of the claim.”.

12 (g) Section 5109 of title 38, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) The Board of Veterans’ Appeals may remand
16 a claim to direct the Agency of Original Jurisdiction to
17 obtain an advisory medical opinion under this section to
18 correct an error on the part of the Agency of Original Ju-
19 risdiction to satisfy its duties under section 5103A of this
20 title when such error occurred prior to the Agency of
21 Original Jurisdiction’s decision on appeal. The Board’s re-
22 mand instructions shall include the questions to be posed
23 to the independent medical expert providing the advisory
24 medical opinion.”.

1 (h) EFFECTIVE DATES OF AWARDS.—Section 5110
2 of title 38, United States Code, is amended—

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 “(a)(1) IN GENERAL.—Unless specifically provided
6 otherwise in this chapter, the effective date of an award
7 based on an initial claim, or a supplemental claim, of com-
8 pensation, dependency and indemnity compensation, or
9 pension, shall be fixed in accordance with the facts found,
10 but shall not be earlier than the date of receipt of applica-
11 tion therefor.

12 “(2) EFFECT OF CONTINUOUS PURSUIT OF A CLAIM
13 ON EFFECTIVE DATE OF AWARD.—For purposes of ap-
14 plying the effective date rules in this section, the date of
15 application shall be considered the date of the filing of
16 the initial application for a benefit provided that the claim
17 is continuously pursued by filing any of the following ei-
18 ther alone or in succession—

19 “(A) a request for higher-level review under sec-
20 tion 5104B of this title within one year of an Agen-
21 cy of Original Jurisdiction decision;

22 “(B) a supplemental claim under section 5108
23 of this title within one year of an Agency of Original
24 Jurisdiction decision;

1 “(C) a notice of disagreement within one year
2 of an Agency of Original Jurisdiction decision; or

3 “(D) a supplemental claim under section 5108
4 of this title within one year of a decision of the
5 Board of Veterans’ Appeals.

6 “(3) SUPPLEMENTAL CLAIMS RECEIVED MORE
7 THAN ONE YEAR AFTER AN AGENCY OF ORIGINAL JU-
8 RISDICTION DECISION OR DECISION BY THE BOARD OF
9 VETERANS’ APPEALS.—Except as otherwise provided in
10 this section, for supplemental claims received more than
11 one year after an Agency of Original Jurisdiction decision
12 or a decision by the Board of Veterans’ Appeals, the effec-
13 tive date shall be fixed in accordance with the facts found,
14 but shall not be earlier than the date of receipt of the
15 supplemental claim.”; and

16 (2) in subsection (i) by—

17 (A) striking “reopened” and replacing it
18 with “readjudicated”;

19 (B) striking “material” and replacing it
20 with “relevant”; and

21 (C) striking “reopening” and replacing it
22 with “readjudication”.

23 (i) COMMENCEMENT OF PERIOD OF PAYMENT.—Sec-
24 tion 5111(d)(1) of title 38, United States Code, is amend-

1 ed by striking “or reopened award;” and replacing it with
2 “award or award based on a supplemental claim;”.

3 (j) RECOGNITION OF AGENTS AND ATTORNEYS.—
4 Section 5904 of title 38, United States Code, is amend-
5 ed—

6 (1) in subsection (c)(1) by striking “notice of
7 disagreement is filed” and replacing it with “claim-
8 ant is provided notice of the Agency of Original Ju-
9 risdiction’s initial decision under section 5104 of this
10 title”; and

11 (2) in subsection (c)(2) by striking “notice of
12 disagreement is filed” and replacing it with “claim-
13 ant is provided notice of the Agency of Original Ju-
14 risdiction’s initial decision under section 5104 of this
15 title”.

16 (k) RECONSIDERATION; CORRECTION OF OBVIOUS
17 ERRORS.—Section 7103(b)(1) of title 38, United States
18 Code, is amended—

19 (1) in subparagraph (A) by striking “heard”
20 and replacing it with “decided”; and

21 (2) in subparagraph (B) by striking “heard”
22 and replacing it with “decided”.

23 (l) PROHIBITION ON READJUDICATION OF DIS-
24 ALLOWED CLAIMS BY BOARD.—Section 7104(b) of title

1 38, United States Code, is amended by striking “re-
2 opened” and replacing it with “readjudicated”.

3 (m) APPELLATE REVIEW FORMS.—Section 7105 of
4 title 38, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking the first sentence and re-
7 placing it with “Appellate review will be initi-
8 ated by the filing of a notice of disagreement in
9 the form prescribed by the Secretary.”; and

10 (B) by striking “hearing and”;

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b)(1) Except in the case of simultaneously con-
14 tested claims, notice of disagreement shall be filed within
15 one year from the date of the mailing of notice of the
16 Agency of Original Jurisdiction’s decision under section
17 5104, 5104B, or 5108. A notice of disagreement post-
18 marked before the expiration of the one-year period will
19 be accepted as timely filed. A question as to timeliness
20 or adequacy of the notice of disagreement shall be decided
21 by the Board.

22 “(2) Notices of disagreement must be in writing,
23 must set out specific allegations of error of fact or law,
24 and may be filed by the claimant, the claimant’s legal
25 guardian, or such accredited representative, attorney, or

1 authorized agent as may be selected by the claimant or
2 legal guardian. Not more than one recognized organiza-
3 tion, attorney, or agent will be recognized at any one time
4 in the prosecution of a claim. Notices of disagreement
5 must be filed with the Board.

6 “(3) The notice of disagreement shall indicate wheth-
7 er the claimant requests a hearing before the Board, re-
8 quests an opportunity to submit additional evidence with-
9 out a Board hearing, or requests review by the Board
10 without a hearing or submission of additional evidence. If
11 the claimant does not expressly request a Board hearing
12 in the notice of disagreement, no Board hearing will be
13 held.”;

14 (3) by amending subsection (c) to read as fol-
15 lows:

16 “(c) If no notice of disagreement is filed in accord-
17 ance with this chapter within the prescribed period, the
18 Agency of Original Jurisdiction’s action or decision shall
19 become final and the claim will not thereafter be readjudi-
20 cated or allowed, except as may otherwise be provided by
21 section 5104B or 5108 of this title or regulations not in-
22 consistent with this title.”;

23 (4) by striking subsections (d)(1) through
24 (d)(5);

1 (5) by adding a new subsection (d) to read as
2 follows:

3 “(d) The Board of Veterans’ Appeals may dismiss
4 any appeal which fails to allege specific error of fact or
5 law in the decision being appealed.”; and

6 (6) by striking subsection (e).

7 (n) NOTICE OF DISAGREEMENT IN SIMULTANEOUSLY
8 CONTESTED CLAIMS.—Section 7105A(b) of title 38,
9 United States Code, is amended to read as follows:

10 “(b) The substance of the notice of disagreement will
11 be communicated to the other party or parties in interest
12 and a period of thirty days will be allowed for filing a brief
13 or argument in response thereto. Such notice shall be for-
14 warded to the last known address of record of the parties
15 concerned, and such action shall constitute sufficient evi-
16 dence of notice.”.

17 (o) ADMINISTRATIVE APPEALS.—Strike section 7106
18 of title 38, United States Code.

19 (p) APPEALS, DOCKETS; HEARINGS.—Section 7107
20 of title 38, United States Code, is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) The Board shall maintain two separate dockets.
24 A non-hearing option docket shall be maintained for cases
25 in which no Board hearing is requested and no additional

1 evidence will be submitted. A separate and distinct hearing
2 option docket shall be maintained for cases in which a
3 Board hearing is requested in the notice of disagreement
4 or in which no Board hearing is requested, but the appel-
5 lant requests, in the notice of disagreement, an oppor-
6 tunity to submit additional evidence. Except as provided
7 in subsection (b), each case before the Board will be de-
8 cided in regular order according to its respective place on
9 the Board's non-hearing option docket or the hearing op-
10 tion docket.”;

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) ADVANCEMENT ON THE DOCKET.—A case on ei-
14 ther the Board's non-hearing option docket or hearing op-
15 tion docket, may, for cause shown, be advanced on motion
16 for earlier consideration and determination. Any such mo-
17 tion shall set forth succinctly the grounds upon which the
18 motion is based. Such a motion may be granted only—

19 “(1) if the case involves interpretation of law of
20 general application affecting other claims;

21 “(2) if the appellant is seriously ill or is under
22 severe financial hardship; or

23 “(3) for other sufficient cause shown.”;

24 (3) by amending subsection (c) to read as fol-
25 lows:

1 “(c) MANNER AND SCHEDULING OF HEARINGS FOR
2 CASES ON BOARD HEARING OPTION DOCKET.—(1) For
3 cases on the Board hearing option docket in which a hear-
4 ing is requested in the notice of disagreement, the Board
5 shall notify the appellant whether a Board hearing will
6 be held—

7 “(A) at its principal location, or

8 “(B) by picture and voice transmission at a fa-
9 cility of the Department where the Secretary has
10 provided suitable facilities and equipment to conduct
11 such hearings.

12 “(2)(A) Upon notification of a Board hearing at the
13 Board’s principal location as described in subsection
14 (c)(1)(A) of this section, the appellant may alternatively
15 request a hearing as described in subsection (c)(1)(B) of
16 this section. If so requested, the Board shall grant such
17 request.

18 “(B) Upon notification of a Board hearing by picture
19 and voice transmission as described in subsection
20 (c)(1)(B) of this section, the appellant may alternatively
21 request a hearing as described in subsection (c)(1)(A) of
22 this section. If so requested, the Board shall grant such
23 request.”; and

24 (4) by striking subsections (d) and (e) and re-
25 designating subsection (f) as subsection (d).

1 (q) INDEPENDENT MEDICAL OPINIONS.—Strike sec-
2 tion 7109 of title 38, United States Code.

3 (r) SUBMITTAL OF CERTAIN REQUESTS TO
4 BOARD.—Section 7111(e) of title 38, United States Code,
5 is amended by striking “merits, without referral to any
6 adjudicative or hearing official acting on behalf of the Sec-
7 retary.” and replacing it with “merits.”.

8 (s) EVIDENTIARY RECORD BEFORE BOARD.—Chap-
9 ter 71 of title 38, United States Code, is amended by add-
10 ing the following new section:

11 **“§ 7113. Evidentiary record before the Board**

12 “(a) NON-HEARING OPTION DOCKET.—For cases in
13 which a Board hearing is not requested in the notice of
14 disagreement, the evidentiary record before the Board
15 shall be limited to the evidence of record at the time of
16 the Agency of Original Jurisdiction decision on appeal.

17 “(b) HEARING OPTION DOCKET.—

18 “(1) HEARING REQUESTED.—Except as pro-
19 vided in paragraph (2) of this subsection, for cases
20 on the hearing option docket in which a hearing is
21 requested in the notice of disagreement, the evi-
22 dentiary record before the Board shall be limited to
23 the evidence of record at the time of the Agency of
24 Original Jurisdiction decision on appeal.

1 “(2) EXCEPTIONS.—The evidentiary record be-
2 fore the Board for cases on the hearing option dock-
3 et in which a hearing is requested, shall include each
4 of the following, which the Board shall consider in
5 the first instance—

6 “(A) evidence submitted by the appellant
7 and his or her representative, if any, at the
8 Board hearing; and

9 “(B) evidence submitted by the appellant
10 and his or her representative, if any, within 90
11 days following the Board hearing.

