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116TH CONGRESS
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S. 4511

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. MORAN (for himself, Mr. TILLIS, Mr. ROUNDS, Mr. BOOZMAN, Mr. DAINES, Ms. COLLINS, Mr. LANKFORD, Mr. RUBIO, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

DECEMBER 8, 2020

Reported by Mr. MORAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “**Veteran Benefits Enhancement and Expansion Act of**
 4 **2020**”.

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

See. 1. Short title; table of contents.

TITLE I—EDUCATION MATTERS

See. 101. Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.

See. 102. Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.

See. 103. Phase out of All-Volunteer Educational Assistance Program.

See. 104. Requirements for in-State tuition.

See. 105. Expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs to include outreach services provided through congressional offices.

TITLE II—BURIAL MATTERS

See. 201. Transportation of deceased veterans to veterans’ cemeteries.

See. 202. Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.

See. 203. Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.

See. 204. Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.

TITLE III—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

See. 301. Short title.

See. 302. Penalties for representing veterans as agents and attorneys without recognition by Secretary of Veterans Affairs.

See. 303. Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.

See. 304. Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.

See. 305. Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.

See. 306. Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.

See. 307. Notice regarding fees charged in connection with filing an application for veterans pension.

See. 308. Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.

TITLE IV—OTHER MATTERS

See. 401. Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.

See. 402. Extension of certain housing loan fees.

See. 403. Clarification of licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs.

See. 404. Medal of Honor special pension for surviving spouses.

See. 405. Modernization of service-disabled veterans insurance.

See. 406. Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.

See. 407. Determination of budgetary effects.

1 TITLE I—EDUCATION MATTERS

2 SEC. 101. EXPANSION OF ELIGIBILITY FOR FRY SCHOLAR-

6 (a) IN GENERAL.—Subsektion (b) of section 3311 of
7 title 38, United States Code, as amended by section 105
8 of the Harry W. Colmery Veterans Educational Assistance
9 Act of 2017 (Public Law 115-48), is further amended—

10 (1) by redesignating paragraph (9) as para-
11 graph (11); and

12 (2) by inserting after paragraph (8) the fol-
13 lowing new paragraphs (9) and (10):

14 “(9) An individual who is the child or spouse of
15 a person who, on or after September 11, 2001, dies
16 in line of duty while serving on duty other than ac-
17 tive duty as a member of the Armed Forces.

1 “(10) An individual who is the child or spouse
 2 of a member of the Selected Reserve who dies on or
 3 after September 11, 2001, while a member of the
 4 Selected Reserve from a service-connected dis-
 5 ability.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Subsection (f) of such section is amended
 8 by striking “paragraph (8)” each place it appears
 9 and inserting “paragraphs (8), (9), and (10)”.

10 (2) In section 3313(e)(1), by striking “(8), or
 11 (9)” and inserting “(8), (9), (10), or (11)”.

12 (3) In section 3317(a), in the second sentence,
 13 by striking “paragraphs (1), (2), (8), and (9)” and
 14 inserting “paragraphs (1), (2), (8), (9), (10), and
 15 (11)”.

16 (4) Section 3322 of such title is amended—

17 (A) in subsection (e), by striking both
 18 “sections 3311(b)(8) and 3319” and inserting
 19 “section 3319 and paragraph (8), (9), or (10)
 20 of section 3311 of this title”;

21 (B) in subsection (f), by striking “section
 22 3311(b)(8)” and inserting “paragraph (8), (9),
 23 or (10) of section 3311 of this title”, and

24 (C) in subsection (h)(2), by striking “ei-
 25 ther section 3311(b)(8) or chapter 35” and in-

1 serting “either chapter 35 or paragraph (8),
2 (9), or (10) of section 3311”.

3 (e) **APPLICABILITY DATE.**—The amendments made
4 by this section shall take effect immediately after the
5 amendments made by section 105 of the Harry W.
6 Colmery Veterans Educational Assistance Act of 2017
7 (Public Law 115-48) take effect and shall apply with re-
8 speet to a quarter, semester, or term, as applicable, com-
9 mencing on or after August 1, 2020.

10 **SEC. 102. PERIOD FOR ELECTION TO RECEIVE BENEFITS**
11 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**
12 **SISTANCE PROGRAM OF DEPARTMENT OF**
13 **VETERANS AFFAIRS.**

14 (a) **IN GENERAL.**—Section 3011 of title 38, United
15 States Code, is amended—

16 (1) in subsection (e)(1), by striking “Any such
17 election shall be made at the time the individual ini-
18 tially enters on active duty as a member of the
19 Armed Forces” and inserting “Any such election
20 shall be made during the 90-day period beginning on
21 the day that is 180 days after the date on which the
22 individual initially enters initial training”; and

23 (2) in subsection (b)(1), by striking “that such
24 individual is entitled to such pay” and inserting
25 “that begin after the date that is 270 days after the

1 date on which the individual initially enters initial
2 training”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect 180 days after the date
5 of enactment of this Act.

6 SEC. 103. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL
7 ASSISTANCE PROGRAM.

8 Subsection (a)(1)(A) of section 3011 of title 38,
9 United States Code, as amended by section 102, is further
10 amended by striking “after June 30, 1985” and inserting
11 “during the period beginning July 1, 1985, and ending
12 September 30, 2030”.

13 SEC. 104. REQUIREMENTS FOR IN-STATE TUITION.

14 (a) IN GENERAL.—Section 3679(e) of title 38,
15 United States Code, is amended—

16 (1) in paragraph (2)(A), by striking "less than
17 three years before the date of enrollment in the
18 course concerned"; and

19 (2) in paragraph (4)—

20 (A) by striking "It shall" and inserting
21 "(A) It shall"; and

22 (B) by adding at the end the following new
23 subparagraph:-

24 (B) To the extent feasible, the Secretary shall make
25 publicly available on the internet website of the Depart-

1 ment a database explaining any requirements described in
2 subparagraph (A) that are established by a public institu-
3 tion of higher learning for an individual to be charged tui-
4 tion and fees at a rate that is equal to or less than the
5 rate the institution charges for tuition and fees for resi-
6 dents of the State in which the institution is located. The
7 Secretary shall disapprove a course of education provided
8 by such an institution that does not provide the Sec-
9 retary—

10 “(i) an initial explanation of such requirements;
11 and

12 “(ii) not later than 90 days after the date on
13 which any such requirements change, the updated
14 requirements.”.

15 (b) APPLICATION.—The amendments made by this
16 section shall apply with respect to a quarter, semester, or
17 term, as applicable, commencing on or after August 1,
18 2020.

1 **SEC. 105. EXPANSION OF AUTHORITY FOR CERTAIN QUALI-**
2 **FYING WORK-STUDY ACTIVITIES FOR PUR-**
3 **POSES OF THE EDUCATIONAL ASSISTANCE**
4 **PROGRAMS OF THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS TO INCLUDE OUTREACH**
6 **SERVICES PROVIDED THROUGH CONGRES-**
7 **SIONAL OFFICES.**

8 Section 3485(a)(4) of title 38, United States Code,
9 is amended by adding at the end the following new sub-
10 paragraph:

11 “(K) The following activities carried out at the
12 offices of Members of Congress for such Members:

13 “(i) The distribution of information to
14 members of the Armed Forces, veterans, and
15 their dependents about the benefits and services
16 under laws administered by the Secretary and
17 other appropriate governmental and nongovern-
18 mental programs.

19 “(ii) The preparation and processing of pa-
20 pers and other documents, including documents
21 to assist in the preparation and presentation of
22 claims for benefits under laws administered by
23 the Secretary.”

1 **TITLE II—BURIAL MATTERS**

2 **SEC. 201. TRANSPORTATION OF DECEASED VETERANS TO** 3 **VETERANS' CEMETERIES.**

4 (a) **IN GENERAL.**—Subsection (a) of section 2308 of
 5 title 38, United States Code, is amended by striking “in
 6 a national cemetery” and inserting “in a national ceme-
 7 tery or a covered veterans’ cemetery”.

8 (b) **COVERED VETERANS’ CEMETERY DEFINED.**—

9 Section 2308 of such title is amended by adding at the
 10 end the following new subsection:

11 “(c) **COVERED VETERANS’ CEMETERY DEFINED.**—
 12 In this section, the term ‘covered veterans’ cemetery’
 13 means a veterans’ cemetery—

14 “(1) in which a deceased veteran described in
 15 subsection (b) is eligible to be buried; and

16 “(2) for which the Secretary has made a grant
 17 under section 2408 of this title.”.

18 (e) **CONFORMING AMENDMENT.**—Section 2308 of
 19 such title is amended in the section heading by adding
 20 at the end the following: “**or a veterans’ cemetery**”.

21 (d) **CLERICAL AMENDMENT.**—The table of sections
 22 at the beginning of chapter 23 of such title is amended
 23 by striking the item relating to section 2308 and inserting
 24 the following new item:

“2308. Transportation of deceased veteran to a national cemetery or a veterans’ cemetery.”.

1 **SEC. 202. INCREASE IN CERTAIN FUNERAL BENEFITS**
2 **UNDER LAWS ADMINISTERED BY THE SEC-**
3 **RETARY OF VETERANS AFFAIRS.**

4 (a) ~~FUNERAL EXPENSES FOR NON-SERVICE-CON-~~
5 ~~NECTED DISABILITIES.~~—Chapter 23 of title 38, United
6 States Code, is amended as follows:

7 (1) By transferring subsection (b) of section
8 2302 to the end of section 2303 and redesignating
9 such subsection as subsection (d).

10 (2) By striking section 2302.

11 (3) In section 2303—

12 (A) in the section heading, by striking
13 “**Death in Department facility**” and in-
14 serting “**Death from non-service-con-**
15 **neeted disability**”, and

16 (B) in subsection (a)—

17 (i) in paragraph (1), by striking “a
18 veteran dies in a facility described in para-
19 graph (2)” and inserting “a veteran de-
20 scribed in paragraph (2) dies”;

21 (ii) by striking paragraph (2) and in-
22 serting the following new paragraph (2):

23 “(2) A veteran described in this paragraph is a de-
24 ceased veteran who is not covered by section 2307 and
25 who meets any of the following criteria:

26 “(A) The deceased veteran dies in—

1 “(i) a facility of the Department (as de-
2 fined in section 1701(3) of this title) to which
3 the deceased veteran was properly admitted for
4 hospital, nursing home, or domiciliary care
5 under section 1710 or 1711(a) of this title; or

6 “(ii) an institution at which the deceased
7 veteran was, at the time of death, receiving—

8 “(I) hospital care in accordance with
9 sections 1703A, 8111, and 8153 of this
10 title;

11 “(II) nursing home care under section
12 1720 of this title; or

13 “(III) nursing home care for which
14 payments are made under section 1741 of
15 this title.

16 “(B) At the time of death, the deceased veteran
17 (including a person who died during a period deemed
18 to be active military, naval, or air service under sec-
19 tion 106(e) of this title) is in receipt of compen-
20 sation under chapter 11 of this title (or but for the re-
21 ceipt of retirement pay would have been entitled to
22 such compensation) or was in receipt of pension
23 under chapter 15 of this title.

24 “(C) The Secretary determines—

1 “(i) the deceased veteran (including a per-
2 son who died during a period deemed to be ac-
3 tive military, naval, or air service under section
4 406(e) of this title) has no next of kin or other
5 person claiming the body of the deceased vet-
6 eran; and

7 “(ii) that there are not available sufficient
8 resources to cover burial and funeral ex-
9 penses.”;

10 (iii) in subsection (b)—

11 (I) in the matter preceding para-
12 graph (1), by striking “section 2302
13 of this title and”; and

14 (II) in paragraph (2), by striking
15 “under section 2302 of this title or”,
16 and

17 (iv) in subsection (d), as added by
18 paragraph (1) of this subsection, by strik-
19 ing “Except as” and inserting “With re-
20 spect to a deceased veteran described in
21 subparagraph (B) or (C) of subsection
22 (a)(2), except as”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) TITLE 38.—Such title is amended as fol-
25 lows:

(B) In section 2307, by striking “sections 2302 and 2303(a)(1) and (b)(2) of this title” and inserting “subseetions (a)(1) and (b)(2) of section 2303 of this title”.

11 (C) In section 2308—

12 (i) in subsection (a), by striking “pur-
13 suant to section 2302 or 2307 of this
14 title,” and inserting “pursuant to section
15 2303 of this title regarding veterans de-
16 scribed in subparagraph (B) or (C) of sub-
17 section (a)(2) of such section, or pursuant
18 to section 2307 of this title;” and

19 (ii) in subsection (b)(3)—

(I) by striking "section 2302" and inserting "section 2303"; and

22 (H) by striking “subsection
23 (a)(2)(A)” and inserting “subsection
24 (a)(2)(C)”.

1 (D) In section 113(e)(1), by striking
2 "2302,".

(E) In section 5101(a)(1)(B)(i), by striking “2302” and inserting “2303”.

12 (e) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 23 of such title is amended
14 by striking the items relating to sections 2302 and 2303
15 and inserting the following new item:

"2303. Death from non-service-connected disability; plot allowance."

16 (d) EFFECTIVE DATE.—The amendments made by
17 this Act shall apply to deaths that occur on or after the
18 date that is 180 days after the date of the enactment of
19 this Act.

20 SEC. 203. OUTER BURIAL RECEPTACLES FOR EACH NEW
21 GRAVE IN CEMETERIES THAT ARE THE SUB-
22 JECTS OF CERTAIN GRANTS MADE BY THE
23 SECRETARY OF VETERANS AFFAIRS.

24 Section 2306(e) of title 38, United States Code, is
25 amended—

1 (1) in paragraph (1)(A), by inserting “, or in
2 a cemetery that is the subject of a grant to a State
3 or a tribal organization under section 2408 of this
4 title,” after “National Cemetery Administration”,
5 and

6 (2) by striking paragraph (2) and inserting the
7 following new paragraph (2):

8 “(2)(A) The use of outer burial receptacles in a cemetery under the control of the National Cemetery Adminis-
9 tration or in a cemetery that is the subject of a grant to
10 a State or a tribal organization under section 2408 of this
11 title shall be in accordance with regulations or procedures
12 approved by the Secretary of Veterans Affairs.

14 “(B) The use of outer burial receptacles in Arlington
15 National Cemetery shall be in accordance with regulations
16 or procedures approved by the Secretary of the Army.

17 “(C) The use of outer burial receptacles in a national
18 cemetery administered by the National Park Service shall
19 be in accordance with regulations or procedures approved
20 by the Secretary of the Interior.”.