12 “(3) HEARING NOT REQUESTED.—(A) Except
13 as provided in subparagraph (B) of this paragraph,
14 for cases on the hearing option docket in which a
15 hearing is not requested in the notice of disagree-
16 ment, the evidentiary record before the Board shall
17 be limited to the evidence considered by the Agency
18 of Original Jurisdiction in the decision on appeal.

19 “(B) The evidentiary record before the Board
20 for cases on the hearing option docket in which a
21 hearing is not requested, shall include each of the
22 following, which the Board shall consider in the first
23 instance—

1 “(i) evidence submitted by the appellant
2 and his or her representative, if any, with the
3 notice of disagreement; and

4 “(ii) evidence submitted by the appellant
5 and his or her representative, if any, within 90
6 days following receipt of the notice of disagree-
7 ment.”.

8 (t) CONFORMING AMENDMENT.—The heading of sec-
9 tion 7105 is amended by striking “notice of disagreement
10 and”.

11 (u) CLERICAL AMENDMENTS.—

12 (1) CHAPTER 51.—The table of sections at the
13 beginning of chapter 51 of title 38, United States
14 Code, is amended—

15 (A) by inserting after the item relating to
16 section 5103A the following new item:

“5103B. Applicability of duty to assist.”;

17 (B) by inserting after the item relating to
18 section 5104 the following new items:

“5104A. Binding nature of favorable findings.

“5104B. Higher-level review by the Agency of Original Jurisdiction.”;

19 and

20 (C) in the item relating to section 5108, by
21 striking “Reopening disallowed claims.” and in-
22 serting “Supplemental claims.”.

1 (2) CHAPTER 71.—The table of sections at the
2 beginning of chapter 71 of title 38, United States
3 Code, is amended—

4 (A) by striking the item relating to section
5 7106;

6 (B) by striking the item relating to section
7 7109;

8 (C) by adding at the end the following new
9 item:

“7113. The evidentiary record before the Board.”;

10 and

11 (D) in the item relating to section 7105,
12 by striking “notice of disagreement and”.

13 **SEC. 402. TREATMENT OF MEDICAL EVIDENCE PROVIDED**
14 **BY NON-DEPARTMENT OF VETERANS AF-**
15 **FAIRS MEDICAL PROFESSIONALS IN SUP-**
16 **PORT OF CLAIMS FOR DISABILITY COM-**
17 **PENSATION.**

18 (a) ACCEPTANCE OF REPORTS OF PRIVATE PHYSI-
19 CIAN EXAMINATIONS.—Section 5125 of such title is
20 amended—

21 (1) by striking “For purposes” and inserting
22 “(a) IN GENERAL.—”;

23 (2) by striking “may” and inserting “shall”;
24 and

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

3 “(b) SUFFICIENTLY COMPLETE DEFINED.—For pur-
4 poses of a report described in subsection (a), the term ‘suf-
5 ficiently complete’ means competent, credible, probative,
6 and containing such information as may be required to
7 make a decision on the claim for which the report is pro-
8 vided.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to medical evidence
11 submitted after the date that is 90 days after the date
12 of the enactment of this Act.

13 **SEC. 403. REPORT ON PROGRESS OF ACCEPTABLE CLIN-**
14 **ICAL EVIDENCE INITIATIVE.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary shall sub-
17 mit to the Committee on Veterans’ Affairs of the Senate
18 and the Committee on Veterans’ Affairs of the House of
19 Representatives a report on the progress of the Acceptable
20 Clinical Evidence initiative of the Department of Veterans
21 Affairs in reducing the necessity for in-person disability
22 examinations and other efforts to comply with the provi-
23 sions of section 5125 of title 38, United States Code, as
24 amended by section 2.

1 (b) CONTENTS OF REPORT.—The report required by
2 subsection (a) shall include the following:

3 (1) The number of claims eligible for the Ac-
4 ceptable Clinical Evidence initiative during the pe-
5 riod beginning on the date of the commencement of
6 the initiative and ending on the date of the sub-
7 mittal of the report, disaggregated by fiscal year.

8 (2) The total number of claims eligible for the
9 Acceptable Clinical Evidence initiative that required
10 a medical examiner of the Department to supple-
11 ment the evidence with information obtained during
12 a telephone interview with a claimant.

13 (3) Information on any other initiatives or ef-
14 forts of the Department to further encourage the
15 use of private medical evidence and reliance upon re-
16 ports of a medical examination administered by a
17 private physician if the report is sufficiently com-
18 plete to be adequate for the purposes of adjudicating
19 a claim.

20 (4) The anticipated impact on the timeline and
21 accuracy of a decision on a claim for benefits under
22 chapter 11 or 15 of title 38, United States Code, if
23 the Secretary were prohibited from requesting a
24 medical examination in the case of a claim in sup-
25 port of which a claimant submits medical evidence

1 and a medical opinion provided by a private physi-
2 cian that is competent, credible, probative, and oth-
3 erwise adequate for the purpose of making a deci-
4 sion on that claim.

5 (5) Recommendations on how the Department
6 can measure, track, and prevent the ordering of un-
7 necessary medical examinations when the provision
8 by a claimant of a medical examination administered
9 by a private physician in support of a claim for ben-
10 efits under chapter 11 or 15 of title 38, United
11 States Code, is adequate for the purpose of making
12 a decision on that claim.

13 **SEC. 404. ANNUAL REPORT.**

14 Not later than March 1 of each year, the Secretary
15 of Veterans Affairs shall submit to Congress a report that
16 includes, for the calendar year preceding the year in which
17 the report is submitted, the following for each regional of-
18 fice of the Department of Veterans Affairs:

19 (1) The number of times a veteran who sub-
20 mitted private medical evidence in support of a claim
21 for compensation or pension under the laws adminis-
22 tered by the Secretary was scheduled for an exam-
23 ination performed by Department personnel because
24 the private medical evidence submitted was deter-
25 mined to be unacceptable.

1 (2) The most common reasons why private
2 medical evidence submitted in support of claims for
3 benefits under the laws administered by the Sec-
4 retary was determined to be unacceptable.

5 (3) The types of disabilities for which claims for
6 benefits under the laws administered by the Sec-
7 retary were most commonly denied when private
8 medical evidence was submitted.

9 **SEC. 405. BOARD OF VETERANS' APPEALS VIDEO HEAR-**
10 **INGS.**

11 Section 7107 of title 38, United States Code, is
12 amended—

13 (1) in subsection (d), by amending paragraph
14 (1) to read as follows:

15 “(1)(A) Upon request for a hearing, the Board shall
16 determine, for purposes of scheduling the hearing for the
17 earliest possible date, whether a hearing before the Board
18 will be held at its principal location or at a facility of the
19 Department or other appropriate Federal facility located
20 within the area served by a regional office of the Depart-
21 ment. The Board shall also determine whether to provide
22 a hearing through the use of the facilities and equipment
23 described in subsection (e)(1) or by the appellant person-
24 ally appearing before a Board member or panel.

1 “(B) The Board shall notify the appellant of the de-
2 terminations of the location and type of hearing made
3 under subparagraph (A). Upon notification, the appellant
4 may request a different location or type of hearing as de-
5 scribed in such subparagraph. If so requested, the Board
6 shall grant such request and ensure that the hearing is
7 scheduled at the earliest possible date without any undue
8 delay or other prejudice to the appellant.”; and

9 (2) in subsection (e), by amending paragraph
10 (2) to read as follows:

11 “(2) Any hearing provided through the use of the fa-
12 cilities and equipment described in paragraph (1) shall be
13 conducted in the same manner as, and shall be considered
14 the equivalent of, a personal hearing.”.

15 **SEC. 406. EXPEDITED PAYMENT OF SURVIVOR’S BENEFITS.**

16 (a) IN GENERAL.—Section 5101(a)(1) of title 38,
17 United States Code, is amended—

18 (1) by striking “A specific” and inserting “(A)
19 Except as provided in subparagraph (B), a specific”;
20 and

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

23 “(B)(i) The Secretary may pay benefits under chap-
24 ters 13 and 15 and sections 2302, 2307, and 5121 of this
25 title to a survivor of a veteran who has not filed a formal

1 claim if the Secretary determines that the record contains
2 sufficient evidence to establish the entitlement of the sur-
3 vivor to such benefits.

4 “(ii) For purposes of this subparagraph and section
5 5110 of this title, the date on which a survivor of a veteran
6 notifies the Secretary of the death of the veteran shall be
7 treated as the date of the receipt of the survivor’s applica-
8 tion for benefits described in clause (i).”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply with respect to claims for bene-
11 fits based on a death occurring on or after the date of
12 the enactment of this Act.

13 **SEC. 407. DEFINITION OF SPOUSE FOR PURPOSES OF VET-**
14 **ERAN BENEFITS TO REFLECT NEW STATE**
15 **DEFINITIONS OF SPOUSE.**

16 (a) DEFINITIONS.—Section 101 of title 38, United
17 States Code, is amended—

18 (1) in paragraph (3), by striking “of the oppo-
19 site sex”; and

20 (2) in paragraph (31), by striking “of the oppo-
21 site sex who is a wife or husband” and inserting “in
22 a marriage recognized under section 103 of this
23 title”.

24 (b) DETERMINATION.—Subsection (c) of section 103
25 of such title is amended to read as follows:

1 “(c)(1) For the purposes of all laws administered by
2 the Secretary, the Secretary shall recognize a marriage
3 based on the law of the State where the marriage oc-
4 curred. In the case of a marriage that occurred outside
5 a State, the Secretary shall recognize the marriage if the
6 marriage was lawful in the place where it occurred and
7 could have been entered into under the laws of any State.
8 Except in the case of a purported marriage deemed valid
9 under subsection (a), the Secretary may not recognize
10 more than one marriage for any person at the same time.

11 “(2) In this subsection, the term ‘State’ has the
12 meaning given that the term in section 101(20) of this
13 title, except that such term also includes the Common-
14 wealth of the Northern Mariana Islands.”.

15 **SEC. 408. CONCURRENT RECEIPT OF BOTH RETIRED PAY**
16 **AND VETERANS’ DISABILITY COMPENSATION**
17 **FOR MILITARY RETIREES WITH COMPEN-**
18 **SABLE SERVICE-CONNECTED DISABILITIES.**

19 (a) INCLUSION OF RETIREES WITH SERVICE-CON-
20 NECTED DISABILITIES RATED LESS THAN 50 PER-
21 CENT.—Subsection (a) of section 1414 of title 10, United
22 States Code, is amended—

23 (1) by striking “COMPENSATION” in the sub-
24 section heading and all that follows through “Sub-
25 ject” and inserting “COMPENSATION.—Subject”;

1 (2) by striking “qualifying service-connected
2 disability” and inserting “service-connected dis-
3 ability”; and

4 (3) by striking paragraph (2).

5 (b) INCLUSION OF DISABILITY RETIREES WITH
6 LESS THAN 20 YEARS OF SERVICE.—Subsection (b) of
7 such section is amended—

8 (1) in paragraph (1), by striking “member re-
9 tired” and inserting “qualified retiree who is re-
10 tired”; and

11 (2) by striking paragraph (2) and inserting the
12 following new paragraph:

13 “(2) DISABILITY RETIREES WITH LESS THAN 20
14 YEARS OF SERVICE.—The retired pay of a qualified
15 retiree who is retired under chapter 61 of this title
16 with fewer than 20 years of creditable service is sub-
17 ject to reduction under sections 5304 and 5305 of
18 title 38, but only by the amount (if any) by which
19 the amount of the member’s retired pay under such
20 chapter exceeds the amount equal to 2½ percent of
21 the member’s years of creditable service multiplied
22 by the member’s retired pay base under section
23 1406(b)(1) or 1407 of this title, whichever is appli-
24 cable to the member.”.