1 **SEC. 204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
2 **CHILDREN ON CERTAIN HEADSTONES AND**
3 **MARKERS FURNISHED BY THE SECRETARY**
4 **OF VETERANS AFFAIRS.**

5 (a) **IN GENERAL.**—Section 2306 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(j)(1) **In addition to any other authority under this**
9 **section, in the case of an individual whose grave is not**
10 **in a covered cemetery (as that term is defined in sub-**
11 **section (f)(2)) and for whom the Secretary has furnished**
12 **a headstone or marker under subsection (a) or (d), the**
13 **Secretary, if feasible and upon request, may replace the**
14 **headstone or marker to add an inscription for the sur-**
15 **viving spouse or eligible dependent child of such individual**
16 **following the death of the surviving spouse or eligible de-**
17 **pendent child.**

18 “(2) **If the spouse or eligible dependent child of an**
19 **individual referred to in paragraph (1) predeceases the in-**
20 **dividual, the Secretary may, if feasible and upon request,**
21 **include an inscription for the spouse or dependent child**
22 **on the headstone or marker furnished for the individual**
23 **under subsection (a) or (d).”.**

24 (b) **APPLICATION.**—Subsection (j) of section 2306 of
25 title 38, United States Code, as added by subsection (a),

1 shall apply with respect to an individual who dies on or
2 after October 1, 2021.

3 **TITLE III—REPRESENTATION
4 AND FINANCIAL EXPLOI-
5 TATION MATTERS**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “Financial Refuge for
8 Every Elderly Veteran Act of 2020” or the “FREE Vet-
9 eran Act of 2020”.

10 **SEC. 302. PENALTIES FOR REPRESENTING VETERANS AS
11 AGENTS AND ATTORNEYS WITHOUT REC-
12 OGNITION BY SECRETARY OF VETERANS AF-
13 FAIRS.**

14 (a) **PENALTIES.**

15 (1) **IN GENERAL.**—Section 5905 of title 38,
16 United States Code, is amended to read as follows:

17 **“§ 5905. Penalty for certain acts**

18 “(a) **IN GENERAL.**—Whoever commits any of the fol-
19 lowing acts shall be fined as provided in title 18, or impris-
20 oned for not more than one year, or both:

21 “(1) Undertakes or attempts to undertake any
22 work in furtherance of the preparation, presentation,
23 or prosecution of a claim under a law administered
24 by the Secretary—

1 “(A) without recognition by the Secretary
2 under sections 5902 through 5904 of this title;
3 or

4 “(B) while suspended or excluded under
5 section 5904(b) of this title.

6 “(2) Unlawfully withholds from any claimant or
7 beneficiary any part of a benefit or claim under the
8 laws administered by the Secretary that is allowed
9 and due to the claimant or beneficiary.

10 “(b) SEEKING RECOGNITION.—Subsection (a)(1)(A)
11 shall not be construed to include the seeking of recognition
12 from the Secretary to prepare, present, or prosecute a
13 claim under a law administered by the Secretary.

14 “(c) LEGAL INTERNS, LAW STUDENTS, AND PARA-
15 LEGALS.—Subsection (a)(1)(A) shall not apply to a legal
16 intern, a law student, or a paralegal undertaking or at-
17 tempting to undertake work in furtherance of the prepara-
18 tion, presentation, or prosecution of a claim under a law
19 administered by the Secretary to the degree that such
20 legal intern, law student, or paralegal is doing so—

21 “(1) on behalf of or under the supervision of an
22 attorney recognized by the Secretary under sections
23 5902 through 5904 of this title; and

1 “(2) in a manner that is consistent with the
2 Model Rules of Professional Conduct of the Amer-
3 ican Bar Association.”.

4 **(2) EFFECTIVE DATE.**—The amendment made
5 by subsection (a) shall apply with respect to acts
6 committed after the date that is 180 days after the
7 date of the enactment of this Act.

8 **(b) BIENNIAL REVIEWS BY GENERAL COUNSEL OF**
9 **THE DEPARTMENT OF VETERANS AFFAIRS.**—Section
10 5904 of such title is amended by adding at the end the
11 following new subsection:

12 **“(e) BIENNIAL REVIEWS BY GENERAL COUNSEL.**
13 **(1)** Not less frequently than once every two years, the
14 General Counsel of the Department shall submit to Con-
15 gress a report on activities under this section.

16 **“(2) Each report submitted under subparagraph (A)**
17 **shall include, for the period covered by the report, the fol-**
18 **lowing:**

19 **“(A) A discussion of the rates generally charged**
20 **for services covered by this section.**

21 **“(B) A discussion of the requests made by**
22 **claimants under subsection (e)(3)(A).**

23 **“(C) A discussion of the fees reduced under**
24 **such subsection.**

1 “(D) The number of claims for benefits under
2 laws administered by the Secretary that were pre-
3 pared, presented, or prosecuted by an individual act-
4 ing as an agent or attorney who did so while not rec-
5 ognized under this section.”.

6 **SEC. 303. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**
7 **TATION OF VETERANS RECEIVING PENSION**
8 **FROM THE DEPARTMENT OF VETERANS AF-**
9 **FAIRS.**

10 (a) **DEVELOPMENT OF METHOD FOR SOLICITATION**
11 **AND COLLECTION OF INFORMATION.**—Not later than one
12 year after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall develop a method for sys-
14 tematically soliciting and collecting information on com-
15 plaints received, referrals made, and actions taken by the
16 pension management centers of the Department of Vet-
17 erans Affairs and any other relevant components of the
18 Department, in cases of potential financial exploitation of
19 individuals receiving pension under chapter 15 of title 38,
20 United States Code.

21 (b) **PLAN TO ASSESS AND ADDRESS FINANCIAL EX-**
22 **PLOITATION OF VETERANS.**—

23 (1) **IN GENERAL.**—The Secretary shall develop
24 and periodically update a plan—

6 (B) to outline actions that the Department
7 can take to improve education and training to
8 address those trends.

21 SEC. 304. OVERPAYMENTS OF PENSION TO VETERANS RE-
22 CEIVING PENSION FROM THE DEPARTMENT
23 OF VETERANS AFFAIRS.

24 (a) GUIDANCE AND TRAINING FOR CLAIMS PRO-
25 ESSORS.—As the Secretary considers necessary, but not

1 less frequently than once every three years, the Under Sec-
2 retary for Benefits of the Department of Veterans Affairs
3 shall update guidance and training curriculum for the
4 processors of claims for pension under chapter 15 of title
5 38, United States Code, regarding the evaluation of ques-
6 tionable medical expenses on applications for pension, in-
7 cluding by updating such guidance with respect to what
8 constitutes a questionable medical expense and by includ-
9 ing examples of such expenses.

10 (b) IDENTIFICATION AND TRACKING.—The Under
11 Secretary shall develop a method for identifying and track-
12 ing the number of individuals who have received overpay-
13 ments of pension under chapter 15 of title 38, United
14 States Code.

15 (c) ANNUAL REPORT.—Not later than one year after
16 the date of the enactment of this Act, and not later than
17 October 31 of each fiscal year beginning thereafter, the
18 Under Secretary shall submit to Congress a report that
19 includes, for the period covered by the report—

20 (1) the number of individuals who received
21 overpayments of pension under chapter 15 of title
22 38, United States Code; and
23 (2) the reason for each overpayment.

1 **SEC. 305. EVALUATION OF ADDITIONAL ACTIONS FOR**
2 **VERIFYING DIRECT DEPOSIT INFORMATION**
3 **PROVIDED BY VETERANS ON APPLICATIONS**
4 **FOR VETERANS PENSION.**

5 (a) **IN GENERAL.**—The Under Secretary for Benefits
6 of the Department of Veterans Affairs shall—

7 (1) conduct an evaluation of the feasibility and
8 advisability of requiring the processors of claims for
9 pension under chapter 15 of title 38, United States
10 Code, to take additional actions to verify that the di-
11 rect deposit information provided by an individual on
12 an application for pension is for the appropriate re-
13 cipient; and

14 (2) identify such legislative or administrative
15 actions as the Under Secretary considers appropriate
16 to ensure that payments of pension are provided to
17 the correct recipients.

18 (b) **SUBMISSION TO CONGRESS.**—

19 (1) **IN GENERAL.**—Not later than 240 days
20 after the date of the enactment of this Act, the
21 Under Secretary shall submit to Congress a report
22 on the evaluation and identification under subsection
23 (a).

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

4 (B) The actions identified under subsection
5 (a)(2).

6 (C) A plan for implementing any adminis-
7 trative actions identified under subsection
8 (a)(2).

9 (D) A rationale for not implementing any
10 actions evaluated under paragraph (1) of sub-
11 section (a) but not identified under paragraph
12 (2) of such subsection.

13 SEC. 306. ANNUAL REPORT ON EFFORTS OF DEPARTMENT
14 OF VETERANS AFFAIRS TO ADDRESS THE FIN-
15ANCIAL EXPLOITATION OF VETERANS RE-
16CEIVING PENSION.

17 (a) IN GENERAL.—Not less frequently than once
18 each year, the Secretary of Veterans Affairs shall submit
19 to the Committee on Veterans' Affairs of the Senate and
20 the Committee on Veterans' Affairs of the House of Rep-
21 resentatives a report on efforts to address the financial
22 exploitation of individuals receiving pension under chapter
23 15 of title 38, United States Code.

1 (b) CONTENTS.—Each report required by subsection
2 (a) shall include, for the period covered by the report, the
3 following:

4 (1) The number of individuals who received
5 pension under chapter 15 of title 38, United States
6 Code, who have been referred by any component of
7 the Department of Veterans Affairs to the Office of
8 Inspector General of the Department as likely or
9 proven victims of financial exploitation.

10 (2) The number of referrals and reports relat-
11 ing to the financial exploitation of such individuals
12 made by the Department of Veterans Affairs to—

13 (A) the Consumer Sentinel Network of the
14 Federal Trade Commission; and

15 (B) the Department of Justice.

16 (3) A description of the actions taken as a re-
17 sult of such referrals and reports against—

18 (A) individuals recognized by the Secretary
19 as agents or attorneys under section 5904 of
20 title 38, United States Code; and

21 (B) individuals not so recognized.

1 SEC. 307. NOTICE REGARDING FEES CHARGED IN CONNEC-
2 TION WITH FILING AN APPLICATION FOR
3 VETERANS PENSION.

4 The Under Secretary for Benefits of the Department
5 of Veterans Affairs shall ensure that every paper or elec-
6 tronic document relating to the receipt of pension under
7 chapter 15 of title 38, United States Code, that is avail-
8 able to individuals who apply for such pension, including
9 educational forms about or applications for such pension,
10 includes a notice that the Department does not charge any
11 fee in connection with the filing of an application for such
12 pension.

13 **SEC. 308. OUTREACH PLAN FOR EDUCATING VULNERABLE**
14 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**
15 **PLOITATION RELATING TO THE RECEIPT OF**
16 **PENSION.**

17 (a) DEVELOPMENT OF PLAN.—The Under Secretary
18 for Benefits of the Department of Veterans Affairs shall
19 develop, in collaboration with veterans service organiza-
20 tions, an outreach plan for educating vulnerable individ-
21 uals about potential financial exploitation relating to the
22 receipt of pension under chapter 15 of title 38, United
23 States Code.

24 (b) SUBMISSION TO CONGRESS.—Not later than 180
25 days after the date of the enactment of this Act, the Under
26 Secretary shall submit to the Committee on Veterans' Af-

1 fairs and the Special Committee on Aging of the Senate
 2 and the Committee on Veterans' Affairs of the House of
 3 Representatives the plan developed under subsection (a).

4 (e) VETERANS SERVICE ORGANIZATION DEFINED.—

5 In this section, the term “veterans service organization”
 6 means an organization recognized by the Secretary of Vet-
 7 erans Affairs for the representation of veterans under sec-
 8 tion 5902 of title 38, United States Code.

9 **TITLE IV—OTHER MATTERS**

10 **SEC. 401. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-**
 11 **SERVE COMPONENTS OF THE ARMED**
 12 **FORCES FOR HOME LOANS FROM THE SEC-**
 13 **RETARY OF VETERANS AFFAIRS.**

14 (a) EXPANSION OF DEFINITION OF VETERAN FOR
 15 PURPOSES OF HOME LOANS.—Section 3701(b) of title 38,
 16 United States Code, is amended by adding at the end the
 17 following new paragraph:

18 “(7) The term ‘veteran’ also includes, for pur-
 19 poses of home loans, an individual who performed
 20 active service (as that term is defined in section 101
 21 of title 10) for a period—

22 “(A) of not less than 90 cumulative days;
 23 and

24 “(B) that includes 30 consecutive days.”.

1 (b) EXPANSION OF ELIGIBILITY.—Section
 2 3702(a)(2) of such title is amended by adding at the end
 3 the following new subparagraph:

4 "(G) Each individual described in section
 5 3701(b)(7) of this title.".

6 **SEC. 402. EXTENSION OF CERTAIN HOUSING LOAN FEES.**

7 Section 3729(b)(2) of title 38, United States Code,
 8 is amended by striking "October 1, 2029" each place it
 9 appears and inserting "October 1, 2030".

10 **SEC. 403. CLARIFICATION OF LICENSURE REQUIREMENTS
 11 FOR CONTRACTOR MEDICAL PROFE-
 12 SIONALS TO PERFORM MEDICAL DISABILITY
 13 EXAMINATIONS FOR THE DEPARTMENT OF
 14 VETERANS AFFAIRS.**

15 Subsection (e) of section 504 of the Veterans' Bene-
 16 fits Improvements Act of 1996 (Public Law 104-275; 38
 17 U.S.C. 5101 note) is amended to read as follows:

18 "(e) LICENSURE OF CONTRACT HEALTH CARE PRO-
 19 FESSIONALS.—

20 "(1) IN GENERAL.—Notwithstanding any law
 21 regarding the licensure of health care professionals,
 22 a health care professional described in paragraph (2)
 23 may conduct an examination pursuant to a contract
 24 entered into under subsection (a) at any location in
 25 any State, the District of Columbia, or a Common-

1 wealth, territory, or possession of the United States,
 2 so long as the examination is within the scope of the
 3 authorized duties under such contract.

4 “(2) **HEALTH CARE PROFESSIONAL DESCRIBED.**—A health care professional described in
 5 this paragraph is a physician, physician assistant,
 6 nurse practitioner, audiologist, or psychologist,
 7 who—

9 “(A) has a current unrestricted license to
 10 practice the health care profession of the physician,
 11 physician assistant, nurse practitioner, audiologist,
 12 or psychologist, as the case may be;

13 “(B) is not barred from practicing such
 14 health care profession in any State, the District
 15 of Columbia, or a Commonwealth, territory, or
 16 possession of the United States; and

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

20 **SEC. 404. MEDAL OF HONOR SPECIAL PENSION FOR SUR-**
 21 **VIVING SPOUSES.**

22 (a) **CODIFICATION OF CURRENT RATE OF SPECIAL**
 23 **PENSION.**—Subsection (a) of section 1562 of title 38,
 24 United States Code, is amended by striking “\$1,000” and
 25 inserting “\$1,388.68”.