1 (c) CONFORMING AMENDMENTS REFLECTING END
 2 OF CONCURRENT RECEIPT PHASE-IN PERIOD.—Such sec-
 3 tion is further amended—

4 (1) in subsection (a), as amended by subsection
 5 (a) of this section, by striking the final sentence;

6 (2) by striking subsection (c) and redesignating
 7 subsections (d) and (e) as subsections (c) and (d),
 8 respectively; and

9 (3) in subsection (d), as so redesignated, by
 10 striking paragraphs (3) and (4).

11 (d) CLERICAL AMENDMENTS.—

12 (1) SECTION HEADING.—The heading for such
 13 section is amended to read as follows:

14 **“§ 1414. Members eligible for retired pay who are also**
 15 **eligible for veterans’ disability compensa-**
 16 **tion: concurrent payment of retired pay**
 17 **and disability compensation”.**

18 (2) TABLE OF SECTIONS.—The item relating to
 19 such section in the table of sections at the beginning
 20 of chapter 71 of such title is amended to read as fol-
 21 lows:

“1414. Members eligible for retired pay who are also eligible for veterans’ dis-
 ability compensation: concurrent payment of retired pay and
 disability compensation.”.

22 (e) CONFORMING AMENDMENT REFLECTING SUB-
 23 SECTION REDESIGNATION.—Section 1413a(f) of such title

1 is amended by striking “Subsection (d)” and inserting
2 “Subsection (c)”.

3 (f) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the first day of the first
5 month beginning after the date of the enactment of this
6 Act and shall apply to payments for months beginning on
7 or after that date.

8 **SEC. 409. EXTENSION OF CERTAIN AUTHORITIES OF SEC-**
9 **RETARY OF VETERANS AFFAIRS REGARDING**
10 **ASSOCIATIONS BETWEEN DISEASES AND EX-**
11 **POSURE TO DIOXIN AND OTHER CHEMICAL**
12 **COMPOUNDS IN HERBICIDES.**

13 (a) USE OF INFORMATION TO PROVIDE FOR PRE-
14 SUMPTION OF SERVICE CONNECTION.—Section 1116(e) of
15 title 38, United States Code, is amended by striking “Sep-
16 tember 30, 2015” and inserting “September 30, 2017”.

17 (b) AGREEMENT WITH NATIONAL ACADEMY OF
18 SCIENCES.—Section 3(i) of the Agent Orange Act of 1991
19 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by
20 striking “December 31, 2015” and inserting “December
21 31, 2017”.

TITLE V—HOUSING AND HOMELESSNESS

SEC. 501. FIVE-YEAR EXTENSION OF HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) of title 38, United States Code, is amended by striking “2015” and inserting “2020”.

SEC. 502. CLARIFICATION OF ELIGIBILITY FOR SERVICES UNDER HOMELESS VETERANS REINTEGRA- TION PROGRAMS.

Subsection (a) of section 2021 of title 38, United States Code, is amended by striking “reintegration of homeless veterans into the labor force.” and inserting the following:

“reintegration into the labor force of—

“(1) homeless veterans;

“(2) veterans participating in the Department of Veterans Affairs supported housing program for which rental assistance provided pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)); and

“(3) veterans who are transitioning from being incarcerated.”.

1 **SEC. 503. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN**
2 **THE DEPARTMENT OF HOUSING AND URBAN**
3 **DEVELOPMENT.**

4 (a) TRANSFER OF POSITION TO OFFICE OF THE SEC-
5 RETARY.—Section 4 of the Department of Housing and
6 Urban Development Act (42 U.S.C. 3533) is amended by
7 adding at the end the following new subsection:

8 “(h) SPECIAL ASSISTANT FOR VETERANS AF-
9 FAIRS.—

10 “(1) POSITION.—There shall be in the Office of
11 the Secretary a Special Assistant for Veterans Af-
12 fairs, who shall report directly to the Secretary.

13 “(2) APPOINTMENT.—The Special Assistant for
14 Veterans Affairs shall be appointed based solely on
15 merit and shall be covered under the provisions of
16 title 5, United States Code, governing appointments
17 in the competitive service.

18 “(3) RESPONSIBILITIES.—The Special Assist-
19 ant for Veterans Affairs shall be responsible for—

20 “(A) ensuring veterans have fair access to
21 housing and homeless assistance under each
22 program of the Department providing either
23 such assistance;

24 “(B) coordinating all programs and activi-
25 ties of the Department relating to veterans;

1 “(C) serving as a liaison for the Depart-
2 ment with the Department of Veterans Affairs,
3 including establishing and maintaining relation-
4 ships with the Secretary of Veterans Affairs;

5 “(D) serving as a liaison for the Depart-
6 ment, and establishing and maintaining rela-
7 tionships with the United States Interagency
8 Council on Homelessness and officials of State,
9 local, regional, and nongovernmental organiza-
10 tions concerned with veterans;

11 “(E) providing information and advice re-
12 garding—

13 “(i) sponsoring housing projects for
14 veterans assisted under programs adminis-
15 tered by the Department; or

16 “(ii) assisting veterans in obtaining
17 housing or homeless assistance under pro-
18 grams administered by the Department;

19 “(F) coordinating with the Secretary of
20 Housing and Urban Development and the Sec-
21 retary of Veterans Affairs in carrying out sec-
22 tion 3 of the Homes for Heroes Act of 2015;
23 and

1 “(G) carrying out such other duties as may
2 be assigned to the Special Assistant by the Sec-
3 retary or by law.”.

4 (b) TRANSFER OF POSITION IN OFFICE OF DEPUTY
5 ASSISTANT SECRETARY FOR SPECIAL NEEDS.—On the
6 date that the initial Special Assistant for Veterans Affairs
7 is appointed pursuant to section 4(h)(2) of the Depart-
8 ment of Housing and Urban Development Act, as added
9 by subsection (a) of this section, the position of Special
10 Assistant for Veterans Programs in the Office of the Dep-
11 uty Assistant Secretary for Special Needs of the Depart-
12 ment of Housing and Urban Development shall be termi-
13 nated.

14 **SEC. 504. ANNUAL SUPPLEMENTAL REPORT ON VETERANS**
15 **HOMELESSNESS.**

16 (a) IN GENERAL.—The Secretary of Housing and
17 Urban Development and the Secretary of Veterans Af-
18 fairs, in coordination with the United States Interagency
19 Council on Homelessness, shall submit annually to the
20 Committees of the Congress specified in subsection (b),
21 together with the annual reports required by such Secre-
22 taries under section 203(c)(1) of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. 11313(c)(1)), a sup-
24 plemental report that includes the following information
25 with respect to the preceding year:

1 (1) The same information, for such preceding
2 year, that was included with respect to 2010 in the
3 report by the Secretary of Housing and Urban De-
4 velopment and the Secretary of Veterans Affairs en-
5 titled “Veterans Homelessness: A Supplemental Re-
6 port to the 2010 Annual Homeless Assessment Re-
7 port to Congress”.

8 (2) Information regarding the activities of the
9 Department of Housing and Urban Development re-
10 lating to veterans during such preceding year, as fol-
11 lows:

12 (A) The number of veterans provided as-
13 sistance under the housing choice voucher pro-
14 gram for Veterans Affairs supported housing
15 (VASH) under section 8(o)(19) of the United
16 States Housing Act of 1937 (42 U.S.C.
17 1437f(o)(19)), the socioeconomic characteristics
18 of such homeless veterans, and the number,
19 types, and locations of entities contracted under
20 such section to administer the vouchers.

21 (B) A summary description of the special
22 considerations made for veterans under public
23 housing agency plans submitted pursuant to
24 section 5A of the United States Housing Act of
25 1937 (42 U.S.C. 1437c–1) and under com-

1 prehensive housing affordability strategies sub-
2 mitted pursuant to section 105 of the Cranston-
3 Gonzalez National Affordable Housing Act (42
4 U.S.C. 12705).

5 (C) A description of the activities of the
6 Special Assistant for Veterans Affairs of the
7 Department of Housing and Urban Develop-
8 ment.

9 (D) A description of the efforts of the De-
10 partment of Housing and Urban Development
11 and the other members of the United States
12 Interagency Council on Homelessness to coordi-
13 nate the delivery of housing and services to vet-
14 erans.

15 (E) The cost to the Department of Hous-
16 ing and Urban Development of administering
17 the programs and activities relating to veterans.

18 (F) Any other information that the Sec-
19 retary of Housing and Urban Development and
20 the Secretary of Veterans Affairs consider rel-
21 evant in assessing the programs and activities
22 of the Department of Housing and Urban De-
23 velopment relating to veterans.

24 (b) COMMITTEES.—The Committees of the Congress
25 specified in this subsection are as follows:

1 (1) The Committee on Banking, Housing, and
2 Urban Affairs of the Senate.

3 (2) The Committee on Veterans' Affairs of the
4 Senate.

5 (3) The Committee on Appropriations of the
6 Senate.

7 (4) The Committee on Financial Services of the
8 House of Representatives.

9 (5) The Committee on Veterans' Affairs of the
10 House of Representatives.

11 (6) The Committee on Appropriations of the
12 House of Representatives.

13 **SEC. 505. ESTABLISHMENT OF PILOT GRANT PROGRAM**
14 **FOR HOMELESS VETERANS.**

15 (a) ESTABLISHMENT.—In addition to any other pro-
16 grams carried out by the Secretary of Veterans Affairs
17 regarding providing housing to homeless veterans, not
18 later than one year after the date of the enactment of this
19 Act, the Secretary shall commence a pilot grant program
20 to assess the feasibility and advisability of awarding
21 grants to eligible entities to purchase and renovate aban-
22 doned homes for homeless veterans.

23 (b) GRANTS.—

24 (1) AWARD.—In carrying out the pilot program
25 under subsection (a), the Secretary shall award

1 grants to eligible entities to purchase and renovate
2 abandoned homes for homeless veterans.

3 (2) MAXIMUM AMOUNT.—The amount of a sin-
4 gle grant awarded under paragraph (1) shall not ex-
5 ceed \$1,000,000.

6 (3) NUMBER.—The Secretary may award to an
7 eligible entity more than one grant under paragraph
8 (1).

9 (c) ELIGIBLE ENTITIES.—The Secretary may award
10 a grant under subsection (b)(1) to any of the following:

11 (1) A veterans service agency.

12 (2) A veterans service organization.

13 (3) Homeless organizations.

14 (4) Any other nongovernmental organization.

15 (d) SELECTION OF GRANT RECIPIENTS.—

16 (1) APPLICATION.—Any eligible entity seeking
17 a grant under subsection (b)(1) shall submit to the
18 Secretary an application therefore in such form and
19 in such manner as the Secretary considers appro-
20 priate.

21 (2) SELECTION PRIORITY.—

22 (A) COMMUNITIES WITH GREATEST
23 NEED.—Subject to subparagraph (B), in ac-
24 cordance with regulations the Secretary shall
25 prescribe, the Secretary shall give priority in

1 the awarding of grants under subsection (b)(1)
2 to eligible entities who serve communities that
3 the Secretary determines have the greatest need
4 of homeless services.