1 (b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

2 (1) SURVIVING SPOUSE BENEFIT.—Such sub-
3 section is further amended—

4 (A) by inserting “(1)” after “(a)”; and

5 (B) by adding at the end the following new
6 paragraph:

7 “(2)(A) Except as provided in subparagraphs (B)
8 and (C), the Secretary shall pay special pension under this
9 section to the surviving spouse of a person whose name
10 has been entered on the Army, Navy, Air Force, and Coast
11 Guard Medal of Honor Roll and a copy of whose certificate
12 has been delivered to the Secretary under section 1134a(d)
13 of title 10.

14 “(B) No special pension shall be paid to a surviving
15 spouse of a person under this section unless such surviving
16 spouse was married to such person—

17 (i) for one year or more prior to the veteran’s
18 death; or

19 (ii) for any period of time if a child was born
20 of the marriage, or was born to them before the
21 marriage.

22 “(C) No special pension shall be paid to a surviving
23 spouse of a person under this section if such surviving
24 spouse is eligible for or receiving benefits under section
25 1311 or 1318 of this title.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) IN GENERAL.—Such section is amend-
3 ed—

4 (i) in subsection (d), by inserting “or
5 married to more than one person who has
6 been awarded a medal of honor,” after
7 “honor,”; and

19 “(E) Section 1562(a)(2), relating to Medal of
20 Honor special pension.”

1 **SEC. 405. MODERNIZATION OF SERVICE-DISABLED VET-**
2 **ERANS INSURANCE.**

3 **(a) ESTABLISHMENT OF MODERNIZED PROGRAM.—**

4 **(1) IN GENERAL.**—Chapter 19 of title 38, United States Code, is amended by inserting after section 1922A the following new section:

7 **“§ 1922B. Service-disabled veterans insurance**

8 **“(a) INSURANCE.**—**(1)** Beginning January 1, 2023, the Secretary shall carry out a service-disabled veterans insurance program under which a veteran is granted insurance by the United States against the death of such individual occurring while such insurance is in force.

13 **“(2)** The Secretary may only issue whole-life policies under the insurance program under paragraph **(1)**.

15 **“(3)** The Secretary may not grant insurance to a veteran under paragraph **(1)** unless—

17 **“(A)** the veteran submits the application for such insurance before the veteran attains 81 years of age; or

20 **“(B)** with respect to a veteran who has attained 81 years of age—

22 **“(i)** the veteran filed a claim for compensation under chapter 11 of this title before attaining such age;

25 **“(ii)** based on such claim, and after the veteran attained such age, the Secretary first

1 determines that the veteran has a service-con-
2 nected disability; and

3 “(iii) the veteran submits the application
4 for such insurance during the two-year period
5 following the date of such determination.

6 “(4)(A) A veteran enrolled in the insurance program
7 under paragraph (1) may elect to be insured in any of
8 the following amounts:

9 “(i) \$10,000.

10 “(ii) \$20,000.

11 “(iii) \$30,000.

12 “(iv) \$40,000.

13 “(v) In accordance with subparagraph (B),
14 a maximum amount greater than \$40,000.

15 “(B) The Secretary may establish a maximum
16 amount to be insured under paragraph (1) that is greater
17 than \$40,000 if the Secretary—

18 “(i) determines that such maximum amount
19 and the premiums for such amount—

20 “(I) are administratively and actuarially
21 sound for the insurance program under para-
22 graph (1); and

23 “(II) will not result in such program oper-
24 ating at a loss; and

1 “(ii) publishes in the Federal Register, and sub-
2 mits to the Committee on Veterans’ Affairs of the
3 Senate and the Committee on Veterans’ Affairs of
4 the House of Representatives, such maximum
5 amount and determination.

6 “(5)(A)(i) Insurance granted under this section shall
7 be on a nonparticipating basis and all premiums and other
8 collections therefor shall be credited directly to a revolving
9 fund in the Treasury of the United States.

10 “(ii) Any payments on such insurance shall be made
11 directly from such fund.

12 “(B)(i) The Secretary of the Treasury may invest in
13 and sell and retire special interest-bearing obligations of
14 the United States for the account of the revolving fund
15 under subparagraph (A).

16 “(ii) Such obligations issued for that purpose shall—
17 “(I) have maturities fixed with due regard for
18 the needs of the fund; and

19 “(II) bear interest at a rate equal to the aver-
20 age market yield (computed by the Secretary of the
21 Treasury on the basis of market quotations as of the
22 end of the calendar month preceding the date of
23 issue) on all marketable interest-bearing obligations
24 of the United States then forming a part of the pub-
25 lic debt which are not due or callable until after the

1 expiration of four years from the end of such cal-
2 endar month; except that where such average mar-
3 ket yield is not a multiple of one-eighth of 1 per cen-
4 tum, the rate of interest of such obligation shall be
5 the multiple of one-eighth of 1 per centum nearest
6 such market yield.

7 “(6)(A) Administrative support financed by the ap-
8 propriations for ‘General Operating Expenses, Depart-
9 ment of Veterans Affairs’ and ‘Information Technology
10 Systems, Department of Veterans Affairs’ for the insur-
11 ance program under paragraph (1) shall be paid from pre-
12 miums credited to the fund under paragraph (5).

13 “(B) Such payment for administrative support shall
14 be reimbursed for that fiscal year from funds that are
15 available on such insurance after claims have been paid.

16 “(b) **ELIGIBILITY.**—A veteran is eligible to enroll in
17 the insurance program under subsection (a)(1) if the vet-
18 eran has a service-connected disability, without regard
19 to—

20 “(1) whether such disability is compensable
21 under chapter 11 of this title; or

22 “(2) whether the veteran meets standards of
23 good health required for other life insurance policies.

1 “(c) ENROLLMENT AND WAITING PERIOD.—(1) An
2 eligible veteran may enroll in the insurance program under
3 subsection (a)(1) at any time.

4 “(2) The life insurance policy of a veteran who enrolls
5 in the insurance program under subsection (a)(1) does not
6 go into force unless—

7 “(A) a period of two years elapses following the
8 date of such enrollment; and

9 “(B) the veteran pays the premiums required
10 during such two-year period.

11 “(3)(A) If a veteran dies during the two-year period
12 described in paragraph (2), the Secretary shall pay to the
13 beneficiary of the veteran the amount of premiums paid
14 by the veteran under this section, plus interest.

15 “(B) The Secretary—

16 “(i) for the initial year of the insurance pro-
17 gram under subsection (a)(1)—

18 “(I) shall set such interest at a rate of one
19 percent; and

20 “(II) may adjust such rate during such
21 year based on program performance, except
22 that the interest rate may not be less than zero
23 percent;

24 “(ii) for the second and each subsequent year
25 of the program, shall calculate such interest at an

1 annual rate equal to the rate of return on the revolving
2 fund under subsection (a)(5) for the calendar
3 year preceding the year of the veteran's death, ex-
4 cept that the interest rate may not be less than zero
5 percent; and

6 "(iii) on an annual basis, shall publish on the
7 internet website of the Department the average in-
8 terest rate calculated under clause (ii) for the pre-
9 preceding calendar year.

10 "(d) PREMIUMS.—(1) The Secretary shall establish
11 a schedule of basic premium rates by age per \$10,000 of
12 insurance under subsection (a)(1) consistent with basic
13 premium rates generally charged for guaranteed accept-
14 ance life insurance policies by private life insurance com-
15 panies.

16 "(2) The Secretary may adjust such schedule after
17 the first policy year in a manner consistent with the gen-
18 eral practice of guaranteed acceptance life insurance poli-
19 cies issued by private life insurance companies.

20 "(3) Section 1912 of this title shall not apply to life
21 insurance policies under subsection (a)(1), and the Sec-
22 retary may not otherwise waive premiums for such insur-
23 ance policies.

1 “(e) BENEFICIARIES.—(1) A veteran who enrolls in
2 the insurance program under subsection (a)(1) may des-
3 ignate a beneficiary of the life insurance policy.

4 “(2) If a veteran enrolled in the insurance program
5 under subsection (a)(1) does not designate a beneficiary
6 under paragraph (1) before the veteran dies, or if a des-
7 ignated beneficiary predeceases the veteran, the Secretary
8 shall determine the beneficiary in the following order:

9 “(A) The surviving spouse of the veteran.

10 “(B) The children of the veteran and descendants of deceased children by representation.

11 “(C) The parents of the veteran or the survivors of the parents.

12 “(D) The duly appointed executor or administrator of the estate of the veteran.

13 “(E) Other next of kin of the veteran entitled under the laws of domicile of the veteran at the time of the death of the veteran.

14 “(f) CLAIMS.—(1) If the deceased veteran designated
15 a beneficiary under subsection (e)(1)—

16 “(A) the designated beneficiary is the only per-
17 son who may file a claim for payment under sub-
18 section (g) during the one-year period beginning on
19 the date of the death of the veteran; and

1 “(B) if the designated beneficiary does not file
2 a claim for the payment during the period described
3 in paragraph (1), or if payment to the designated
4 beneficiary within that period is prohibited by Fed-
5 eral statute or regulation, a beneficiary described in
6 subsection (e)(2) may file a claim for such payment
7 during the one-year period following the period de-
8 scribed in subparagraph (A) as if the designated
9 beneficiary had predeceased the veteran.

10 “(2) If the deceased veteran did not designate a bene-
11 ficiary under subsection (e)(1), or if the designated bene-
12 ficiary predeceased the veteran, a beneficiary described in
13 subsection (e)(2) may file a claim for payment under sub-
14 section (e) during the two-year period beginning on the
15 date of the death of the veteran.

16 “(3) If, on the date that is two years after the date
17 of the death of the veteran, no claim for payment has been
18 filed by any beneficiary pursuant to paragraph (1) or (2),
19 and the Secretary has not received notice that any such
20 claim will be so filed during the subsequent one-year pe-
21 riod, the Secretary may make the payment to a claimant
22 whom the Secretary determines to be equitably entitled to
23 such payment.

24 “(g) PAYMENTS.—(1) In a case described in sub-
25 section (f)—

1 “(A) in paragraph (1)(A), the Secretary shall
2 pay the designated beneficiary not later than 90
3 days after the designated beneficiary files a complete
4 and acceptable claim for payment;

5 “(B) in paragraph (1)(B) or (2), the Secretary
6 shall make any payment not later than one year
7 after the end of the period described in the applica-
8 ble such paragraph, if the Secretary receives a com-
9 plete and acceptable claim for payment in accord-
10 ance with the applicable such paragraph; or

11 “(C) in paragraph (3), the Secretary shall make
12 any payment not later than one year after the end
13 of the period described in such paragraph.

14 “(2) In a case where the Secretary has not made an
15 insurance payment under this section during the applica-
16 ble period specified in paragraph (1) by reason of a bene-
17 ficiary not yet having filed a claim, or the Secretary not
18 yet making a determination under subsection (f)(3), the
19 Secretary may make the payment after such applicable pe-
20 riod.

21 “(3) Notwithstanding section 1917 of this title, the
22 Secretary shall make an insurance payment under this
23 section in a lump sum.

1 “(4) The Secretary may not make an insurance pay-
2 ment under this section if such payment will escheat to
3 a State.

4 “(5) Any payment under this subsection shall be a
5 bar to recovery by any other person.”

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 1922A
9 the following new item:

“1922B. Service-disabled veterans insurance.”

10 (b) SUNSET OF PREVIOUS PROGRAM AND TRANSI-
11 TION.—

12 (1) SDVI.—Section 1922 of such title is
13 amended by adding at the end the following new
14 subsection:

15 “(d)(1) The Secretary may not accept any application
16 by a veteran to be insured under this section after Decem-
17 ber 31, 2022.

18 “(2)(A) During the period beginning January 1,
19 2023, and ending December 31, 2025, a veteran who is
20 insured under this section may elect to instead be insured
21 under section 1922B of this title based on the age of the
22 veteran at the time of such election.

23 “(B)(i) A veteran who elects under subparagraph (A)
24 to be insured under section 1922B of this title shall be

1 subject to the two-year waiting period specified in sub-
2 section (e) of such section.

3 “(ii) If the veteran dies during such period, the Sec-
4 retary shall pay the beneficiary under this section, and,
5 if applicable, under section 1922A, plus the amount of
6 premiums paid by the veteran under such section 1922B,
7 plus interest.

8 “(3) Except as provided by paragraph (2)(B), a vet-
9 eran may not be insured under this section and section
10 1922B simultaneously.”.

11 (2) SUPPLEMENTAL S-DVI.—Section 1922A(b)
12 of such title is amended by adding after the period
13 the following: “The Secretary may not accept any
14 such application after December 31, 2022. Except
15 as provided by section 1922(d)(2)(B), a veteran may
16 not have supplemental insurance under this section
17 and be insured under section 1922B simulta-
18 neously.”.

19 (e) CONFORMING AMENDMENTS.—Chapter 19 of
20 such title is amended—

21 (1) in the section heading of section 1922, by
22 striking “**Service**” and inserting “**Legacy serv-**
23 **ice**”;

4 (3) in the table of sections at the beginning of
5 such chapter by striking the items relating to sec-
6 tions 1922 and 1922A and inserting the following
7 new items:

“1922. Legacy service disabled veterans’ insurance.

“1922A. Legacy supplemental service disabled veterans’ insurance for totally disabled veterans.”

8 SEC. 406. PUBLICATION AND ACCEPTANCE OF DISABILITY
9 BENEFIT QUESTIONNAIRE FORMS OF DE-
10 PARTMENT OF VETERANS AFFAIRS.

11 (a) IN GENERAL.—Section 5101 of title 38, United
12 States Code, is amended—

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection (d):

17 "(d)(1) The Secretary shall publish in a central loca-
18 tion on the internet website of the Department disability
19 benefit questionnaire forms of the Department for the
20 submittal of evidence from non-Department medical pro-
21 viders regarding a disability of a claimant.

22 “(2) Subject to section 6103 of this title, if the Sec-
23 retary updates a form described in paragraph (1), the Sec-
24 retary shall—

1 “(A) accept the previous version of the form
2 filed by a claimant if—

3 “(i) the claimant provided to the non-De-
4 partment medical provider the previous version
5 of the form before the date on which the up-
6 dated version of the form was made available;
7 and

8 “(ii) the claimant files the previous version
9 of the form during the one-year period following
10 the date the form was completed by the non-
11 Department medical provider;

12 “(B) request from the claimant any other infor-
13 mation that the updated version of the form re-
14 quires; and

15 “(C) apply the laws and regulations required to
16 adjudicate the claim as if the claimant filed the up-
17 dated version of the form.

18 “(3) The Secretary may waive any interagency ap-
19 proval process required to approve a modification to a dis-
20 ability benefit questionnaire form if such requirement only
21 applies by reason of the forms being made public.”.