5 (B) GEOGRAPHIC DISTRIBUTION.—The
6 Secretary may give priority in the awarding of
7 grants under subsection (b)(1) to achieve a fair
8 distribution, as determined by the Secretary,
9 among homeless veterans in different geo-
10 graphical regions.

11 (C) OTHER AGREEMENTS.—In awarding a
12 grant under subsection (b)(1) to an eligible en-
13 tity in a location determined pursuant to sub-
14 paragraphs (A) and (B), the Secretary shall
15 give preference to eligible entities that are en-
16 tered into an agreement with the Secretary
17 under section 2041 of title 38, United States
18 Code.

19 (D) OTHER AUTHORITIES.—Except as pro-
20 vided by subparagraph (C), the Secretary shall
21 award a grant under subsection (b)(1) without
22 regard to whether the eligible entity has re-
23 ceived any other grant or benefit from the Fed-
24 eral Government relating to providing housing
25 to homeless veterans.

1 (e) USE OF GRANT FUNDS.—

2 (1) PURPOSES.—A grantee may use amounts of
3 a grant awarded to the grantee under subsection
4 (b)(1) to purchase or renovate abandoned homes, in-
5 cluding homes that have been foreclosed.

6 (2) MAXIMUM PURCHASE AMOUNT.—Not more
7 than \$300,000 of the amount of a grant awarded
8 under subsection (b)(1) may be used for the pur-
9 chase of a single home.

10 (3) PAYMENT PROGRAM.—

11 (A) The United States shall not have any
12 ownership interest in a home that is purchased
13 by a grantee using amounts of a grant awarded
14 under subsection (b)(1).

15 (B) Each grantee shall ensure that, begin-
16 ning one year after the date on which a veteran
17 begins to reside in a home purchased or ren-
18 ovated by the grantee using a grant awarded
19 under subsection (b)(1), the veteran makes
20 monthly payments to the grantee in an amount
21 determined appropriate by the grantee that is
22 not less than 85 percent of the fair market rent
23 for such home.

24 (C) Each grantee shall determine whether
25 payments made by a veteran under subpara-

1 graph (B) shall be treated as rent or as a mort-
2 gage for the home for which the veteran is mak-
3 ing such payments. The Secretary, in coordina-
4 tion with the Secretary of Housing and Urban
5 Development, shall determine the requirements
6 for such payments.

7 (D) Each grantee shall pay to the Sec-
8 retary of Veterans Affairs not less than 80 per-
9 cent of each payment received under subpara-
10 graph (B).

11 (E) The Secretary may conduct an audit of
12 any grantee to ensure that the grantee carries
13 out this paragraph.

14 (4) VETERANS HOMELESSNESS GRANT FUND.—

15 (A) There is established in the Treasury a
16 fund to be known as the “Veterans Homeless-
17 ness Grant Fund” (in this paragraph referred
18 to as the “Fund”).

19 (B) The Secretary shall deposit into the
20 Fund the payments collected by the Secretary
21 under paragraph (3)(D).

22 (C) Amounts deposited into the Fund pur-
23 suant to subparagraph (B) shall be available to
24 the Secretary to carry out the pilot program
25 under subsection (a) without further appropria-

1 tion and such amounts shall remain available
2 until expended. The Secretary may not use such
3 amounts from the Fund for any other purpose
4 unless pursuant to a specific provision of law.

5 (f) RESPONSIBILITIES OF SECRETARY.—In carrying
6 out the pilot program under subsection (a), the Secretary
7 shall ensure the following:

8 (1) Proper oversight.

9 (2) The protection of veterans from returning
10 to homelessness.

11 (3) The ability of the Secretary to respond to
12 disputes.

13 (g) DURATION.—The Secretary shall carry out the
14 pilot program under subsection (a) during the three-year
15 period beginning on the date of the commencement of the
16 pilot program.

17 (h) ANNUAL REPORTS.—During each year in which
18 the Secretary carries out the pilot program under sub-
19 section (a), the Secretary shall submit to Congress a re-
20 port that details, with respect to the year covered by the
21 report, the number of grants awarded, the amounts so
22 awarded, the progress of home purchase and renovation
23 made by eligible entities using such grants, and the num-
24 ber of tenants currently paying rent towards such homes.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to the Secretary a total of
 3 \$25,000,000 to carry out the pilot program under sub-
 4 section (a) and any such amounts appropriated shall re-
 5 main available until expended.

6 (j) HOMELESS VETERAN DEFINED.—In this section,
 7 the term “homeless veteran” has the meaning given that
 8 term in section 2002 of title 38, United States Code.

9 **SEC. 506. EXPANSION OF DEFINITION OF HOMELESS VET-**
 10 **ERAN FOR PURPOSES OF BENEFITS UNDER**
 11 **THE LAWS ADMINISTERED BY THE SEC-**
 12 **RETARY OF VETERANS AFFAIRS.**

13 Section 2002(1) of title 38, United States Code, is
 14 amended by inserting “or (b)” after “section 103(a)”.

15 **TITLE VI—EMPLOYMENT AND**
 16 **TRAINING**

17 **SEC. 601. DIRECT EMPLOYMENT PILOT PROGRAM FOR**
 18 **MEMBERS OF THE NATIONAL GUARD AND RE-**
 19 **SERVE AND VETERANS OF THE ARMED**
 20 **FORCES.**

21 (a) PROGRAM AUTHORITY.—The Secretary of De-
 22 fense may carry out a pilot program to enhance the efforts
 23 of the Department of Defense to provide job placement
 24 assistance and related employment services directly to

1 members of the National Guard and Reserves and vet-
2 erans of the Armed Forces.

3 (b) ADMINISTRATION.—The pilot program shall be
4 offered to, and administered by, the adjutants general ap-
5 pointed under section 314 of title 32, United States Code.

6 (c) COST-SHARING REQUIREMENT.—As a condition
7 on the provision of funds under this section to a State
8 to support the operation of the pilot program in the State,
9 the State must agree to contribute an amount, derived
10 from non-Federal sources, equal to at least 30 percent of
11 the funds provided by the Secretary of Defense to the
12 State under this section.

13 (d) DIRECT EMPLOYMENT PROGRAM MODEL.—The
14 pilot program should follow a job placement program
15 model that focuses on working one-on-one with a member
16 of a reserve component to cost-effectively provide job
17 placement services, including services such as identifying
18 unemployed and underemployed members and veterans,
19 job matching services, resume editing, interview prepara-
20 tion, and post-employment follow up. Development of the
21 pilot program should be informed by State direct employ-
22 ment programs for members and veterans, such as the
23 programs conducted in California and South Carolina.

1 (e) EVALUATION.—The Secretary of Defense shall
2 develop outcome measurements to evaluate the success of
3 the pilot program.

4 (f) REPORTING REQUIREMENTS.—

5 (1) REPORT REQUIRED.—Not later than March
6 1, 2019, the Secretary of Defense shall submit to
7 the congressional defense committees a report de-
8 scribing the results of the pilot program. The Sec-
9 retary shall prepare the report in coordination with
10 the Chief of the National Guard Bureau.

11 (2) ELEMENTS OF REPORT.—A report under
12 paragraph (1) shall include the following:

13 (A) A description and assessment of the ef-
14 fectiveness and achievements of the pilot pro-
15 gram, including the number of members of the
16 reserve components and veterans of the Armed
17 Forces hired and the cost-per-placement of par-
18 ticipating members and veterans.

19 (B) An assessment of the impact of the
20 pilot program and increased reserve component
21 employment levels on the readiness of members
22 of the reserve components.

23 (C) A comparison of the pilot program to
24 other programs conducted by the Department
25 of Defense and Department of Veterans Affairs

1 to provide unemployment and underemployment
 2 support to members of the reserve components
 3 and veterans of the Armed Forces.

4 (D) Any other matters considered appro-
 5 priate by the Secretary.

6 (g) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-
 7 TIONS.—The total amount obligated by the Secretary of
 8 Defense to carry out the pilot program for any fiscal year
 9 may not exceed \$20,000,000.

10 (h) DURATION OF AUTHORITY.—The authority to
 11 carry out the pilot program expires on September 30,
 12 2018, except that the Secretary may extend the pilot pro-
 13 gram for not more than two additional fiscal years.

14 **SEC. 602. PREFERENCE FOR OFFERORS EMPLOYING VET-**
 15 **ERANS.**

16 (a) IN GENERAL.—Subchapter II of chapter 81 of
 17 title 38, United States Code, is amended by adding after
 18 section 8128 the following new section:

19 **“§ 8129. Preference for offerors employing veterans**

20 **“(a) PREFERENCE.—**In awarding a contract (or task
 21 order) for the procurement of goods or services, the Sec-
 22 retary may give a preference to offerors that employ vet-
 23 erans on a full-time basis. The Secretary shall determine
 24 such preference based on the percentage of the full-time
 25 employees of the offeror who are veterans.

1 “(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) shall be debarred from contracting with the Department for a period of not less than 5 years.

2 “(2) In the case of a debarment under paragraph (1), the Secretary shall commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1) and shall complete debarment actions against such offeror by not later than 90 days after such determination.

3 “(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than 5 years.”.

4 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8128 the following new item:

“8129. Preference for offerors employing veterans.”.

5 **SEC. 603. VETERANS MANUFACTURING EMPLOYMENT PROGRAM.**

6 (a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in manufac-

1 turing, the Secretary of Labor, as part of the Veteran's
2 Workforce Investment Program, shall carry out a pilot
3 program to be known as the "Veterans Manufacturing
4 Employment Program". Under the pilot program, the Sec-
5 retary shall award competitive grants to three States for
6 the establishment and administration of a State program
7 to make grants to manufacturing employers and labor-
8 management organizations that provide covered training,
9 on-job training, apprenticeships, and certification classes
10 to eligible veterans. Such a program shall be known as
11 a "State Manufacturing Employment Program".

12 (b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
13 ceive a grant under the pilot program, a State shall submit
14 to the Secretary an application that includes each of the
15 following:

16 (1) A proposal for the expenditure of grant
17 funds to establish and administer a public-private
18 partnership program designed to provide covered
19 training, on-job training, apprenticeships, and cer-
20 tification classes to a significant number of eligible
21 veterans and ensure lasting and sustainable employ-
22 ment in well-paying jobs in manufacturing.

23 (2) Evidence that the State has—

24 (A) a population of eligible veterans of an
25 appropriate size to carry out the State program;

1 (B) a robust and diverse manufacturing in-
2 dustry; and

3 (C) the ability to carry out the State pro-
4 gram described in the proposal under para-
5 graph (1).

6 (3) Such other information and assurances as
7 the Secretary may require.

8 (c) USE OF FUNDS.—A State that is the recipient
9 of a grant under this section shall use the grant for the
10 following purposes:

11 (1) Making grants to manufacturing employers
12 and labor-management organizations to reimburse
13 such employers and organizations for the cost of
14 providing covered training, on-job training, appren-
15 ticeships, and certification classes to eligible vet-
16 erans.

17 (2) Conducting outreach to inform manufac-
18 turing employers, labor-management organizations,
19 and veterans, including veterans in rural areas, of
20 their eligibility or potential eligibility for partici-
21 pation in the State program.

22 (d) CONDITIONS.—Under the pilot program, each
23 grant to a State shall be subject to the following condi-
24 tions:

1 (1) The State shall repay to the Secretary, on
2 such date as shall be determined by the Secretary,
3 any amount received under the pilot program that is
4 not used for the purposes described in subsection
5 (c).

6 (2) The State shall submit to the Secretary, at
7 such times and containing such information as the
8 Secretary shall require, reports on the use of grant
9 funds.

10 (e) EMPLOYER REQUIREMENTS.—In order to receive
11 a grant made by a State under the pilot program, a manu-
12 facturing employer shall—

13 (1) submit to the administrator of the State
14 Manufacturing Employment Program an application
15 that includes—

16 (A) the rate of pay for each eligible vet-
17 eran proposed to be trained using grant funds;

18 (B) the average rate of pay for an indi-
19 vidual employed by the manufacturing employer
20 in a similar position who is not an eligible vet-
21 eran; and

22 (C) such other information and assurances
23 as the administrator may require; and

1 (2) agree to submit to the administrator, for
2 each quarter, a report containing such information
3 as the Secretary may specify.

4 (f) LIMITATION.—None of the funds made available
5 to a manufacturing employer through a grant under the
6 pilot program may be used to provide training of any kind
7 to a person who is not an eligible veteran.

8 (g) REPORT TO CONGRESS.—Together with the re-
9 port required to be submitted annually under section
10 4107(c) of title 38, United States Code, the Secretary
11 shall submit to Congress a report on the pilot program
12 for the year covered by such report. The report on the
13 pilot program shall include a detailed description of activi-
14 ties carried out under this section and an evaluation of
15 the program.

16 (h) ADMINISTRATIVE AND REPORTING COSTS.—Of
17 the amounts appropriated pursuant to the authorization
18 of appropriations under subsection (j), 2 percent shall be
19 made available to the Secretary for administrative costs
20 associated with implementing and evaluating the pilot pro-
21 gram under this section and for preparing and submitting
22 the report required under subsection (f). The Secretary
23 shall determine the appropriate maximum amount of each
24 grant awarded under this section that may be used by the
25 recipient for administrative and reporting costs.

1 (i) DEFINITIONS.—For purposes of this section:

2 (1) The term “covered training, on-job training,
3 apprenticeships, and certification classes” means
4 training, on-job training, apprenticeships, and cer-
5 tification classes that are—

6 (A) designed to provide the veteran with
7 skills that are particular to manufacturing and
8 not directly transferable to employment in an-
9 other industry; and

10 (B) approved as provided in paragraph (1)
11 or (2), as appropriate, of subsection (a) of sec-
12 tion 3687 of title 38, United States Code.

13 (2) The term “eligible veteran” means a vet-
14 eran, as that term is defined in section 101(3) of
15 title 38, United States Code, who is employed by a
16 manufacturing employer and enrolled or partici-
17 pating in a covered training, on-job training, appren-
18 ticeship, or certification class.

19 (3) The term “manufacturing employer” means
20 a business concern—

21 (A) that employs individuals in a trade or
22 business in manufacturing;

23 (B) the production facilities of which are
24 located in the United States; and

1 (C) the primary business of which is classi-
2 fied in sector 31, 32, or 33 of the North Amer-
3 ican Industrial Classification System.

4 (j) APPROPRIATIONS.—There is authorized to be ap-
5 propriated to the Secretary \$10,000,000 for each of fiscal
6 years 2016 through 2020, for the purpose of carrying out
7 the pilot program.

8 **SEC. 604. MODIFICATION OF TREATMENT UNDER CON-**
9 **TRACTING GOALS AND PREFERENCES OF DE-**
10 **PARTMENT OF VETERANS AFFAIRS.**

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

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

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

18 “(C) The date that—

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

24 “(ii) in the case of a surviving spouse of a
25 veteran with a service-connected disability rated

1 as less than 100 percent disabling who does not
2 die as a result of a service-connected disability,
3 is 3 years after the date of the veteran's
4 death.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect on the date that is 180
7 days after the date of the enactment of this Act and shall
8 apply with respect to contracts awarded on or after such
9 date.

10 **SEC. 605. ACCESS TO EXCESS OR SURPLUS PROPERTY FOR**
11 **VETERAN-OWNED SMALL BUSINESSES.**

12 Subparagraph (B) of section 32(c)(3) of the Small
13 Business Act (15 U.S.C. 657b(c)(3)(B)) is amended—

14 (1) in clause (v), by striking “; and” and insert-
15 ing a semicolon;

16 (2) in clause (vi), by striking the period at the
17 end and inserting “; and”; and

18 (3) by inserting at the end the following new
19 clause:

20 “(vii) providing access to and man-
21 aging the distribution of excess or surplus
22 property owned by the United States to
23 small business concerns owned and con-
24 trolled by veterans, pursuant to a memo-
25 randum of understanding between the task

1 force and the head of the appropriate State
2 agency for surplus property.”.

3 **TITLE VII—CONSTRUCTION AND**
4 **LEASES**

5 **SEC. 701. CONGRESSIONAL APPROVAL OF DEPARTMENT OF**
6 **VETERANS AFFAIRS MAJOR MEDICAL FACIL-**
7 **ITY LEASES.**

8 (a) IN GENERAL.—Section 8104(a)(2) of title 38,
9 United States Code, is amended—

10 (1) by striking “No funds” and inserting “(A)
11 No funds”;

12 (2) by striking “or any major medical facility
13 lease”;

14 (3) by striking “or lease”; and

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

17 “(B) No funds may be appropriated for any fiscal
18 year for any major medical facility lease unless the Com-
19 mittees on Veterans’ Affairs of the Senate and House of
20 Representatives adopt resolutions approving the lease.”.

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall apply with respect to a lease entered into
23 after the date of the enactment of this Act.

1 **SEC. 702. PROGRAM FOR THE CONSTRUCTION OF DEPART-**
2 **MENT OF VETERANS AFFAIRS MAJOR MED-**
3 **ICAL FACILITY PROJECTS BY NON-FEDERAL**
4 **ENTITIES UNDER PARTNERSHIP AGREE-**
5 **MENTS.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs
7 shall carry out a program under which the Secretary shall
8 enter into partnership agreements on a competitive basis
9 with appropriate non-Federal entities for the construction
10 of major construction projects authorized by law.

11 (b) SELECTION OF PROJECTS.—The Secretary shall
12 select major construction projects for completion by non-
13 Federal entities under the program. Each project selected
14 shall be a major medical facility project authorized by law
15 for the construction of a new facility for which—

16 (1) Congress has appropriated any funds;

17 (2) the design and development phase is com-
18 plete; and

19 (3) construction has not begun, as of the date
20 of the enactment of this Act.

21 (c) AGREEMENTS.—Each partnership agreement for
22 a construction project under the program shall provide
23 that—

24 (1) the non-Federal entity shall obtain any per-
25 mits required pursuant to Federal and State laws
26 before beginning to carry out construction; and

1 (2) if requested by the non-Federal entity, the
2 Secretary shall provide technical assistance for ob-
3 taining any necessary permits for the construction
4 project.

5 (d) APPLICATION.—To be eligible to participate in
6 the program established under subsection (a), a non-Fed-
7 eral entity shall submit to the Secretary an application
8 at such time, in such manner, and containing such infor-
9 mation as the Secretary may require, including the fol-
10 lowing:

11 (1) A description of the project manager of
12 each major construction project for which the Sec-
13 retary enters into a partnership agreement under
14 the program.

15 (2) A description of the non-Federal contribu-
16 tions to the project and how future funding will be
17 secured.

18 (3) A description of the project management
19 plan that the non-Federal entity will use to ensure
20 concise and consistent communication of all parties
21 involved in the project.

22 (4) A description of metrics to monitor change
23 order process times, with the intent of expediting
24 any change order.

25 (5) Expected costs associated with the project.

1 (6) A description of construction timelines and
2 milestones association with the project.

3 (7) Such other information as the Secretary
4 may require.

5 (e) MATCHING FUNDS.—The Department of Vet-
6 erans Affairs shall provide matching funds under this pro-
7 gram.

8 (1) IN GENERAL.—For any fiscal year, the Sec-
9 retary shall provide to a non-Federal entity that en-
10 ters into a partnership agreement with the Secretary
11 under the program established under subsection (a)
12 matching funds in an amount that does not exceed
13 50 percent of the amount expended by the non-Fed-
14 eral entity.

15 (2) RULE OF CONSTRUCTION.—Paragraph (1)
16 shall not be construed as a limitation on the amount
17 that may be expended by a non-Federal entity for a
18 fiscal year for a construction project covered by a
19 partnership agreement under the program.

20 (f) COMPTROLLER GENERAL REPORT.—The Comp-
21 troller General of the United States shall submit to Con-
22 gress a biennial report on the partnership agreements en-
23 tered into under the program.

24 (g) DEADLINE FOR IMPLEMENTATION.—The Sec-
25 retary shall begin implementing the program under this

1 section by not later than 180 days after the date of the
2 enactment of this Act.

3 **SEC. 703. PILOT PROGRAM TO ACCEPT MEDICAL FACILI-**
4 **TIES AND RELATED PROPERTY.**

5 (a) PILOT PROGRAM.—The Secretary of Veterans Af-
6 fairs shall carry out a pilot program under which the Sec-
7 retary may accept the donation by a covered person of any
8 of the following properties:

9 (1) Real property that includes a constructed
10 medical facility (including structures and equipment
11 associated therewith).

12 (2) Real property (including structures and
13 equipment associated therewith) to be used as the
14 site of a medical facility constructed by the Sec-
15 retary pursuant to chapter 81 of title 38, United
16 States Code.

17 (3) A medical facility constructed by the cov-
18 ered person on real property of the Department of
19 Veterans Affairs.

20 (b) LOCATION.—The Secretary shall carry out the
21 pilot program at one location selected in accordance with
22 subsection (c).

23 (c) REQUIREMENTS.—The Secretary shall only ac-
24 cept donated property under subsection (a) if the Sec-

1 retary determines that the donation meets the following
2 requirements:

3 (1) With respect to the location of the donated
4 property, either—

5 (A) a major medical facility project has
6 been authorized for such location pursuant to
7 section 8104 of title 38, United States Code,
8 and funds have been appropriated for such
9 project; or

10 (B) a proposed medical facility project at
11 such location is listed on the Major Construc-
12 tion Strategic Capital Investment Planning pri-
13 ority list of the Department, as submitted in
14 the materials submitted to Congress in support
15 of the budget of the Department for the fiscal
16 year in which the donation will occur.

17 (2) Each medical facility and other structure
18 included in the donation meets the applicable struc-
19 tural requirements of the Secretary, including pursu-
20 ant to section 8105 of title 38, United States Code.

21 (3) The donation is made without condition or
22 restriction.

23 (4) Except as provided by subsection (e), the
24 donation is made at no cost to the United States.

1 (d) PROHIBITION ON LEASE-BACK.—The Secretary
2 may not enter into any lease of property donated under
3 subsection (a), including as described in appendix B of
4 Office of Management and Budget Circular A–11.

5 (e) USE OF CERTAIN FUNDS.—

6 (1) PRIOR FUNDS.—With respect to the dona-
7 tion of real property under subsection (a) that is re-
8 lated to a major medical facility project authorized
9 pursuant to section 8104 of title 38, United States
10 Code, the Secretary may use funds that have been
11 appropriated for such project before the date of the
12 donation for activities required to carry out such do-
13 nation. The Secretary may enter into an agreement
14 with the covered person to define the requirements
15 for the use of such funds for such activities.