22 (b) REPORTS BY INSPECTOR GENERAL OF THE DE-
23 PARTMENT OF VETERANS AFFAIRS.—Not less frequently
24 than once each year through 2023, the Inspector General
25 of the Department of Veterans Affairs shall submit to

1 Congress a report on the findings of the Inspector General
2 with respect to the use of the forms published under sec-
3 tion 5101(d)(1) of such title, as added by subsection (a).

4 (e) INITIAL FORM.—The Secretary of Veterans Af-
5 fairs shall begin carrying out section 5101(d)(1) of such
6 title, as added by subsection (a), by publishing, as de-
7 scribed in such section, the form described in such section
8 that was in effect on January 1, 2020.

9 (d) ALTERNATE PROCESS.—

10 (1) ASSESSMENT AND REPORT.—Subject to
11 paragraph (2), not later than 180 days after the
12 date of the enactment of this act, the Secretary
13 shall—

14 (A) assess the feasibility and advisability of
15 replacing disability benefit questionnaire forms
16 that are used by non-Department medical pro-
17 viders to submit to the Secretary evidence re-
18 garding a disability of a claimant for benefits
19 under laws administered by the Secretary, with
20 another consistent process that considers evi-
21 dence equally, whether provided by a Depart-
22 ment or a non-Department medical provider;
23 and

24 (B) submit to Congress—

(i) a report on the findings of the Secretary with respect to the assessment conducted under subparagraph (A); and

(ii) a plan to replace the disability benefit questionnaire forms as described in subparagraph (A).

11 (A) it is in the best interest of veterans to
12 do so;

17 (C) the new process will ensure that all
18 medical information provided will be considered
19 equally, whether it is provided by a Department
20 medical provider or a non-Department medical
21 provider.

22 (3) IMPLEMENTATION.—

1 described in such paragraph is feasible and ad-
2 visable, the Secretary shall, not later than two
3 years after the date on which the Secretary
4 submits the report under paragraph (1)(B)(i),
5 replace the forms as described in paragraph
6 (1)(A).

7 (B) REPORTS BY INSPECTOR GENERAL OF
8 THE DEPARTMENT OF VETERANS AFFAIRS.—If
9 the Secretary replaces the forms under sub-
10 paragraph (A), the Inspector General of the
11 Department of Veterans Affairs shall, not fre-
12 quently than once each year, submit to Con-
13 gress an report on the process that replaced
14 forms that ascertains whether the process prop-
15 erly protects veterans.

16 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion or section 5101(d) of such title, as added by sub-
18 section (a), may be construed to require the Secretary to
19 develop any new information technology system or other-
20 wise require the Secretary to make any significant changes
21 to the internet website of the Department.

22 SEC. 407. DETERMINATION OF BUDGETARY EFFECTS.

23 The budgetary effects of this Act, for the purpose of
24 complying with the Statutory Pay As You Go Act of 2010,
25 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
 2 Act, submitted for printing in the Congressional Record
 3 by the Chairman of the Senate Budget Committee, pro-
 4 vided that such statement has been submitted prior to the
 5 vote on passage.

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

7 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 8 *eran Benefits Enhancement and Expansion Act of 2020”.*

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

Sec. 1. *Short title; table of contents.*

TITLE I—EDUCATION MATTERS

Sec. 101. *Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.*

Sec. 102. *Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.*

Sec. 103. *Phase out of All-Volunteer Educational Assistance Program.*

Sec. 104. *Requirements for in-State tuition.*

Sec. 105. *Expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs to include outreach services provided through congressional offices.*

Sec. 106. *Restoration of entitlement to rehabilitation programs for veterans affected by school closure or disapproval.*

Sec. 107. *Technical correction to clarify eligibility for participation in Yellow Ribbon Program of Department of Veterans Affairs.*

TITLE II—BURIAL MATTERS

Sec. 201. *Transportation of deceased veterans to veterans’ cemeteries.*

Sec. 202. *Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.*

Sec. 203. *Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.*

Sec. 204. *Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.*

Sec. 205. *Aid to counties for establishment, expansion, and improvement of veterans’ cemeteries.*

Sec. 206. *Increase in maximum amount of grants to States, counties, and tribal organizations for operating and maintaining veterans’ cemeteries.*

Sec. 207. *Provision of urns for remains of certain veterans whose cremated remains are not interred in certain cemeteries.*

TITLE III—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

Sec. 301. *Short title.*

Sec. 302. *Penalties for representing veterans as agents and attorneys without recognition by Secretary of Veterans Affairs.*

Sec. 303. *Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.*

Sec. 304. *Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.*

Sec. 305. *Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.*

Sec. 306. *Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.*

Sec. 307. *Notice regarding fees charged in connection with filing an application for veterans pension.*

Sec. 308. *Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.*

TITLE IV—OTHER MATTERS

Sec. 401. *Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.*

Sec. 402. *Reducing loan fees for certain veterans affected by major disasters.*

Sec. 403. *Extension of certain housing loan fees.*

Sec. 404. *Collection of overpayments of specially adapted housing assistance.*

Sec. 405. *Revision of definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs.*

Sec. 406. *Matters relating to Department of Veterans Affairs medical disability examinations.*

Sec. 407. *Medal of Honor special pension for surviving spouses.*

Sec. 408. *Modernization of service-disabled veterans insurance.*

Sec. 409. *Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.*

Sec. 410. *Preference for offerors employing veterans.*

Sec. 411. *Elimination of period of eligibility for training and rehabilitation for certain veterans with service-connected disabilities.*

Sec. 412. *Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.*

Sec. 413. *Clarification of delivery of notice of termination of leases of premises and motor vehicles for purposes of relief under Servicemembers Civil Relief Act.*

Sec. 414. *Technical correction regarding extension of lease protections for servicemembers under stop movement orders in response to local, national, or global emergency.*

Sec. 415. *Termination of contracts for telephone, multichannel video programming, or internet access service by certain individuals under Servicemembers Civil Relief Act.*

Sec. 416. *Extension of certain employment and reemployment rights to members of the National Guard who perform State active duty.*

Sec. 417. *Repayment of misused benefits.*

Sec. 418. *Study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities.*

Sec. 419. *Determination of budgetary effects.*

1 **TITLE I—EDUCATION MATTERS**

2 **SEC. 101. EXPANSION OF ELIGIBILITY FOR FRY SCHOLAR-**

3 **SHIP TO CHILDREN AND SPOUSES OF CER-** 4 **TAIN DECEASED MEMBERS OF THE ARMED** 5 **FORCES.**

6 (a) *IN GENERAL.*—Subsection (b) of section 3311 of
 7 title 38, *United States Code*, as amended by section 105
 8 of the *Harry W. Colmery Veterans Educational Assistance*
 9 *Act of 2017* (Public Law 115–48), is further amended—

10 (1) by redesignating paragraph (9) as para-
 11 graph (11); and

12 (2) by inserting after paragraph (8) the fol-
 13 lowing new paragraphs (9) and (10):

14 “(9) *An individual who is the child or spouse of*
 15 *a person who, on or after September 11, 2001, dies*
 16 *in line of duty while serving on duty other than ac-*
 17 *tive duty as a member of the Armed Forces.*

18 “(10) *An individual who is the child or spouse*
 19 *of a member of the Selected Reserve who dies on or*
 20 *after September 11, 2001, while a member of the Se-*
 21 *lected Reserve from a service-connected disability.”.*

22 (b) *CONFORMING AMENDMENTS.*—Title 38, *United*
 23 *States Code*, is amended as follows:

9 (4) *In section 3322—*

10 (A) in subsection (e), by striking both “sec-
11 tions 3311(b)(8) and 3319” and inserting “sec-
12 tion 3319 and paragraph (8), (9), or (10) of sec-
13 tion 3311 of this title”;

14 (B) in subsection (f), by striking “section
15 3311(b)(8)” and inserting “paragraph (8), (9),
16 or (10) of section 3311 of this title”; and

17 (C) in subsection (h)(2), by striking “either
18 section 3311(b)(8) or chapter 35” and inserting
19 “either chapter 35 or paragraph (8), (9), or (10)
20 of section 3311”.

21 (c) APPLICABILITY DATE.—The amendments made by
22 this section shall take effect immediately after the amend-
23 ments made by section 105 of the Harry W. Colmery Vet-
24 erans Educational Assistance Act of 2017 (Public Law 115–
25 48) take effect and shall apply with respect to a quarter,

1 semester, or term, as applicable, commencing on or after
2 August 1, 2021.

3 **SEC. 102. PERIOD FOR ELECTION TO RECEIVE BENEFITS**
4 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**
5 **SISTANCE PROGRAM OF DEPARTMENT OF**
6 **VETERANS AFFAIRS.**

7 (a) *IN GENERAL.*—Section 3011 of title 38, United
8 States Code, is amended—

9 (1) in subsection (c)(1), by striking “Any such
10 election shall be made at the time the individual ini-
11 tially enters on active duty as a member of the Armed
12 Forces” and inserting “Any such election shall be
13 made during the 90-day period beginning on the day
14 that is 180 days after the date on which the indi-
15 vidual initially enters initial training”; and

16 (2) in subsection (b)(1), by striking “that such
17 individual is entitled to such pay” and inserting
18 “that begin after the date that is 270 days after the
19 date on which the individual initially enters initial
20 training”.

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

1 **SEC. 103. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL**
2 **ASSISTANCE PROGRAM.**

3 Subsection (a)(1)(A) of section 3011 of title 38, United
4 States Code, as amended by section 102, is further amended
5 by striking “after June 30, 1985” and inserting “during
6 the period beginning July 1, 1985, and ending September
7 30, 2030”.

8 **SEC. 104. REQUIREMENTS FOR IN-STATE TUITION.**

9 (a) *IN GENERAL.*—Section 3679(c) of title 38, United
10 States Code, is amended—

11 (1) in paragraph (2)(A), by striking “less than
12 three years before the date of enrollment in the course
13 concerned”; and

14 (2) in paragraph (4)—

15 (A) by striking “It shall” and inserting
16 “(A) *It shall*”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(B) *To the extent feasible, the Secretary shall make*
20 *publicly available on the internet website of the Department*
21 *a database explaining any requirements described in sub-*
22 *paragraph (A) that are established by a public institution*
23 *of higher learning for an individual to be charged tuition*
24 *and fees at a rate that is equal to or less than the rate*
25 *the institution charges for tuition and fees for residents of*
26 *the State in which the institution is located. The Secretary*

1 shall disapprove a course of education provided by such an
2 institution that does not provide the Secretary—

3 “(i) an initial explanation of such requirements;

4 and

5 “(ii) not later than 90 days after the date on
6 which any such requirements change, the updated re-
7 quirements.”.

8 (b) APPLICATION.—The amendments made by this sec-
9 tion shall apply with respect to a quarter, semester, or term,
10 as applicable, commencing on or after August 1, 2021.

11 **SEC. 105. EXPANSION OF AUTHORITY FOR CERTAIN QUALI-**
12 **FYING WORK-STUDY ACTIVITIES FOR PUR-**
13 **POSES OF THE EDUCATIONAL ASSISTANCE**
14 **PROGRAMS OF THE DEPARTMENT OF VET-**
15 **ERANS AFFAIRS TO INCLUDE OUTREACH**
16 **SERVICES PROVIDED THROUGH CONGRES-**
17 **SIONAL OFFICES.**

18 (a) IN GENERAL.—Section 3485(a)(4) of title 38,
19 United States Code, is amended by adding at the end the
20 following new subparagraph:

21 “(K) The following activities carried out at the
22 offices of Members of Congress for such Members:

23 “(i) The distribution of information to
24 members of the Armed Forces, veterans, and
25 their dependents about the benefits and services

1 *under laws administered by the Secretary and*
2 *other appropriate governmental and nongovern-*
3 *mental programs.*

4 *“(ii) The preparation and processing of pa-*
5 *pers and other documents, including documents*
6 *to assist in the preparation and presentation of*
7 *claims for benefits under laws administered by*
8 *the Secretary.”.*

9 *(b) EFFECTIVE DATE.—The amendment made by sub-*
10 *section (a) shall take effect on August 1, 2021.*

11 **SEC. 106. RESTORATION OF ENTITLEMENT TO REHABILITA-**
12 **TION PROGRAMS FOR VETERANS AFFECTED**
13 **BY SCHOOL CLOSURE OR DISAPPROVAL.**

14 *(a) ENTITLEMENT.—Section 3699 of title 38, United*
15 *States Code, is amended by striking “chapter 30,” each time*
16 *it appears and inserting “chapter 30, 31.”.*

17 *(b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Sec-*
18 *tion 3680(a)(2)(B) of title 38, United States Code, is*
19 *amended—*

20 *(1) by inserting “or a subsistence allowance de-*
21 *scribed in section 3108” before “, during”; and*
22 *(2) by inserting “or allowance” after “such a sti-*
23 *pend”.*

1 (c) *CONFORMING AMENDMENT.*—Section 7 of the Stu-
2 dent Veteran Coronavirus Response Act of 2020 (134 Stat.
3 634; Public Law 116–140) is hereby repealed.

4 (d) *EFFECTIVE DATE.*—The amendments made by this
5 section shall apply as if included in the enactment of section
6 109 of the Harry W. Colmery Veterans Educational Assist-
7 ance Act of 2017 (Public Law 115–48; 131 Stat. 978).

8 **SEC. 107. TECHNICAL CORRECTION TO CLARIFY ELIGI-
9 BILITY FOR PARTICIPATION IN YELLOW RIB-
10 BON PROGRAM OF DEPARTMENT OF VET-
11 ERANS AFFAIRS.**

12 Section 3317(a) of title 38, United States Code, is
13 amended—

14 (1) by striking “the full cost of established
15 charges (as specified in section 3313)” and inserting
16 “the full cost of tuition and fees for a program of edu-
17 cation”; and

18 (2) by striking “those established charges” and
19 inserting “such tuition and fees”.