16 (2) NO AUTHORIZATION OF APPROPRIATIONS.—
17 Nothing in this section shall be construed to author-
18 ize the appropriation of additional funds to carry out
19 a major medical facility project.

20 (f) APPLICATION.—A covered person who seeks to
21 make a donation under subsection (a) shall submit to the
22 Secretary an application at such time, in such manner,
23 and containing such information as the Secretary may re-
24 quire.

1 (g) INFORMATION.—The Secretary shall ensure that
2 a covered person who seeks to make a donation under sub-
3 section (a) is informed of the requirements of subsection
4 (c), including with respect to the locations described in
5 subparagraphs (A) and (B) of paragraph (1) of such sub-
6 section.

7 (h) REPORT.—The Secretary shall submit to the
8 Committees on Veterans Affairs’ of the House of Rep-
9 resentatives and the Senate a report on the pilot program,
10 including a description of the donations made under the
11 pilot program and whether such pilot program should be
12 expanded.

13 (i) COVERED PERSON DEFINED.—In this section, the
14 term “covered person” means any person or entity that
15 is not an element of the Federal Government, including
16 a State or local government, a nonprofit organization ex-
17 empt from taxation under section 501(c)(3) of the Inter-
18 nal Revenue Code of 1986, or a private corporation.

19 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to limit the application of title VII
21 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),
22 subchapter IV of chapter 31 of title 40, United States
23 Code (commonly referred to as the “Davis-Bacon Act”),
24 or laws relating to the environment or historic preserva-
25 tion.

1 **SEC. 704. AUTHORITY TO ENTER INTO CERTAIN LEASES AT**
2 **THE DEPARTMENT OF VETERANS AFFAIRS**
3 **WEST LOS ANGELES CAMPUS.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs
5 may carry out leases described in subsection (b) at the
6 Department of Veterans Affairs West Los Angeles Cam-
7 pus in Los Angeles, California (hereinafter in this section
8 referred to as the “Campus”).

9 (b) LEASES DESCRIBED.—Leases described in this
10 subsection are the following:

11 (1) Any enhanced-use lease of real property
12 under subchapter V of chapter 81 of title 38, United
13 States Code, for purposes of providing supportive
14 housing, as that term is defined in section 8161(3)
15 of such title, that principally benefit veterans and
16 their families.

17 (2) Any lease of real property for a term not to
18 exceed 50 years to a third party to provide services
19 that principally benefit veterans and their families
20 and that are limited to one or more of the following
21 purposes:

22 (A) The promotion of health and wellness,
23 including nutrition and spiritual wellness.

24 (B) Education.

25 (C) Vocational training, skills building, or
26 other training related to employment.

1 (D) Peer activities, socialization, or phys-
2 ical recreation.

3 (E) Assistance with legal issues and Fed-
4 eral benefits.

5 (F) Volunteerism.

6 (G) Family support services, including
7 child care.

8 (H) Transportation.

9 (I) Services in support of one or more of
10 the purposes specified in subparagraphs (A)
11 through (H).

12 (3) A lease of real property for a term not to
13 exceed 10 years to The Regents of the University of
14 California, a corporation organized under the laws of
15 the State of California, on behalf of its University of
16 California, Los Angeles (UCLA) campus (herein-
17 after in this section referred to as “The Regents”),
18 if—

19 (A) the lease is consistent with the master
20 plan described in subsection (g);

21 (B) the provision of services to veterans is
22 the predominant focus of the activities of The
23 Regents at the Campus during the term of the
24 lease;

1 (C) The Regents expressly agrees to pro-
2 vide, during the term of the lease and to an ex-
3 tent and in a manner that the Secretary con-
4 siders appropriate, additional services and sup-
5 port (for which The Regents is either not com-
6 pensated by the Secretary or is compensated
7 through an existing medical affiliation agree-
8 ment) that—

9 (i) principally benefit veterans and
10 their families, including veterans that are
11 severely disabled, women, aging, or home-
12 less; and

13 (ii) may consist of activities relating
14 to the medical, clinical, therapeutic, die-
15 tary, rehabilitative, legal, mental, spiritual,
16 physical, recreational, research, and coun-
17 seling needs of veterans and their families
18 or any of the purposes specified in any of
19 subparagraphs (A) through (I) of para-
20 graph (1); and

21 (D) The Regents maintains records docu-
22 menting the value of the additional services and
23 support that The Regents provides pursuant to
24 subparagraph (C) for the duration of the lease

1 and makes such records available to the Sec-
2 retary.

3 (c) LIMITATION ON LAND-SHARING AGREEMENTS.—

4 The Secretary may not carry out any land-sharing agree-
5 ment pursuant to section 8153 of title 38, United States
6 Code, at the Campus unless such agreement—

7 (1) provides additional health-care resources to
8 the Campus; and

9 (2) benefits veterans and their families other
10 than from the generation of revenue for the Depart-
11 ment of Veterans Affairs.

12 (d) REVENUES FROM LEASES AT THE CAMPUS.—

13 Any funds received by the Secretary under a lease de-
14 scribed in subsection (b) shall be credited to the applicable
15 Department medical facilities account and shall be avail-
16 able, without fiscal year limitation and without further ap-
17 propriation, exclusively for the renovation and mainte-
18 nance of the land and facilities at the Campus.

19 (e) EASEMENTS.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law (other than Federal laws relating to
22 environmental and historic preservation), pursuant
23 to section 8124 of title 38, United States Code, the
24 Secretary may grant easements or rights-of-way on,
25 above, or under lands at the Campus to—

1 (A) any local or regional public transpor-
2 tation authority to access, construct, use, oper-
3 ate, maintain, repair, or reconstruct public
4 mass transit facilities, including, fixed guideway
5 facilities and transportation centers; and

6 (B) the State of California, county of Los
7 Angeles, city of Los Angeles, or any agency or
8 political subdivision thereof, or any public util-
9 ity company (including any company providing
10 electricity, gas, water, sewage, or telecommuni-
11 cation services to the public) for the purpose of
12 providing such public utilities.

13 (2) IMPROVEMENTS.—Any improvements pro-
14 posed pursuant to an easement or right-of-way au-
15 thorized under paragraph (1) shall be subject to
16 such terms and conditions as the Secretary considers
17 appropriate.

18 (3) TERMINATION.—Any easement or right-of-
19 way authorized under paragraph (1) shall be termi-
20 nated upon the abandonment or nonuse of the ease-
21 ment or right-of-way and all right, title, and interest
22 in the land covered by the easement or right-of-way
23 shall revert to the United States.

24 (f) PROHIBITION ON SALE OF PROPERTY.—Notwith-
25 standing section 8164 of title 38, United States Code, the

1 Secretary may not sell or otherwise convey to a third party
2 fee simple title to any real property or improvements to
3 real property made at the Campus.

4 (g) CONSISTENCY WITH MASTER PLAN.—The Sec-
5 retary shall ensure that each lease carried out under this
6 section is consistent with the draft master plan approved
7 by the Secretary on January 28, 2016, or successor mas-
8 ter plans.

9 (h) COMPLIANCE WITH CERTAIN LAWS.—

10 (1) LAWS RELATING TO LEASES AND LAND
11 USE.—If the Inspector General of the Department of
12 Veterans Affairs determines, as part of an audit re-
13 port or evaluation conducted by the Inspector Gen-
14 eral, that the Department is not in compliance with
15 all Federal laws relating to leases and land use at
16 the Campus, or that significant mismanagement has
17 occurred with respect to leases or land use at the
18 Campus, the Secretary may not enter into any lease
19 or land-sharing agreement at the Campus, or renew
20 any such lease or land-sharing agreement that is not
21 in compliance with such laws, until the Secretary
22 certifies to the Committee on Veterans' Affairs of
23 the Senate, the Committee on Veterans' Affairs of
24 the House of Representatives, and each Member of
25 the Senate and the House of Representatives who

1 represents the area in which the Campus is located
2 that all recommendations included in the audit re-
3 port or evaluation have been implemented.

4 (2) COMPLIANCE OF PARTICULAR LEASES.—

5 Except as otherwise expressly provided by this sec-
6 tion, no lease may be entered into or renewed under
7 this section unless the lease complies with chapter
8 33 of title 41, United States Code, and all Federal
9 laws relating to environmental and historic preserva-
10 tion.

11 (i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary shall establish a Community Veterans En-
15 gagement Board (in this subsection referred to as
16 the “Board”) for the Campus to coordinate locally
17 with the Department of Veterans Affairs to—

18 (A) identify the goals of the community;

19 and

20 (B) provide advice and recommendations
21 to the Secretary to improve services and out-
22 comes for veterans, members of the Armed
23 Forces, and the families of such veterans and
24 members.

1 (2) MEMBERS.—The Board shall be comprised
2 of a number of members that the Secretary deter-
3 mines appropriate, of which not less than 50 percent
4 shall be veterans. The nonveteran members shall be
5 family members of veterans, veteran advocates, serv-
6 ice providers, or stakeholders.

7 (3) COMMUNITY INPUT.—In carrying out sub-
8 paragraphs (A) and (B) of paragraph (1), the Board
9 shall—

10 (A) provide the community opportunities to
11 collaborate and communicate with the Board,
12 including by conducting public forums on the
13 Campus; and

14 (B) focus on local issues regarding the De-
15 partment that are identified by the community,
16 including with respect to health care, benefits,
17 and memorial services at the Campus.

18 (j) NOTIFICATION AND REPORTS.—

19 (1) CONGRESSIONAL NOTIFICATION.—With re-
20 spect to each lease or land-sharing agreement in-
21 tended to be entered into or renewed at the Campus,
22 the Secretary shall notify the Committee on Vet-
23 erans' Affairs of the Senate, the Committee on Vet-
24 erans' Affairs of the House of Representatives, and
25 each Member of the Senate and the House of Rep-

1 representatives who represents the area in which the
2 Campus is located of the intent of the Secretary to
3 enter into or renew the lease or land-sharing agree-
4 ment not later than 45 days before entering into or
5 renewing the lease or land-sharing agreement.

6 (2) ANNUAL REPORT.—Not later than one year
7 after the date of the enactment of this Act, and not
8 less frequently than annually thereafter, the Sec-
9 retary shall submit to the Committee on Veterans’
10 Affairs of the Senate, the Committee on Veterans’
11 Affairs of the House of Representatives, and each
12 Member of the Senate and the House of Representa-
13 tives who represents the area in which the Campus
14 is located an annual report evaluating all leases and
15 land-sharing agreements carried out at the Campus,
16 including—

17 (A) an evaluation of the management of
18 the revenue generated by the leases; and

19 (B) the records described in subsection
20 (b)(3)(D).

21 (3) INSPECTOR GENERAL REPORT.—

22 (A) IN GENERAL.—Not later than each of
23 two years and five years after the date of the
24 enactment of this Act, and as determined nec-
25 essary by the Inspector General of the Depart-

1 ment of Veterans Affairs thereafter, the Inspec-
2 tor General shall submit to the Committee on
3 Veterans' Affairs of the Senate, the Committee
4 on Veterans' Affairs of the House of Represent-
5 atives, and each Member of the Senate and the
6 House of Representatives who represents the
7 area in which the Campus is located a report on
8 all leases carried out at the Campus and the
9 management by the Department of the use of
10 land at the Campus, including an assessment of
11 the efforts of the Department to implement the
12 master plan described in subsection (g) with re-
13 spect to the Campus.

14 (B) CONSIDERATION OF ANNUAL RE-
15 PORT.—In preparing each report required by
16 subparagraph (A), the Inspector General shall
17 take into account the most recent report sub-
18 mitted to Congress by the Secretary under
19 paragraph (2).

20 (k) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed as a limitation on the authority
22 of the Secretary to enter into other agreements regarding
23 the Campus that are authorized by law and not incon-
24 sistent with this section.

1 (1) PRINCIPALLY BENEFIT VETERANS AND THEIR
2 FAMILIES DEFINED.—In this section the term “prin-
3 cipally benefit veterans and their families”, with respect
4 to services provided by a person or entity under a lease
5 of property or land-sharing agreement—

6 (1) means services—

7 (A) provided exclusively to veterans and
8 their families; or

9 (B) that are designed for the particular
10 needs of veterans and their families, as opposed
11 to the general public, and any benefit of those
12 services to the general public is ancillary to the
13 intended benefit to veterans and their families;
14 and

15 (2) excludes services in which the only benefit
16 to veterans and their families is the generation of
17 revenue for the Department of Veterans Affairs.

18 (m) CONFORMING AMENDMENTS.—

19 (1) PROHIBITION ON DISPOSAL OF PROP-
20 erty.—Section 224(a) of the Military Construction
21 and Veterans Affairs and Related Agencies Appro-
22 priations Act, 2008 (Public Law 110–161; 121 Stat.
23 2272) is amended by striking “The Secretary of
24 Veterans Affairs” and inserting “Except as author-
25 ized under the Los Angeles Homeless Veterans

1 Leasing Act of 2016, the Secretary of Veterans Af-
2 fairs”.

3 (2) ENHANCED-USE LEASES.—Section 8162(c)
4 of title 38, United States Code, is amended by in-
5 serting “, other than an enhanced-use lease under
6 the Los Angeles Homeless Veterans Leasing Act of
7 2016,” before “shall be considered”.

8 **SEC. 705. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
9 **LEASE IN OXNARD, CALIFORNIA.**

10 The Secretary of Veterans Affairs may carry out a
11 major medical facility lease for an outpatient clinic,
12 Oxnard, California, in an amount not to exceed
13 \$6,297,000 (not including any estimated cancellation
14 costs).

15 **TITLE VIII—OTHER MATTERS**

16 **SEC. 801. PROVISION OF STATUS UNDER LAW BY HON-**
17 **ORING CERTAIN MEMBERS OF THE RESERVE**
18 **COMPONENTS AS VETERANS.**

19 (a) VETERAN STATUS.—

20 (1) IN GENERAL.—Chapter 1 of title 38, United
21 States Code, is amended by inserting after section
22 107 the following new section:

1 **“§ 107A. Honoring as veterans certain persons who**
 2 **performed service in the reserve compo-**
 3 **nents**

4 “Any person who is entitled under chapter 1223 of
 5 title 10 to retired pay for nonregular service or, but for
 6 age, would be entitled under such chapter to retired pay
 7 for nonregular service shall be honored as a veteran but
 8 shall not be entitled to any benefit by reason of this sec-
 9 tion.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of such chapter is amended
 12 by inserting after the item relating to section 107
 13 the following new item:

“107A. Honoring as veterans certain persons who performed service in the re-
 serve components.”.

14 (b) CLARIFICATION REGARDING BENEFITS.—No
 15 person may receive any benefit under the laws adminis-
 16 tered by the Secretary of Veterans Affairs solely by reason
 17 of section 107A of title 38, United States Code, as added
 18 by subsection (a).

19 **SEC. 802. RETURN OF NONCITIZEN VETERANS REMOVED**
 20 **FROM THE UNITED STATES; STATUS FOR**
 21 **NONCITIZEN VETERANS IN THE UNITED**
 22 **STATES.**

23 (a) IN GENERAL.—

1 (1) DUTIES OF SECRETARY.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Secretary shall—

4 (A) establish a program and application
5 procedure to permit—

6 (i) deported veterans who meet the re-
7 quirements of subsection (b) to enter the
8 United States as a noncitizen lawfully ad-
9 mitted for permanent residence; and

10 (ii) noncitizen veterans in the United
11 States who meet the requirements of sub-
12 section (b) to adjust status to that of a
13 noncitizen lawfully admitted for permanent
14 residence; and

15 (B) cancel the removal of noncitizen vet-
16 erans ordered removed who meet the require-
17 ments of subsection (b) and allow them to ad-
18 just status to that of a noncitizen lawfully ad-
19 mitted for permanent residence.

20 (2) NO NUMERICAL LIMITATIONS.—Nothing in
21 this section or in any other law shall be construed
22 to apply a numerical limitation on the number of
23 veterans who may be eligible to receive benefits
24 under paragraph (1).

25 (b) ELIGIBILITY.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, including sections 212 and 237 of
3 the Immigration and Nationality Act (8 U.S.C.
4 1182; 1227), a veteran shall be eligible for the pro-
5 gram established under subsection (a)(1)(A), or can-
6 cellation of removal under subsection (a)(1)(B), if
7 the Secretary determines that the veteran—

8 (A) was not ordered removed, or removed,
9 from the United States due to a criminal con-
10 viction for—

11 (i) a crime of violence; or

12 (ii) a crime that endangers the na-
13 tional security of the United States for
14 which the noncitizen has served a term of
15 imprisonment of at least 5 years; and

16 (B) is not inadmissible to, or deportable
17 from, the United States due to such a convic-
18 tion.

19 (2) WAIVER.—The Secretary may waive para-
20 graph (1) for humanitarian purposes, to assure fam-
21 ily unity, due to exceptional service in the United
22 States Armed Forces, or if such waiver otherwise is
23 in the public interest.

24 (c) PROTECTING VETERANS AND SERVICE MEMBERS
25 FROM REMOVAL.—Notwithstanding any other provision

1 of law, including section 237 of the Immigration and Na-
2 tionality Act (8 U.S.C. 1227), a noncitizen who is a vet-
3 eran or service member shall not be removed from the
4 United States unless the noncitizen has a criminal convic-
5 tion for a crime of violence.

6 (d) NATURALIZATION THROUGH SERVICE IN THE
7 ARMED FORCES OF THE UNITED STATES.—Notwith-
8 standing any other provision of law, a noncitizen who has
9 obtained the status of a noncitizen lawfully admitted for
10 permanent residence pursuant to subsection (b) shall be
11 eligible for naturalization through service in the Armed
12 Forces of the United States under sections 328 and 329
13 of the Immigration and Nationality Act (8 U.S.C. 1439;
14 1440), except that—

15 (1) the ground or grounds on which the noncit-
16 izen was ordered removed, or removed, from the
17 United States, or was rendered inadmissible to, or
18 deportable from, the United States, shall be dis-
19 regarded when determining whether the noncitizen is
20 a person of good moral character; and

21 (2) any period of absence from the United
22 States due to the noncitizen having been removed, or
23 being inadmissible, shall be disregarded when deter-
24 mining if the noncitizen satisfies any requirement re-
25 lating to continuous residence or physical presence.

1 (e) ACCESS TO MILITARY BENEFITS.—A noncitizen
2 who has obtained the status of a noncitizen lawfully admit-
3 ted for permanent residence pursuant to subsection (b)
4 shall be eligible for all military and veterans benefits for
5 which the noncitizen would have been eligible if the noncit-
6 izen had never been ordered removed, been removed, or
7 voluntarily departed, from the United States.

8 (f) IMPLEMENTATION.—

9 (1) IDENTIFICATION.—The Secretary of Home-
10 land Security shall identify cases involving service
11 members and veterans at risk of removal from the
12 United States by—

13 (A) inquiring of every noncitizen processed
14 prior to initiating removal proceedings whether
15 the noncitizen is serving, or has served, as a
16 member of a regular or reserve component of
17 the Armed Forces of the United States on ac-
18 tive duty or as a member of a reserve compo-
19 nent of the Armed Forces in an active status;

20 (B) requiring personnel to seek supervisory
21 approval prior to initiating removal proceedings
22 against a service member or veteran; and

23 (C) keeping records of service members
24 and veterans who have had removal proceedings

1 against them initiated, been detained, or been
2 removed.

3 (2) RECORD ANNOTATION.—When the Sec-
4 retary has identified a case under paragraph (1), the
5 Secretary shall annotate all immigration and natu-
6 ralization records of the Department of Homeland
7 Security relating to the noncitizen involved so as to
8 reflect that identification and afford an opportunity
9 to track the outcomes for the noncitizen. Such anno-
10 tation shall include—

11 (A) the individual's branch of military
12 service;

13 (B) whether or not the individual is serv-
14 ing, or has served, during a period of military
15 hostilities described in section 329 of the Immi-
16 gration and Nationality Act (8 U.S.C. 1440);

17 (C) the individual's immigration status at
18 the time of enlistment;

19 (D) whether the individual is serving hon-
20 orably or was separated under honorable condi-
21 tions; and

22 (E) the basis for which removal was
23 sought; and, if the basis for removal was a
24 criminal conviction, the crime or crimes for
25 which conviction was obtained.

1 (g) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary shall pro-
3 mulgate regulations to implement this section.

4 (h) DEFINITIONS.—In this section:

5 (1) The term “crime of violence” means an of-
6 fense defined in section 16 of title 18, United States
7 Code, excluding a purely political offense, for which
8 the noncitizen has served a term of imprisonment of
9 at least 5 years.

10 (2) The term “deported veteran” means a vet-
11 eran who is a noncitizen and who—

12 (A) was removed from the United States;

13 or

14 (B) is abroad and is inadmissible under
15 section 212(a) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1182(a)).

17 (3) The term “noncitizen” means an individual
18 who is not a national of the United States (as de-
19 fined in section 101(a)(22) of the Immigration and
20 Nationality Act (8 U.S.C. 1101(a)(22))).

21 (4) The term “Secretary” means the Secretary
22 of Homeland Security.

23 (5) The term “service member” means an indi-
24 vidual who is serving as a member of a regular or
25 reserve component of the Armed Forces of the

1 United States on active duty or as a member of a
2 reserve component of the Armed Forces in an active
3 status.

4 (6) The term “veteran” has the meaning given
5 such term under section 101(2) of title 38, United
6 States Code.

7 **SEC. 803. REVIEW OF DISCHARGE CHARACTERIZATION.**

8 (a) IN GENERAL.—In accordance with this section,
9 the appropriate discharge boards—

10 (1) shall review the discharge characterization
11 of covered members at the request of the covered
12 member; and

13 (2) if such characterization is any characteriza-
14 tion except honorable, may change such character-
15 ization to honorable.

16 (b) CRITERIA.—In changing the discharge character-
17 ization of a covered member to honorable under subsection
18 (a)(2), the Secretary of Defense shall ensure that such
19 changes are carried out consistently and uniformly across
20 the military departments using the following criteria:

21 (1) The original discharge must be based on
22 Don’t Ask Don’t Tell (in this Act referred to as
23 “DADT”) or a similar policy in place prior to the
24 enactment of DADT.

1 (2) Such discharge characterization shall be so
2 changed if, with respect to the original discharge,
3 there were no aggravating circumstances, such as
4 misconduct, that would have independently led to a
5 discharge characterization that was any character-
6 ization except honorable. For purposes of this para-
7 graph, such aggravating circumstances may not in-
8 clude—

9 (A) an offense under section 925 of title
10 10, United States Code (article 125 of the Uni-
11 form Code of Military Justice), committed by a
12 covered member against a person of the same
13 sex with the consent of such person; or

14 (B) statements, consensual sexual conduct,
15 or consensual acts relating to sexual orientation
16 or identity, or the disclosure of such state-
17 ments, conduct, or acts, that were prohibited at
18 the time of discharge but after the date of such
19 discharge became permitted.