20 **TITLE II—BURIAL MATTERS**

21 **SEC. 201. TRANSPORTATION OF DECEASED VETERANS TO
22 VETERANS’ CEMETERIES.**

23 (a) *IN GENERAL.*—Subsection (a) of section 2308 of
24 title 38, United States Code, is amended by striking “in

1 *a national cemetery” and inserting “in a national cemetery*
 2 *or a covered veterans’ cemetery”.*

3 (b) *COVERED VETERANS’ CEMETERY DEFINED.*—Section
 4 *2308 of such title is amended by adding at the end*
 5 *the following new subsection:*

6 “(c) *COVERED VETERANS’ CEMETERY DEFINED.*—In
 7 *this section, the term ‘covered veterans’ cemetery’ means a*
 8 *veterans’ cemetery—*

9 “(1) *in which a deceased veteran described in*
 10 *subsection (b) is eligible to be buried;*

11 “(2) *that—*

12 “(A) *is owned by a State; or*

13 “(B) *is on trust land owned by, or held in*
 14 *trust for, a tribal organization; and*

15 “(3) *for which the Secretary has made a grant*
 16 *under section 2408 of this title.”.*

17 (c) *CONFORMING AMENDMENT.*—Section 2308 of such
 18 *title is amended in the section heading by adding at the*
 19 *end the following: “**or a covered veterans’ cemetery”.***

21 (d) *CLERICAL AMENDMENT.*—The table of sections at
 22 *the beginning of chapter 23 of such title is amended by*
 23 *striking the item relating to section 2308 and inserting the*
 24 *following new item:*

“2308. *Transportation of deceased veteran to a national cemetery or a covered veterans’ cemetery.”.*

1 (e) *EFFECTIVE DATE.*—The amendments made by this
2 section shall take effect on the date that is two years after
3 the date of the enactment of this Act.

4 SEC. 202. INCREASE IN CERTAIN FUNERAL BENEFITS
5 UNDER LAWS ADMINISTERED BY THE SEC-
6 RETARY OF VETERANS AFFAIRS.

7 (a) *FUNERAL EXPENSES FOR NON-SERVICE-CON-*
8 *NECTED DISABILITIES.*—*Chapter 23 of title 38, United*
9 *States Code, is amended as follows:*

10 (1) *By transferring subsection (b) of section 2302*
11 *to the end of section 2303 and redesignating such sub-*
12 *section as subsection (d).*

13 (2) *By striking section 2302.*

14 (3) *In section 2303—*

15 (A) in the section heading, by striking
16 “**Death in Department facility**” and in-
17 serting “**Death from non-service-con-
18 nected disability**”; and

19 (B) in subsection (a)—

24 (ii) by striking paragraph (2) and in-
25 inserting the following new paragraph (2):

1 “(2) A veteran described in this paragraph is a de-
2 ceased veteran who is not covered by section 2307 of this
3 title and who meets any of the following criteria:

4 “(A) The deceased veteran dies in—

5 “(i) a facility of the Department (as defined
6 in section 1701(3) of this title) to which the de-
7 ceased veteran was properly admitted for hos-
8 pital, nursing home, or domiciliary care under
9 section 1710 or 1711(a) of this title; or

10 “(ii) an institution at which the deceased
11 veteran was, at the time of death, receiving—

12 “(I) hospital care in accordance with
13 sections 1703A, 8111, and 8153 of this title;

14 “(II) nursing home care under section
15 1720 of this title; or

16 “(III) nursing home care for which
17 payments are made under section 1741 of
18 this title.

19 “(B) At the time of death, the deceased veteran
20 (including a person who died during a period deemed
21 to be active military, naval, or air service under sec-
22 tion 106(c) of this title) is in receipt of compensation
23 under chapter 11 of this title (or but for the receipt
24 of retirement pay would have been entitled to such

1 compensation) or was in receipt of pension under
2 chapter 15 of this title.

3 "(C) The Secretary determines—

4 "(i) the deceased veteran (including a per-
5 son who died during a period deemed to be ac-
6 tive military, naval, or air service under section
7 106(c) of this title) has no next of kin or other
8 person claiming the body of the deceased veteran;
9 and

10 "(ii) that there are not available sufficient
11 resources to cover burial and funeral expenses.";

12 (iii) in subsection (b)—

13 (I) in the matter preceding para-
14 graph (1), by striking "section 2302 of
15 this title and"; and

16 (II) in paragraph (2), by striking
17 "under section 2302 of this title or";
18 and

19 (iv) in subsection (d), as added by
20 paragraph (1) of this subsection, by striking
21 "Except as" and inserting "With respect to
22 a deceased veteran described in subpara-
23 graph (B) or (C) of subsection (a)(2), except
24 as".

25 (b) CONFORMING AMENDMENTS.—

(B) In section 2307, by striking “sections 2302 and 2303(a)(1) and (b)(2) of this title” and inserting “subsections (a)(1) and (b)(2) of section 2303 of this title”.

12 (C) In section 2308—

20 (ii) in subsection (b)(3)—

(I) by striking "section 2302" and
inserting "section 2303"; and

23 (II) by striking “subsection
24 (a)(2)(A)” and inserting “subsection
25 (a)(2)(C)”.

1 (D) In section 113(c)(1), by striking
2 “2302.”.

11 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
12 *the beginning of chapter 23 of such title is amended by*
13 *striking the items relating to sections 2302 and 2303 and*
14 *inserting the following new item:*

“2303. Death from non-service-connected disability; plot allowance.”

15 (d) *EFFECTIVE DATE.*—The amendments made by this
16 Act shall apply to deaths that occur on or after the date
17 that is two years after the date of the enactment of this
18 Act.

19 SEC. 203. OUTER BURIAL RECEPTACLES FOR EACH NEW
20 GRAVE IN CEMETERIES THAT ARE THE SUB-
21 JECTS OF CERTAIN GRANTS MADE BY THE
22 SECRETARY OF VETERANS AFFAIRS.

23 (a) *IN GENERAL.*—Section 2306(e) of title 38, *United*
24 *States Code, is amended—*

1 (1) in paragraph (1)(A), by inserting “, or in a
2 cemetery that is the subject of a grant to a State or
3 a tribal organization under section 2408 of this title,”
4 after “National Cemetery Administration”; and

5 (2) by striking paragraph (2) and inserting the
6 following new paragraph (2):

7 “(2)(A) The use of outer burial receptacles in a ceme-
8 tery under the control of the National Cemetery Adminis-
9 tration or in a cemetery that is the subject of a grant to
10 a State or a tribal organization under section 2408 of this
11 title shall be in accordance with regulations or procedures
12 approved by the Secretary of Veterans Affairs.

13 “(B) The use of outer burial receptacles in Arlington
14 National Cemetery shall be in accordance with regulations
15 or procedures approved by the Secretary of the Army.

16 “(C) The use of outer burial receptacles in a national
17 cemetery administered by the National Park Service shall
18 be in accordance with regulations or procedures approved
19 by the Secretary of the Interior.”.

20 (b) *EFFECTIVE DATE.*—The amendments made by this
21 section shall take effect on the date that is two years after
22 the date of the enactment of this Act.

1 **SEC. 204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
2 **CHILDREN ON CERTAIN HEADSTONES AND**
3 **MARKERS FURNISHED BY THE SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 (a) *IN GENERAL.*—Section 2306 of title 38, United
6 States Code, is amended by adding at the end the following
7 new subsection:

8 “(j)(1) *In addition to any other authority under this*
9 *section, in the case of an individual whose grave is not in*
10 *a covered cemetery (as that term is defined in subsection*
11 *(f)(2)) and for whom the Secretary has furnished a head-*
12 *stone or marker under subsection (a) or (d), the Secretary,*
13 *if feasible and upon request, may replace the headstone or*
14 *marker to add an inscription for the surviving spouse or*
15 *eligible dependent child of such individual following the*
16 *death of the surviving spouse or eligible dependent child.*

17 “(2) *If the spouse or eligible dependent child of an in-*
18 *dividual referred to in paragraph (1) predeceases the indi-*
19 *vidual, the Secretary may, if feasible and upon request, in-*
20 *clude an inscription for the spouse or dependent child on*
21 *the headstone or marker furnished for the individual under*
22 *subsection (a) or (d).”.*

23 (b) *APPLICATION.*—Subsection (j) of section 2306 of
24 title 38, United States Code, as added by subsection (a),
25 shall apply with respect to an individual who dies on or
26 after October 1, 2019.

1 **SEC. 205. AID TO COUNTIES FOR ESTABLISHMENT, EXPAN-**2 **SION, AND IMPROVEMENT OF VETERANS'**3 **CEMETERIES.**4 *(a) IN GENERAL.—Section 2408 of title 38, United*5 *States Code, is amended—*6 *(1) by inserting “or county” after “State” each*7 *place it appears; and*8 *(2) in subsection (a), by adding at the end the*9 *following new paragraph:*10 *“(3)(A) The Secretary may make a grant to a county*11 *under this section only if—*12 *“(i)(I) the State in which the county is located*13 *does not have a veterans’ cemetery owned by the*14 *State; or*15 *“(II) the State in which the county is located did*16 *not apply for a grant under this section during the*17 *previous year; and*18 *“(ii) the county demonstrates in the application*19 *under paragraph (2), to the satisfaction of the Sec-*20 *retary, that the county has the resources necessary to*21 *operate and maintain the veterans’ cemetery owned*22 *by the county.*23 *“(B) If a county and the State in which the county*24 *is located both apply for a grant under this section for the*25 *same year, the Secretary shall give priority to the State.*

1 “(C) *The Secretary shall prescribe regulations to carry*
2 *out this paragraph.”.*

3 (b) *CLERICAL AMENDMENTS.—*

4 (1) *SECTION HEADING.—The heading of such sec-*
5 *tion is amended by inserting “, **counties, and***
6 tribal organizations” after “States”.

7 (2) *TABLE OF SECTIONS.—The table of sections*
8 *at the beginning of chapter 24 of such title is amend-*
9 *ed by striking the item relating to section 2408 and*
10 *inserting the following new item:*

“2408. *Aid to States, counties, and tribal organizations for establishment, expansion, and improvement of veterans’ cemeteries.”.*

11 (c) *EFFECTIVE DATE.—The amendments made by this*
12 *section shall take on effect on the date that is two years*
13 *after the date of the enactment of this Act.*

14 **SEC. 206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO**
15 **STATES, COUNTIES, AND TRIBAL ORGANIZA-**
16 **TIONS FOR OPERATING AND MAINTAINING**
17 **VETERANS’ CEMETERIES.**

18 Section 2408(e)(2) of title 38, *United States Code*, is
19 *amended by striking “\$5,000,000” and inserting*
20 *“\$10,000,000”.*

1 **SEC. 207. PROVISION OF URNS FOR REMAINS OF CERTAIN**2 **VETERANS WHOSE CREMATED REMAINS ARE**3 **NOT INTERRED IN CERTAIN CEMETERIES.**4 (a) *IN GENERAL.*—Section 2306 of title 38, United
5 States Code, as amended by section 204, is further amend-
6 ed—7 (1) by redesignating subsections (h), (i), and (j)
8 as subsections (i), (j), and (k), respectively; and9 (2) by inserting after subsection (g) the following
10 new subsection (h):11 “(h)(1) *In lieu of furnishing a headstone or marker*
12 *under this section to a deceased individual described in*
13 *paragraph (3), the Secretary shall furnish, upon request*
14 *and at the expense of the United States—*15 “(A) *an urn made of any material to signify the*
16 *individual’s status as a veteran, in which the remains*
17 *of such individual may be placed at private expense;*
18 *or*19 “(B) *a commemorative plaque signifying the in-*
20 *dividual’s status as a veteran.*21 “(2) *If the Secretary provides an urn or commemora-*
22 *tive plaque for a veteran under paragraph (1), the Sec-*
23 *retary may not provide for such veteran—*24 “(A) *a headstone or marker under this section;*
25 *or*

1 “(B) any burial benefit under section 2402 of
2 this title.

3 “(3) A deceased individual described in this paragraph
4 is an individual—

5 “(A) who served in the Armed Forces on or after
6 April 6, 1917;

7 “(B) who is eligible for a headstone or marker
8 furnished under subsection (d) (or would be so eligible
9 but for the date of the death of the individual); and

10 “(C) whose remains were cremated and not in-
11 terred in a national cemetery, a State veterans’ ceme-
12 tery, a tribal cemetery, or a private cemetery.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by this
14 section shall take on effect on the date that is two years
15 after the date of the enactment of this Act.

16 **TITLE III—REPRESENTATION**
17 **AND FINANCIAL EXPLOI-**
18 **TATION MATTERS**

19 **SEC. 301. SHORT TITLE.**

20 This title may be cited as the “Financial Refuge for
21 Every Elderly Veteran Act of 2020” or the “FREE Veteran
22 Act of 2020”.

1 **SEC. 302. PENALTIES FOR REPRESENTING VETERANS AS**
2 **AGENTS AND ATTORNEYS WITHOUT REC-**
3 **OGNITION BY SECRETARY OF VETERANS AF-**
4 **FAIRS.**

5 **(a) PENALTIES.—**

6 **(1) IN GENERAL.**—Section 5905 of title 38,
7 *United States Code*, is amended to read as follows:

8 **“§ 5905. Penalty for certain acts**

9 **“(a) IN GENERAL.**—Whoever commits any of the fol-
10 lowing acts shall be fined as provided in title 18, or impris-
11 oned for not more than one year, or both:

12 **“(1) Undertakes or attempts to undertake any**
13 **work in furtherance of the preparation, presentation,**
14 **or prosecution of a claim under a law administered**
15 **by the Secretary—**

16 **“(A) without recognition by the Secretary**
17 **under sections 5902 through 5904 of this title; or**
18 **“(B) while suspended or excluded under sec-**
19 **tion 5904(b) of this title.**

20 **“(2) Unlawfully withholds from any claimant or**
21 **beneficiary any part of a benefit or claim under the**
22 **laws administered by the Secretary that is allowed**
23 **and due to the claimant or beneficiary.**

24 **“(b) SEEKING RECOGNITION.**—Subsection (a)(1)(A)
25 shall not be construed to include the seeking of recognition

1 *from the Secretary to prepare, present, or prosecute a claim*
2 *under a law administered by the Secretary.*

3 “(c) *LEGAL INTERNS, LAW STUDENTS, AND PARA-*
4 *LEGALS.*—Subsection (a)(1)(A) shall not apply to a legal
5 intern, a law student, or a paralegal undertaking or at-
6 tempting to undertake work in furtherance of the prepara-
7 tion, presentation, or prosecution of a claim under a law
8 administered by the Secretary to the degree that such legal
9 intern, law student, or paralegal is doing so—

10 “(1) *on behalf of or under the supervision of an*
11 *attorney recognized by the Secretary under sections*
12 *5902 through 5904 of this title; and*

13 “(2) *in a manner that is consistent with the*
14 *Model Rules of Professional Conduct of the American*
15 *Bar Association.”.*

16 (2) *EFFECTIVE DATE.*—The amendment made by
17 subsection (a) shall apply with respect to acts com-
18 mitted after the date that is 180 days after the date
19 of the enactment of this Act.

20 (b) *BIENNIAL REPORTS BY GENERAL COUNSEL.*—

21 (1) *IN GENERAL.*—Not later than two years after
22 the date of the enactment of this Act and not less fre-
23 quently than once every two years thereafter until the
24 date that is seven years after the date of the enact-
25 ment of this Act, the General Counsel of the Depart-

1 ment shall submit to Congress a report on activities
2 that are carried out by persons in violation of section
3 5905(a) of title 38, United States Code, as amended
4 by subsection (a)(1).