20 (3) When requesting a review, a covered mem-
21 ber, or their representative, shall be required to pro-
22 vide either—

23 (A) documents consisting of—

24 (i) a copy of the DD-214 form of the
25 member;

1 (ii) a personal affidavit of the cir-
2 cumstances surrounding the discharge; and

3 (iii) any relevant records pertaining to
4 the discharge; or

5 (B) an affidavit certifying that the mem-
6 ber, or their representative, does not have the
7 documents specified in subparagraph (A).

8 (4) If a covered member provides an affidavit
9 described in subparagraph (B) of paragraph (3)—

10 (A) the appropriate discharge board shall
11 make every effort to locate the documents speci-
12 fied in subparagraph (A) of such paragraph
13 within the records of the Department of De-
14 fense; and

15 (B) the absence of such documents may
16 not be considered a reason to deny a change of
17 the discharge characterization under subsection
18 (a)(2).

19 (c) REQUEST FOR REVIEW.—The appropriate dis-
20 charge board shall ensure the mechanism by which covered
21 members, or their representative, may request to have the
22 discharge characterization of the covered member reviewed
23 under this section is simple and straightforward.

24 (d) REVIEW.—

1 (1) IN GENERAL.—After a request has been
2 made under subsection (c), the appropriate dis-
3 charge board shall review all relevant laws, records
4 of oral testimony previously taken, service records,
5 or any other relevant information regarding the dis-
6 charge characterization of the covered member.

7 (2) ADDITIONAL MATERIALS.—If additional
8 materials are necessary for the review, the appro-
9 priate discharge board—

10 (A) may request additional information
11 from the covered member or their representa-
12 tive, in writing, and specifically detailing what
13 is being requested; and

14 (B) shall be responsible for obtaining a
15 copy of the necessary files of the covered mem-
16 ber from the member, or when applicable, from
17 the Department of Defense.

18 (e) CHANGE OF CHARACTERIZATION.—The appro-
19 priate discharge board shall change the discharge charac-
20 terization of a covered member to honorable if such change
21 is determined to be appropriate after a review is conducted
22 under subsection (d) pursuant to the criteria under sub-
23 section (b). A covered member, or the representative of
24 the member, may appeal a decision by the appropriate dis-

1 charge board to not change the discharge characterization
2 by using the regular appeals process of the board.

3 (f) CHANGE OF RECORDS.—For each covered mem-
4 ber whose discharge characterization is changed under
5 subsection (e), or for each covered member who was hon-
6 orably discharged but whose DD-214 form reflects the
7 sexual orientation of the member, the Secretary of Defense
8 shall reissue to the member or their representative a re-
9 vised DD-214 form that reflects the following:

10 (1) For each covered member discharged, the
11 Separation Code, Reentry Code, Narrative Code, and
12 Separation Authority shall not reflect the sexual ori-
13 entation of the member and shall be placed under
14 secretarial authority. Any other similar indication of
15 the sexual orientation or reason for discharge shall
16 be removed or changed accordingly to be consistent
17 with this paragraph.

18 (2) For each covered member whose discharge
19 occurred prior to the creation of general secretarial
20 authority, the sections of the DD-214 form referred
21 to paragraph (1) shall be changed to similarly reflect
22 a universal authority with codes, authorities, and
23 language applicable at the time of discharge.

24 (g) STATUS.—

1 (1) IN GENERAL.—Each covered member whose
2 discharge characterization is changed under sub-
3 section (e) shall be treated without regard to the
4 original discharge characterization of the member,
5 including for purposes of—

6 (A) benefits provided by the Federal Gov-
7 ernment to an individual by reason of service in
8 the Armed Forces; and

9 (B) all recognitions and honors that the
10 Secretary of Defense provides to members of
11 the Armed Forces.

12 (2) REINSTATEMENT.—In carrying out para-
13 graph (1)(B), the Secretary shall reinstate all rec-
14 ognitions and honors of a covered member whose
15 discharge characterization is changed under sub-
16 section (e) that the Secretary withheld because of
17 the original discharge characterization of the mem-
18 ber.

19 (h) DEFINITIONS.—In this section:

20 (1) The term “appropriate discharge board”
21 means the boards for correction of military records
22 under section 1552 of title 10, United States Code,
23 or the discharge review boards under section 1553
24 of such title, as the case may be.

1 (2) The term “covered member” means any
2 former member of the Armed Forces who was dis-
3 charged from the Armed Forces because of the sex-
4 ual orientation of the member.

5 (3) The term “discharge characterization”
6 means the characterization under which a member
7 of the Armed Forces is discharged or released, in-
8 cluding “dishonorable”, “general”, “other than hon-
9 orable”, and “honorable”.

10 (4) The term “Don’t Ask Don’t Tell” means
11 section 654 of title 10, United States Code, as in ef-
12 fect before such section was repealed pursuant to the
13 Don’t Ask, Don’t Tell Repeal Act of 2010 (Public
14 Law 111–321).

15 (5) The term “representative” means the sur-
16 viving spouse, next of kin, or legal representative of
17 a covered member.

18 (i) REPORTS.—

19 (1) REVIEW.—The Secretary of Defense shall
20 conduct a review of the consistency and uniformity
21 of the reviews conducted under this section.

22 (2) REPORTS.—Not later than 270 days after
23 the date of the enactment of this Act, and each year
24 thereafter for a 4-year period, the Secretary shall
25 submit to Congress a report on the reviews under

1 subsection (a). Such reports shall include any com-
2 ments or recommendations for continued actions.

3 **SEC. 804. HISTORICAL REVIEW OF DISCHARGES FROM THE**
4 **ARMED FORCES DUE TO SEXUAL ORIENTA-**
5 **TION.**

6 The Secretary of each military department shall en-
7 sure that oral historians of the department—

8 (1) review the facts and circumstances sur-
9 rounding the estimated 100,000 members of the
10 Armed Forces discharged from the Armed Forces
11 between World War II and September 2011 because
12 of the sexual orientation of the member; and

13 (2) receive oral testimony of individuals who
14 personally experienced discrimination and discharge
15 because of the actual or perceived sexual orientation
16 of the individual so that such testimony may serve
17 as an official record of these discriminatory policies
18 and their impact on American lives.

19 **SEC. 805. MODIFICATION OF ARTICLE 125 OF THE UNIFORM**
20 **CODE OF MILITARY JUSTICE.**

21 Section 925(a) of title 10, United States Code (article
22 125 of the Uniform Code of Military Justice), is amended
23 by striking “with another person of the same or opposite
24 sex”.

1 **SEC. 806. EXEMPTION FROM IMMIGRANT VISA LIMIT.**

2 Section 201(b)(1) of the Immigration and Nationality
3 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
4 end the following:

5 “(F) Aliens who—

6 “(i) are eligible for a visa under paragraph
7 (1) or (3) of section 203(a); and

8 “(ii) have a parent (regardless of whether
9 the parent is living or dead) who was natural-
10 ized pursuant to—

11 “(I) section 405 of the Immigration
12 Act of 1990 (Public Law 101–649; 8
13 U.S.C. 1440 note); or

14 “(II) title III of the Act of October
15 14, 1940 (54 Stat. 1137, chapter 876), as
16 added by section 1001 of the Second War
17 Powers Act, 1942 (56 Stat. 182, chapter
18 199).”.

19 **SEC. 807. CERTAIN SERVICE IN THE ORGANIZED MILITARY**
20 **FORCES OF THE PHILIPPINES AND THE PHIL-**
21 **IPPINE SCOUTS DEEMED TO BE ACTIVE**
22 **SERVICE.**

23 (a) IN GENERAL.—Section 107 of title 38, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) by striking “not” after “Army of the
2 United States, shall”; and

3 (B) by striking “, except benefits
4 under—” and all that follows in that subsection
5 and inserting a period;

6 (2) in subsection (b)—

7 (A) by striking “not” after “Armed Forces
8 Voluntary Recruitment Act of 1945 shall”; and

9 (B) by striking “except—” and all that fol-
10 lows in that subsection and inserting a period;

11 (3) by amending subsection (c) to read as fol-
12 lows:

13 “(c) DETERMINATION OF ELIGIBILITY.—(1) In de-
14 termining the eligibility of the service of an individual
15 under this section, the Secretary shall take into account
16 any alternative documentation regarding such service, in-
17 cluding documentation other than the Missouri List, that
18 the Secretary determines relevant.

19 “(2) Not later than March 1 of each year, the Sec-
20 retary shall submit to the Committees on Veterans’ Affairs
21 of the Senate and House of Representatives a report that
22 includes—

23 “(A) the number of individuals applying for
24 benefits pursuant to this section during the previous
25 year; and

1 “(B) the number of such individuals that the
2 Secretary approved for benefits.”; and

3 (4) by amending subsection (d) to read as fol-
4 lows:

5 “(d) RELATION TO FILIPINO VETERANS EQUITY
6 COMPENSATION FUND.—Section 1002(h) of the American
7 Recovery and Reinvestment Act of 2009 (title X of divi-
8 sion A of Public Law 111–5; 123 Stat. 200; 38 U.S.C.
9 107 note) shall not apply to an individual described in sub-
10 section (a) or (b) of this section.”.

11 (b) CONFORMING AMENDMENTS.—(1) The heading
12 of such section is amended to read as follows:

13 **“§ 107. Certain service deemed to be active service:**
14 **service in organized military forces of the**
15 **Philippines and in the Philippine**
16 **Scouts”.**

17 (2) The item relating to such section in the table of
18 sections at the beginning of chapter 1 of such title is
19 amended to read as follows:

“107. Certain service deemed to be active service: service in organized military
forces of the Philippines and in the Philippine Scouts.”.

20 (c) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 this section shall take effect on the date that is 90
23 days after the date of the enactment of this Act.

1 (2) APPLICABILITY.—No benefits shall accrue
2 to any person for any period before the effective date
3 of this section by reason of the amendments made
4 by this section.

5 **SEC. 808. ELIGIBILITY FOR INTERMENT IN NATIONAL**
6 **CEMETERIES.**

7 (a) IN GENERAL.—Section 2402(a) of title 38,
8 United States Code, is amended by adding at the end the
9 following new paragraph:

10 “(10) Any individual—

11 “(A) who—

12 “(i) was naturalized pursuant to sec-
13 tion 2(1) of the Hmong Veterans’ Natu-
14 ralization Act of 2000 (Public Law 106–
15 207; 8 U.S.C. 1423 note); and

16 “(ii) at the time of the individual’s
17 death resided in the United States; or

18 “(B) who—

19 “(i) the Secretary determines served
20 with a special guerrilla unit or irregular
21 forces operating from a base in Laos in
22 support of the Armed Forces of the United
23 States at any time during the period begin-
24 ning February 28, 1961, and ending May
25 7, 1975; and

1 “(ii) at the time of the individual’s
2 death—

3 “(I) was a citizen of the United
4 States or an alien lawfully admitted
5 for permanent residence in the United
6 States; and

7 “(II) resided in the United
8 States.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply with respect to an individual dying
11 on or after the date of the enactment of this Act.

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