5 (2) *CONTENTS.*—Each report submitted under
6 paragraph (1) shall include, for the period covered by
7 the report, the following:

8 (A) *A discussion of the rates generally
9 charged for services provided by persons in viola-
10 tion of section 5905(a) of title 38, United States
11 Code.*

12 (B) *The number of claims for benefits under
13 laws administered by the Secretary of Veterans
14 Affairs that were prepared, presented, or pros-
15 ecuted by a person acting as an agent or attor-
16 ney in violation of such section.*

17 **SEC. 303. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**
18 **TATION OF VETERANS RECEIVING PENSION**
19 **FROM THE DEPARTMENT OF VETERANS AF-**
20 **FAIRS.**

21 (a) *DEVELOPMENT OF METHOD FOR SOLICITATION
22 AND COLLECTION OF INFORMATION.*—Not later than one
23 year after the date of the enactment of this Act, the Sec-
24 retary of Veterans Affairs shall develop a method for system-
25 atically soliciting and collecting information on complaints

1 received, referrals made, and actions taken by the pension
2 management centers of the Department of Veterans Affairs
3 and any other relevant components of the Department, in
4 cases of potential financial exploitation of individuals re-
5 ceiving pension under chapter 15 of title 38, United States
6 Code.

7 (b) PLAN TO ASSESS AND ADDRESS FINANCIAL EX-
8 PLOITATION OF VETERANS.—

9 (1) IN GENERAL.—The Secretary shall develop
10 and periodically update a plan—

11 (A) to regularly assess the information so-
12 licited and collected under subsection (a) to iden-
13 tify trends of potential financial exploitation of
14 the individuals described in subsection (a) across
15 the Department; and

16 (B) to outline actions that the Department
17 can take to improve education and training to
18 address those trends.

19 (2) SUBMISSION OF PLAN.—Not later than one
20 year after the date of the enactment of this Act and
21 not less frequently than once every two years there-
22 after until the date that is six years after the date of
23 the enactment of this Act, the Secretary shall submit
24 the plan most recently developed or updated under
25 paragraph (1) to—

7 **SEC. 304. OVERPAYMENTS OF PENSION TO VETERANS RE-**
8 **CEIVING PENSION FROM THE DEPARTMENT**
9 **OF VETERANS AFFAIRS.**

(a) *GUIDANCE AND TRAINING FOR CLAIMS PROCESSORS.*—As the Secretary of Veterans Affairs considers necessary, but not less frequently than once every three years until the date that is 10 years after the date of the enactment of this Act, the Under Secretary for Benefits of the Department of Veterans Affairs shall update guidance and training curriculum for the processors of claims for pension under chapter 15 of title 38, United States Code, regarding the evaluation of questionable medical expenses on applications for pension, including by updating such guidance with respect to what constitutes a questionable medical expense and by including examples of such expenses.

(b) IDENTIFICATION AND TRACKING.—The Under Sec-
retary shall develop a method for identifying and tracking

1 *the number of individuals who have received overpayments*
2 *of pension under chapter 15 of title 38, United States Code.*

3 (c) *ANNUAL REPORT.*—Not later than one year after
4 *the date of the enactment of this Act and not later than*
5 *October 31 of each fiscal year beginning thereafter until the*
6 *date that is three years after the date of the enactment of*
7 *this Act, the Under Secretary shall submit to Congress a*
8 *report that includes, for the period covered by the report,*
9 *the following:*

10 (1) *The number of individuals who received over-*
11 *payments of pension under chapter 15 of title 38,*
12 *United States Code.*

13 (2) *The reason for each overpayment described in*
14 *paragraph (1).*

15 (3) *The number of veterans who had to repay*
16 *overpayments described in paragraph (1).*

17 (4) *The number of veterans for whom the Sec-*
18 *retary waived a requirement to repay an overpay-*
19 *ment described in paragraph (1).*

20 (5) *The total dollar amount of overpayments de-*
21 *scribed in paragraph (1).*

22 (6) *The total dollar amount of repayments of vet-*
23 *erans for overpayments described in paragraph (1).*

24 (7) *The average dollar amount of repayments de-*
25 *scribed in paragraph (6).*

1 **SEC. 305. EVALUATION OF ADDITIONAL ACTIONS FOR**
2 **VERIFYING DIRECT DEPOSIT INFORMATION**
3 **PROVIDED BY VETERANS ON APPLICATIONS**
4 **FOR VETERANS PENSION.**

5 (a) *IN GENERAL.*—*The Under Secretary for Benefits*
6 *of the Department of Veterans Affairs shall—*

7 (1) *conduct an evaluation of the feasibility and*
8 *advisability of requiring the processors of claims for*
9 *pension under chapter 15 of title 38, United States*
10 *Code, to take additional actions to verify that the di-*
11 *rect deposit information provided by an individual*
12 *on an application for pension is for the appropriate*
13 *recipient; and*

14 (2) *identify such legislative or administrative ac-*
15 *tions as the Under Secretary considers appropriate to*
16 *ensure that payments of pension are provided to the*
17 *correct recipients.*

18 (b) *SUBMISSION TO CONGRESS.*—

19 (1) *IN GENERAL.*—*Not later than 240 days after*
20 *the date of the enactment of this Act, the Under Sec-*
21 *retary shall submit to Congress a report on the eval-*
22 *uation and identification under subsection (a).*

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

6 (C) A plan for implementing any adminis-
7 trative actions identified under subsection (a)(2).

12 **SEC. 306. ANNUAL REPORT ON EFFORTS OF DEPARTMENT**
13 **OF VETERANS AFFAIRS TO ADDRESS THE FI-**
14 **NANCIAL EXPLOITATION OF VETERANS RE-**
15 **CEIVING PENSION.**

16 (a) *IN GENERAL.*—Not later than one year after the
17 date of the enactment of this Act and not less frequently
18 than once each year thereafter until the date that is four
19 years after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs shall submit to the Committee
21 on Veterans' Affairs of the Senate and the Committee on
22 Veterans' Affairs of the House of Representatives a report
23 on efforts to address the financial exploitation of individ-
24 uals receiving pension under chapter 15 of title 38, United
25 States Code.

1 (b) *CONTENTS.*—Each report required by subsection
2 (a) shall include, for the period covered by the report, the
3 following:

4 (1) *The number of individuals who received pen-
5 sion under chapter 15 of title 38, United States Code,
6 who have been referred by any component of the De-
7 partment of Veterans Affairs to the Office of Inspector
8 General of the Department as likely or proven victims
9 of financial exploitation.*

10 (2) *The number of referrals and reports relating
11 to the financial exploitation of such individuals made
12 by the Department of Veterans Affairs to—*

13 (A) *the Consumer Sentinel Network of the
14 Federal Trade Commission; and*
15 (B) *the Department of Justice.*

16 (3) *A description of the actions taken as a result
17 of such referrals and reports against—*

18 (A) *individuals recognized by the Secretary
19 as agents or attorneys under section 5904 of title
20 38, United States Code; and*

21 (B) *individuals not so recognized.*

1 SEC. 307. NOTICE REGARDING FEES CHARGED IN CONNEC-

2 TION WITH FILING AN APPLICATION FOR VET-

3 ERANS PENSION.

4 *The Under Secretary for Benefits of the Department*
5 *of Veterans Affairs shall ensure that every paper or elec-*
6 *tronic document relating to the receipt of pension under*
7 *chapter 15 of title 38, United States Code, that is available*
8 *to individuals who apply for such pension, including edu-*
9 *cational forms about or applications for such pension, in-*
10 *cludes a notice that the Department does not charge any*
11 *fee in connection with the filing of an application for such*
12 *pension.*

13 **SEC. 308. OUTREACH PLAN FOR EDUCATING VULNERABLE**
14 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**
15 **PLOITATION RELATING TO THE RECEIPT OF**
16 **PENSION.**

17 (a) *DEVELOPMENT OF PLAN.*—The Under Secretary
18 for Benefits of the Department of Veterans Affairs shall de-
19 velop, in collaboration with veterans service organizations,
20 an outreach plan for educating vulnerable individuals
21 about potential financial exploitation relating to the receipt
22 of pension under chapter 15 of title 38, United States Code.

(b) *SUBMISSION TO CONGRESS.*—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate

1 and the Committee on Veterans' Affairs of the House of Rep-
2 resentatives the plan developed under subsection (a).

3 (c) VETERANS SERVICE ORGANIZATION DEFINED.—In
4 this section, the term “veterans service organization” means
5 an organization recognized by the Secretary of Veterans Af-
6 fairs for the representation of veterans under section 5902
7 of title 38, United States Code.

8 **TITLE IV—OTHER MATTERS**

9 **SEC. 401. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-**
10 **SERVE COMPONENTS OF THE ARMED FORCES**
11 **FOR HOME LOANS FROM THE SECRETARY OF**
12 **VETERANS AFFAIRS.**

13 (a) EXPANSION OF DEFINITION OF VETERAN FOR PUR-
14 POSES OF HOME LOANS.—Section 3701(b) of title 38,
15 United States Code, is amended by adding at the end the
16 following new paragraph:

17 “(7) The term ‘veteran’ also includes, for pur-
18 poses of home loans, an individual who performed
19 full-time National Guard duty (as that term is de-
20 fined in section 101 of title 10) for a period—

21 “(A) of not less than 90 cumulative days;

22 and

23 “(B) that includes 30 consecutive days.”.

1 (b) EXPANSION OF ELIGIBILITY.—Section 3702(a)(2)
2 of such title is amended by adding at the end the following
3 new subparagraph:

4 “(G) Each individual described in section
5 3701(b)(7) of this title.”.

6 (c) RETROACTIVE APPLICABILITY.—The amendments
7 made by this section shall apply with respect to full-time
8 National Guard duty (as defined in section 101 of title 10,
9 United States Code) performed before, on, or after the date
10 of the enactment of this Act.

11 **SEC. 402. REDUCING LOAN FEES FOR CERTAIN VETERANS**

12 **AFFECTED BY MAJOR DISASTERS.**

13 Section 3729(b)(4) of title 38, United States Code, is
14 amended—

15 (1) by amending subparagraph (D) to read as
16 follows:

17 “(D)(i) The term ‘initial loan’ means a loan to
18 a veteran guaranteed under section 3710 or made
19 under section 3711 of this title if the veteran has
20 never obtained a loan guaranteed under section 3710
21 or made under section 3711 of this title.

22 “(ii) If a veteran has obtained a loan guaranteed
23 under section 3710 or made under section 3711 of this
24 title and the dwelling securing such loan was substan-
25 tially damaged or destroyed by a major disaster de-

1 clared by the President under section 401 of the Rob-
2 ert T. Stafford Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5170), the Secretary shall treat
4 as an initial loan, as defined in clause (i), the next
5 loan the Secretary guarantees or makes to such vet-
6 eran under section 3710 or 3711, respectively, if—

7 “(I) such loan is guaranteed or made before
8 the date that is three years after the date on
9 which the dwelling was substantially damaged or
10 destroyed; and

11 “(II) such loan is only for repairs or con-
12 struction of the dwelling, as determined by the
13 Secretary.”; and

18 SEC. 403. EXTENSION OF CERTAIN HOUSING LOAN FEES.

19 Section 3729(b)(2) of title 38, United States Code, is
20 amended by striking “October 1, 2029” each place it ap-
21 pears and inserting “October 1, 2030”.

22 SEC. 404. COLLECTION OF OVERPAYMENTS OF SPECIALLY
23 ADAPTED HOUSING ASSISTANCE.

24 *Section 2102 of title 38, United States Code, is amend-*
25 *ed by adding at the end the following new subsection:*

1 “(g)(1) Whenever the Secretary finds that an overpay-
2 ment has been made to, or on behalf of, a person described
3 in paragraph (2), the Secretary shall determine—

4 “(A) the amounts to recover, if any; and

5 “(B) who is liable to the United States for such
6 overpayment.

7 “(2) A person described in this paragraph is any of
8 the following:

9 “(A) An individual who applied for assistance—

10 “(i) under this chapter; or

11 “(ii) under chapter 31 of this title who is
12 pursuing a rehabilitation program under such
13 chapter in acquiring adaptations to a residence.

14 “(B) An owner or seller of real estate used, or in-
15 tended to be used, in connection with assistance under
16 this chapter.

17 “(C) A builder, contractor, supplier,
18 tradesperson, corporation, trust, partnership, or other
19 person, who provided services or goods relating to as-
20 sistance under this chapter.

21 “(D) An attorney, escrow agent, or financial in-
22 stitution, that receives, or holds in escrow, funds re-
23 lating to assistance under this chapter.

1 “(E) A surviving spouse, heir, assignee, or suc-
2 cessor in interest of or to, any person described in this
3 paragraph.

4 “(3)(A) Any overpayment referred to in this subsection
5 may be recovered in the same manner as any other debt
6 due the United States.

7 “(B) In recovering the overpayment, the Secretary
8 may charge administrative costs, fees, and interest, as ap-
9 propriate, in a manner similar to the authority under sec-
10 tion 5315 of this title.

11 “(4)(A) The recovery of any overpayment referred to
12 in this subsection may be waived by the Secretary.

13 “(B) Waiver of any such overpayment as to a person
14 described in paragraph (2) shall in no way release any
15 other person described in such paragraph from liability.

16 “(5) The Secretary shall waive recovery under this sub-
17 section of any overpayment to a person described in para-
18 graph (2)(A), or a dependent or survivor of such person,
19 that arises from administrative error described in para-
20 graph (7)(A).

21 “(6) Nothing in this subsection shall be construed as
22 precluding the imposition of any civil or criminal liability
23 under this title or any other law.

1 “(7) *The Secretary shall prescribe in regulations what*
2 *constitutes an overpayment for the purposes of this sub-*
3 *section, which, at a minimum, shall include—*

4 “(A) *administrative error that results in an in-*
5 *dividual receiving assistance to which that individual*
6 *is not entitled;*

7 “(B) *the failure of any person described in para-*
8 *graph (2) to—*

9 “(i) *perform or allow to be performed any*
10 *act relating to assistance under this chapter; or*
11 “(ii) *compensate any party performing*
12 *services or supplying goods relating to assistance*
13 *under this chapter; and*

14 “(C) *any disbursement of funds relating to as-*
15 *sistance under this chapter, that, in the sole discretion*
16 *of the Secretary, constitutes a misuse of such assist-*
17 *ance.*

18 “(8) *Prior to collecting an overpayment under this*
19 *subsection, the Secretary shall provide to the person whom*
20 *the Secretary has determined liable for such overpayment—*

21 “(A) *notice of the finding by the Secretary of*
22 *such overpayment;*

23 “(B) *a reasonable opportunity for such person to*
24 *remedy the circumstances that effectuated the over-*
25 *payment; and*

1 “(C) a reasonable opportunity for such person to
2 present evidence to the Secretary that an overpayment
3 was not made.

4 “(9) For the purposes of section 511 of this title, a
5 decision to collect an overpayment from a person other than
6 a person described in paragraph (2)(A), or a dependent or
7 survivor of such person, may not be treated as a decision
8 that affects the provision of benefits.”.

9 **SEC. 405. REVISION OF DEFINITION OF VIETNAM ERA FOR**
10 **PURPOSES OF THE LAWS ADMINISTERED BY**
11 **THE SECRETARY OF VETERANS AFFAIRS.**

12 Section 101(29)(A) of title 38, United States Code, is
13 amended by striking “February 28, 1961” and inserting
14 “November 1, 1955”.

15 **SEC. 406. MATTERS RELATING TO DEPARTMENT OF VET-**
16 **ERANS AFFAIRS MEDICAL DISABILITY EXAMI-**
17 **NATIONS.**

18 (a) *TEMPORARY CLARIFICATION OF LICENSURE RE-*
19 *QUIREMENTS FOR CONTRACTOR MEDICAL PROFESSIONALS*
20 *TO PERFORM MEDICAL DISABILITY EXAMINATIONS FOR*
21 *THE DEPARTMENT OF VETERANS AFFAIRS UNDER PILOT*
22 *PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DIS-*
23 *ABILITY EXAMINATIONS.—*

24 (1) *IN GENERAL.*—Subsection (c) of section 504
25 *of the Veterans’ Benefits Improvements Act of 1996*

1 (Public Law 104-275; 38 U.S.C. 5101 note) is
2 amended to read as follows:

3 “(c) LICENSURE OF CONTRACT HEALTH CARE PRO-
4 FESSIONALS.—

5 “(1) IN GENERAL.—Notwithstanding any law re-
6 garding the licensure of health care professionals, a
7 health care professional described in paragraph (2)
8 may conduct an examination pursuant to a contract
9 entered into under subsection (a) at any location in
10 any State, the District of Columbia, or a Common-
11 wealth, territory, or possession of the United States,
12 so long as the examination is within the scope of the
13 authorized duties under such contract.

14 “(2) HEALTH CARE PROFESSIONAL DE-
15 SCRIBED.—A health care professional described in
16 this paragraph is a physician, physician assistant,
17 nurse practitioner, audiologist, or psychologist, who—

18 “(A) has a current unrestricted license to
19 practice the health care profession of the physi-
20 cian, physician assistant, nurse practitioner, au-
21 diologist, or psychologist, as the case may be;

22 “(B) is not barred from practicing such
23 health care profession in any State, the District
24 of Columbia, or a Commonwealth, territory, or
25 possession of the United States; and

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

4 (2) *PURPOSE.*—The purpose of the amendment
5 made by paragraph (1) is to expand the license port-
6 ability for physicians assistants, nurse practitioners,
7 audiologists, and psychologists to supplement the ca-
8 pacity of employees of the Department to provide
9 medical examinations described in subsection (b).

10 (3) *SUNSET.*—On the date that is three years
11 after the date of the enactment of this Act, subsection
12 (c) of such section shall read as it read on the day
13 before the date of the enactment of this Act.

14 (b) *TEMPORARY HALT ON ELIMINATION OF MEDICAL*
15 *EXAMINER POSITIONS IN DEPARTMENT OF VETERANS AF-*
16 *FAIRS.*—The Secretary of Veterans Affairs shall imme-
17 diately suspend the efforts of the Secretary in effect on the
18 day before the date of the enactment of this Act to eliminate
19 medical examiner positions in the Department of Veterans
20 Affairs until the number of individuals awaiting a medical
21 examination with respect to medical disability of the indi-
22 viduals for benefits under laws administered by the Sec-
23 retary that are carried out through the Under Secretary for
24 Benefits is equal to or less than the number of such individ-

1 *uals who were awaiting such a medical examination with*
2 *respect to such purposes on March 1, 2020.*

3 (c) *REPORT ON PROVISION OF MEDICAL EXAMINA-*
4 *TIONS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of the enactment of this Act, the Secretary*
7 *shall submit to the appropriate committees of Con-*
8 *gress a report on the provision of medical examina-*
9 *tions described in subsection (b) by the Department.*

10 (2) *CONTENTS.—The report submitted under*
11 *paragraph (1) shall cover the following:*

12 (A) *How the Secretary will increase the ca-*
13 *pacity, efficiency, and timeliness of medical ex-*
14 *aminers of the Veterans Health Administration*
15 *with respect to completing medical examinations*
16 *described in subsection (a).*

17 (B) *The total number of full-time equivalent*
18 *employees among all medical and health care*
19 *professions needed for the increases described in*
20 *subparagraph (A).*

21 (C) *An assessment regarding the importance*
22 *of retaining a critical knowledge base within the*
23 *Department for performing medical examina-*
24 *tions for veterans filing claims for compensation*
25 *under chapters 11 and 13 of title 38, United*

1 *States Code, including with respect to military*
2 *sexual trauma, post-traumatic stress disorder,*
3 *traumatic brain injury, and toxic exposure.*

4 (3) *COLLABORATION.*—*The Secretary shall col-*
5 *laborate with the veterans community and stake-*
6 *holders in the preparation of the report required by*
7 *paragraph (1).*

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

11 (A) *the Committee on Veterans’ Affairs and*
12 *the Committee on Appropriations of the Senate;*
13 *and*

14 (B) *the Committee on Veterans’ Affairs and*
15 *the Committee on Appropriations of the House of*
16 *Representatives.*

17 (d) *COMPTROLLER GENERAL OF THE UNITED STATES*
18 *REVIEW.*—

19 (1) *REVIEW REQUIRED.*—*Not later than 360*
20 *days after the date of the enactment of this Act, the*
21 *Comptroller General of the United States shall com-*
22 *mence a review of the implementation of the pilot*
23 *program authorized under subsection (a) of section*
24 *504 of the Veterans’ Benefits Improvements Act of*
25 *1996 (Public Law 104-275; 38 U.S.C. 5101 note).*

(A) An assessment of the use of subsection (c) of section 504 of such Act, as amended by subsection (a)(1) of this section.

(B) Efforts to retain and recruit medical examiners as employees of the Department.

11 (e) REPORT ON RECOMMENDATIONS OF COMPTROLLER
12 GENERAL OF THE UNITED STATES.—Not later than 60
13 days after the date of the enactment of this Act, the Sec-
14 retary shall submit to the Committee on Veterans' Affairs
15 of the Senate and the Committee on Veterans' Affairs of
16 the House of Representatives a report on how the Secretary
17 will implement the recommendations of the Comptroller
18 General of the United States regarding—

1 (f) HOLDING UNDERPERFORMING CONTRACT MEDICAL
2 EXAMINERS ACCOUNTABLE.—The Secretary shall take such
3 actions as may be necessary to hold accountable the pro-
4 viders of medical examinations pursuant to contracts under
5 section 504 of the Veterans' Benefits Improvements Act of
6 1996 (Public Law 104-275; 38 U.S.C. 5101 note) who are
7 underperforming in the meeting of the needs of veterans
8 through the performance of medical examinations pursuant
9 to such contracts.

10 **SEC. 407. MEDAL OF HONOR SPECIAL PENSION FOR SUR-
11 VIVING SPOUSES.**

12 (a) CODIFICATION OF CURRENT RATE OF SPECIAL
13 PENSION.—Subsection (a) of section 1562 of title 38,
14 United States Code, is amended by striking “\$1,000” and
15 inserting “\$1,388.68”.

16 (b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

17 (1) SURVIVING SPOUSE BENEFIT.—Such sub-
18 section is further amended—

19 (A) by inserting “(1)” after “(a)”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(2)(A) Except as provided in subparagraphs (B) and
23 (C), the Secretary shall pay special pension under this sec-
24 tion to the surviving spouse of a person whose name has
25 been entered on the Army, Navy, Air Force, and Coast

1 *Guard Medal of Honor Roll and a copy of whose certificate*
2 *has been delivered to the Secretary under section 1134a(d)*
3 *of title 10.*

4 “(B) *No special pension shall be paid to a surviving*
5 *spouse of a person under this section unless such surviving*
6 *spouse was married to such person—*

7 “(i) *for one year or more prior to the veteran’s*
8 *death; or*

9 “(ii) *for any period of time if a child was born*
10 *of the marriage, or was born to them before the mar-*
11 *riage.*

12 “(C) *No special pension shall be paid to a surviving*
13 *spouse of a person under this section if such surviving*
14 *spouse is receiving benefits under section 1311 or 1318 of*
15 *this title.”.*

16 (2) *CONFORMING AMENDMENTS.—*

17 (A) *IN GENERAL.—Such section is amend-*
18 *ed—*

19 (i) *in subsection (d), by inserting “or*
20 *married to more than one person who has*
21 *been awarded a medal of honor,” after*
22 *“honor,”; and*

23 (ii) *in subsection (f)(1), by striking*
24 *“this section” and inserting “paragraph (1)*
25 *of subsection (a), or under paragraph (2) of*

1 such subsection in the case of a posthumous
 2 entry on the Army, Navy, Air Force, and
 3 Coast Guard Medal of Honor Roll.”.

4 (B) SPECIAL PROVISIONS RELATING TO
 5 MARRIAGES.—Section 103(d)(5) of such title is
 6 amended by adding at the end the following new
 7 subparagraph:

8 “(E) Section 1562(a)(2), relating to Medal of
 9 Honor special pension.”.

10 (3) EFFECTIVE DATE.—The amendments made
 11 by this subsection shall apply with respect to pay-
 12 ment of pension under section 1562 of title 38, United
 13 States Code, for months beginning after the date of
 14 the enactment of this Act.

15 **SEC. 408. MODERNIZATION OF SERVICE-DISABLED VET-
 16 ERANS INSURANCE.**

17 (a) ESTABLISHMENT OF MODERNIZED PROGRAM.—

18 (1) IN GENERAL.—Chapter 19 of title 38, United
 19 States Code, is amended by inserting after section
 20 1922A the following new section:

21 **“§ 1922B. Service-disabled veterans insurance**

22 “(a) INSURANCE.—(1) Beginning January 1, 2023,
 23 the Secretary shall carry out a service-disabled veterans in-
 24 surance program under which a veteran is granted insur-

1 *ance by the United States against the death of such indi-*
2 *vidual occurring while such insurance is in force.*

3 “(2) *The Secretary may only issue whole-life policies*
4 *under the insurance program under paragraph (1).*

5 “(3) *The Secretary may not grant insurance to a vet-*
6 *eran under paragraph (1) unless—*

7 “(A) *the veteran submits the application for such*
8 *insurance before the veteran attains 81 years of age;*
9 *or*

10 “(B) *with respect to a veteran who has attained*
11 *81 years of age—*

12 “(i) *the veteran filed a claim for compensa-*
13 *tion under chapter 11 of this title before attain-*
14 *ing such age;*

15 “(ii) *based on such claim, and after the vet-*
16 *eran attained such age, the Secretary first deter-*
17 *mines that the veteran has a service-connected*
18 *disability; and*

19 “(iii) *the veteran submits the application*
20 *for such insurance during the two-year period*
21 *following the date of such determination.*

22 “(4)(A) *A veteran enrolled in the insurance program*
23 *under paragraph (1) may elect to be insured in any of the*
24 *following amounts:*

25 “(i) *\$10,000.*

1 “(ii) \$20,000.

2 “(iii) \$30,000.

3 “(iv) \$40,000.

4 “(v) *In accordance with subparagraph (B),*

5 *a maximum amount greater than \$40,000.*

6 “(B) *The Secretary may establish a maximum amount*

7 *to be insured under paragraph (1) that is greater than*

8 *\$40,000 if the Secretary—*

9 “(i) *determines that such maximum amount and*

10 *the premiums for such amount—*

11 “(I) *are administratively and actuarially*

12 *sound for the insurance program under para-*

13 *graph (1); and*

14 “(II) *will not result in such program oper-*

15 *ating at a loss; and*

16 “(ii) *publishes in the Federal Register, and sub-*

17 *mits to the Committee on Veterans' Affairs of the Sen-*

18 *ate and the Committee on Veterans' Affairs of the*

19 *House of Representatives, such maximum amount*

20 *and determination.*

21 “(5)(A)(i) *Insurance granted under this section shall*

22 *be on a nonparticipating basis and all premiums and other*

23 *collections therefor shall be credited directly to a revolving*

24 *fund in the Treasury of the United States.*

1 “(ii) Any payments on such insurance shall be made
2 directly from such fund.

3 “(B)(i) The Secretary of the Treasury may invest in
4 and sell and retire special interest-bearing obligations of the
5 United States for the account of the revolving fund under
6 subparagraph (A).

7 “(ii) Such obligations issued for that purpose shall—
8 “(I) have maturities fixed with due regard for
9 the needs of the fund; and

10 “(II) bear interest at a rate equal to the average
11 market yield (computed by the Secretary of the Treas-
12 ury on the basis of market quotations as of the end
13 of the calendar month preceding the date of issue) on
14 all marketable interest-bearing obligations of the
15 United States then forming a part of the public debt
16 which are not due or callable until after the expira-
17 tion of four years from the end of such calendar
18 month; except that where such average market yield
19 is not a multiple of one-eighth of one per centum, the
20 rate of interest of such obligation shall be the multiple
21 of one-eighth of one per centum nearest such market
22 yield.

23 “(6)(A) Administrative support financed by the appro-
24 priations for ‘General Operating Expenses, Department of
25 Veterans Affairs’ and ‘Information Technology Systems,

1 *Department of Veterans Affairs' for the insurance program*
2 *under paragraph (1) shall be paid from premiums credited*
3 *to the fund under paragraph (5).*

4 *“(B) Such payment for administrative support shall*
5 *be reimbursed for that fiscal year from funds that are avail-*
6 *able on such insurance after claims have been paid.*

7 *“(b) ELIGIBILITY.—A veteran is eligible to enroll in*
8 *the insurance program under subsection (a)(1) if the vet-*
9 *eran has a service-connected disability, without regard to—*

10 *“(1) whether such disability is compensable*
11 *under chapter 11 of this title; or*

12 *“(2) whether the veteran meets standards of good*
13 *health required for other life insurance policies.*

14 *“(c) ENROLLMENT AND WAITING PERIOD.—(1) An eli-*
15 *gible veteran may enroll in the insurance program under*
16 *subsection (a)(1) at any time.*

17 *“(2) The life insurance policy of a veteran who enrolls*
18 *in the insurance program under subsection (a)(1) does not*
19 *go into force unless—*

20 *“(A) a period of two years elapses following the*
21 *date of such enrollment; and*

22 *“(B) the veteran pays the premiums required*
23 *during such two-year period.*

24 *“(3)(A) If a veteran dies during the two-year period*
25 *described in paragraph (2), the Secretary shall pay to the*

1 *beneficiary of the veteran the amount of premiums paid by*
2 *the veteran under this section, plus interest.*

3 “(B) *The Secretary*—

4 “(i) *for the initial year of the insurance program*
5 *under subsection (a)(1)—*

6 “(I) *shall set such interest at a rate of one*
7 *percent; and*

8 “(II) *may adjust such rate during such*
9 *year based on program experience, except that*
10 *the interest rate may not be less than zero per-*
11 *cent;*

12 “(ii) *for the second and each subsequent year of*
13 *the program, shall calculate such interest at an an-*
14 *nual rate equal to the rate of return on the revolving*
15 *fund under subsection (a)(5) for the calendar year*
16 *preceding the year of the veteran’s death, except that*
17 *the interest rate may not be less than zero percent;*
18 *and*

19 “(iii) *on an annual basis, shall publish on the*
20 *internet website of the Department the average inter-*
21 *est rate calculated under clause (ii) for the preceding*
22 *calendar year.*

23 “(d) *PREMIUMS.*—(1) *The Secretary shall establish a*
24 *schedule of basic premium rates by age per \$10,000 of in-*
25 *surance under subsection (a)(1) consistent with basic pre-*

1 minimum rates generally charged for guaranteed acceptance life
2 insurance policies by private life insurance companies.

3 “(2) The Secretary may adjust such schedule after the
4 first policy year in a manner consistent with the general
5 practice of guaranteed acceptance life insurance policies
6 issued by private life insurance companies.

7 “(3) Section 1912 of this title shall not apply to life
8 insurance policies under subsection (a)(1), and the Sec-
9 retary may not otherwise waive premiums for such insur-
10 ance policies.

11 “(e) BENEFICIARIES.—(1) A veteran who enrolls in the
12 insurance program under subsection (a)(1) may designate
13 a beneficiary of the life insurance policy.

14 “(2) If a veteran enrolled in the insurance program
15 under subsection (a)(1) does not designate a beneficiary
16 under paragraph (1) before the veteran dies, or if a des-
17 ignated beneficiary predeceases the veteran, the Secretary
18 shall determine the beneficiary in the following order:

19 “(A) The surviving spouse of the veteran.

20 “(B) The children of the veteran and descendants
21 of deceased children by representation.

22 “(C) The parents of the veteran or the survivors
23 of the parents.

24 “(D) The duly appointed executor or adminis-
25 trator of the estate of the veteran.

1 “(E) *Other next of kin of the veteran entitled*
2 *under the laws of domicile of the veteran at the time*
3 *of the death of the veteran.*

4 “(f) *CLAIMS.—(1) If the deceased veteran designated*
5 *a beneficiary under subsection (e)(1)—*

6 “(A) *the designated beneficiary is the only per-*
7 *son who may file a claim for payment under sub-*
8 *section (g) during the one-year period beginning on*
9 *the date of the death of the veteran; and*

10 “(B) *if the designated beneficiary does not file a*
11 *claim for the payment during the period described in*
12 *paragraph (1), or if payment to the designated bene-*
13 *ficiary within that period is prohibited by Federal*
14 *statute or regulation, a beneficiary described in sub-*
15 *section (e)(2) may file a claim for such payment dur-*
16 *ing the one-year period following the period described*
17 *in subparagraph (A) as if the designated beneficiary*
18 *had predeceased the veteran.*

19 “(2) *If the deceased veteran did not designate a bene-*
20 *ficiary under subsection (e)(1), or if the designated bene-*
21 *ficiary predeceased the veteran, a beneficiary described in*
22 *subsection (e)(2) may file a claim for payment under sub-*
23 *section (g) during the two-year period beginning on the date*
24 *of the death of the veteran.*

1 “(3) If, on the date that is two years after the date
2 of the death of the veteran, no claim for payment has been
3 filed by any beneficiary pursuant to paragraph (1) or (2),
4 and the Secretary has not received notice that any such
5 claim will be so filed during the subsequent one-year period,
6 the Secretary may make the payment to a claimant whom
7 the Secretary determines to be equitably entitled to such
8 payment.

9 “(g) PAYMENTS.—(1) In a case described in subsection
10 (f)—

11 “(A) in paragraph (1)(A), the Secretary shall
12 pay the designated beneficiary not later than 90 days
13 after the designated beneficiary files a complete and
14 valid claim for payment;

15 “(B) in paragraph (1)(B) or (2), the Secretary
16 shall make any payment not later than one year after
17 the end of the period described in the applicable such
18 paragraph, if the Secretary receives a complete and
19 valid claim for payment in accordance with the ap-
20 plicable such paragraph; or

21 “(C) in paragraph (3), the Secretary shall make
22 any payment not later than one year after the end of
23 the period described in such paragraph, if the Sec-
24 retary receives a complete and valid claim for pay-
25 ment.

1 “(2) In a case where the Secretary has not made an
2 insurance payment under this section during the applicable
3 period specified in paragraph (1) by reason of a beneficiary
4 not yet having filed a claim, or the Secretary not yet mak-
5 ing a determination under subsection (f)(3), the Secretary
6 may make the payment after such applicable period.

7 “(3) Notwithstanding section 1917 of this title, the
8 Secretary shall make an insurance payment under this sec-
9 tion in a lump sum.

10 “(4) The Secretary may not make an insurance pay-
11 ment under this section if such payment will escheat to a
12 State.

13 “(5) Any payment under this subsection shall be a bar
14 to recovery by any other person.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such chapter is amended by
17 inserting after the item relating to section 1922A the
18 following new item:

“1922B. Service-disabled veterans insurance.”.

19 (b) SUNSET OF PREVIOUS PROGRAM AND TRANSI-
20 TION.—

21 (1) S-DVI.—Section 1922 of such title is
22 amended by adding at the end the following new sub-
23 section:

1 “(d)(1) *The Secretary may not accept any application*
2 *by a veteran to be insured under this section after December*
3 *31, 2022.*

4 “(2)(A) *During the period beginning January 1, 2023,*
5 *and ending December 31, 2025, a veteran who is insured*
6 *under this section may elect to instead be insured under*
7 *section 1922B of this title based on the age of the veteran*
8 *at the time of such election.*

9 “(B)(i) *A veteran who elects under subparagraph (A)*
10 *to be insured under section 1922B of this title shall be sub-*
11 *ject to the two-year waiting period specified in subsection*
12 *(c) of such section.*

13 “(ii) *If the veteran dies during such period, the Sec-*
14 *retary shall pay the beneficiary under this section, and, if*
15 *applicable, under section 1922A, plus the amount of pre-*
16 *miums paid by the veteran under such section 1922B, plus*
17 *interest.*

18 “(3) *Except as provided by paragraph (2)(B), a vet-*
19 *eran may not be insured under this section and section*
20 *1922B simultaneously.”.*

21 (2) *SUPPLEMENTAL S-DVI.—Section 1922A(b) of*
22 *such title is amended by adding after the period at*
23 *the end the following: “The Secretary may not accept*
24 *any such application after December 31, 2022. Except*
25 *as provided by section 1922(d)(2)(B), a veteran may*

1 not have supplemental insurance under this section
 2 and be insured under section 1922B simultaneously.”.

3 (c) CONFORMING AMENDMENTS.—Chapter 19 of such
 4 title is amended—

5 (1) in the section heading of section 1922, by
 6 striking “**Service**” and inserting “**Legacy serv-**
 7 **ice**”;

8 (2) in the section heading of section 1922A, by
 9 striking “**Supplemental**” and inserting “**Legacy**
 10 **supplemental**”; and

11 (3) in the table of sections at the beginning of
 12 such chapter by striking the items relating to sections
 13 1922 and 1922A and inserting the following new
 14 items:

“1922. Legacy service disabled veterans’ insurance.

“1922A. Legacy supplemental service disabled veterans’ insurance for totally disabled veterans.”.

15 **SEC. 409. PUBLICATION AND ACCEPTANCE OF DISABILITY**
 16 **BENEFIT QUESTIONNAIRE FORMS OF DE-**
 17 **PARTMENT OF VETERANS AFFAIRS.**

18 (a) IN GENERAL.—Section 5101 of title 38, United
 19 States Code, is amended—

20 (1) by redesignating subsection (d) as subsection
 21 (e); and

22 (2) by inserting after subsection (c) the following
 23 new subsection (d):

1 “(d)(1) The Secretary shall publish in a central loca-
2 tion on the internet website of the Department disability
3 benefit questionnaire forms of the Department for the sub-
4 mittal of evidence from non-Department medical providers
5 regarding a disability of a claimant.

6 “(2) Subject to section 6103 of this title, if the Sec-
7 retary updates a form described in paragraph (1), the Sec-
8 retary shall—

9 “(A) accept the previous version of the form filed
10 by a claimant if—

11 “(i) the claimant provided to the non-De-
12 partment medical provider the previous version
13 of the form before the date on which the updated
14 version of the form was made available; and

15 “(ii) the claimant files the previous version
16 of the form during the one-year period following
17 the date the form was completed by the non-De-
18 partment medical provider;

19 “(B) request from the claimant any other infor-
20 mation that the updated version of the form requires;
21 and

22 “(C) apply the laws and regulations required to
23 adjudicate the claim as if the claimant filed the up-
24 dated version of the form.

1 “(3) *The Secretary may waive any interagency ap-*
2 *proval process required to approve a modification to a dis-*
3 *ability benefit questionnaire form if such requirement only*
4 *applies by reason of the forms being made public.”.*

5 (b) *REPORTS BY INSPECTOR GENERAL OF THE DE-*
6 *PARTMENT OF VETERANS AFFAIRS.*—Not less frequently
7 than once each year through 2023, the Inspector General
8 of the Department of Veterans Affairs shall submit to Con-
9 gress a report on the findings of the Inspector General with
10 respect to the use of the forms published under section
11 5101(d)(1) of such title, as added by subsection (a).

12 (c) *INITIAL FORM.*—The Secretary of Veterans Affairs
13 shall begin carrying out section 5101(d)(1) of such title, as
14 added by subsection (a), by publishing, as described in such
15 section, the form described in such section that was in effect
16 on January 1, 2020.

17 (d) *ALTERNATE PROCESS.*—

18 (1) *ASSESSMENT AND REPORT.*—Subject to para-
19 graph (2), not later than 180 days after the date of
20 the enactment of this act, the Secretary shall—

21 (A) assess the feasibility and advisability of
22 replacing disability benefit questionnaire forms
23 that are used by non-Department medical pro-
24 viders to submit to the Secretary evidence re-
25 garding a disability of a claimant for benefits

1 *under laws administered by the Secretary, with*
2 *another consistent process that considers evidence*
3 *equally, whether provided by a Department or a*
4 *non-Department medical provider; and*

5 *(B) submit to Congress—*

6 *(i) a report on the findings of the Sec-*
7 *retary with respect to the assessment con-*
8 *ducted under subparagraph (A); and*

9 *(ii) a plan to replace the disability*
10 *benefit questionnaire forms as described in*
11 *subparagraph (A).*

12 *(2) REQUIREMENTS.—The Secretary may only*
13 *determine under paragraph (1)(A) that replacing the*
14 *forms described in such paragraph is feasible and ad-*
15 *visable if the Secretary certifies that—*

16 *(A) it is in the best interest of veterans to*
17 *do so;*

18 *(B) the replacement process would include*
19 *all the medical information needed to adjudicate*
20 *a claim for benefits under laws administered by*
21 *the Secretary; and*

22 *(C) the new process will ensure that all*
23 *medical information provided will be considered*
24 *equally, whether it is provided by a Department*

1 *medical provider or a non-Department medical*
2 *provider.*

3 *(3) IMPLEMENTATION.—*

4 *(A) IN GENERAL.—Subject to subparagraph*
5 *(B), if the Secretary determines under para-*
6 *graph (1)(A) that replacing the forms as de-*
7 *scribed in such paragraph is feasible and advis-*
8 *able, the Secretary shall, not later than two*
9 *years after the date on which the Secretary sub-*
10 *mits the report under paragraph (1)(B)(i), re-*
11 *place the forms as described in paragraph*
12 *(1)(A).*

13 *(B) REPORTS BY INSPECTOR GENERAL OF*
14 *THE DEPARTMENT OF VETERANS AFFAIRS.—If*
15 *the Secretary replaces the forms under subpara-*
16 *graph (A), the Inspector General of the Depart-*
17 *ment of Veterans Affairs shall, not less frequently*
18 *than once each year, submit to Congress a report*
19 *on the process that replaced such forms that as-*
20 *certainly whether the process properly protects*
21 *veterans.*

22 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
23 *or section 5101(d) of such title, as added by subsection (a),*
24 *may be construed to require the Secretary to develop any*
25 *new information technology system or otherwise require the*

- 1 *Secretary to make any significant changes to the internet website of the Department.*
- 2

3 SEC. 410. PREFERENCE FOR OFFERORS EMPLOYING VET-
4 ERANS.

5 (a) *IN GENERAL.*—Subchapter II of chapter 81 of title
6 38, *United States Code*, is amended by adding after section
7 8128 the following new section:

8 “§ 8129. Preference for offerors employing veterans

9 “(a) *PREFERENCE.*—(1) *In awarding a contract for*
10 *the procurement of goods or services, the Secretary may give*
11 *a preference to offerors that employ veterans on a full-time*
12 *basis.*

13 “(2) The Secretary shall determine such preference
14 based on the percentage of the full-time employees of the
15 offeror who are veterans.

16 “(b) *ENFORCEMENT PENALTIES FOR MISREPRESENTA-*
17 *TION.*—(1) *Any offeror that is determined by the Secretary*
18 *to have willfully and intentionally misrepresented the vet-*
19 *eran status of the employees of the offeror for purposes of*
20 *subsection (a) may be debarred from contracting with the*
21 *Department for a period of not less than five years.*

22 “(2) If the Secretary carries out a debarment under
23 paragraph (1), the Secretary shall—

24 “(A) commence debarment action against the of-
25 ficer by not later than 30 days after determining that

1 *the offeror willfully and intentionally misrepresented*
2 *the veteran status of the employees of the offeror as*
3 *described in paragraph (1); and*

4 *“(B) complete debarment actions against such of-*
5 *feror by not later than 90 days after such determina-*
6 *tion.*

7 *“(3) The debarment of an offeror under paragraph (1)*
8 *includes the debarment of all principals in the offeror for*
9 *a period of not less than five years.”.*

10 *(b) CLERICAL AMENDMENT.—The table of sections at*
11 *the beginning of chapter 81 of such title is amended by in-*
12 *serting after the item relating to section 8128 the following*
13 *new item:*

“8129. Preference for offerors employing veterans.”.

14 **SEC. 411. ELIMINATION OF PERIOD OF ELIGIBILITY FOR**
15 **TRAINING AND REHABILITATION FOR CERTAIN**
16 **VETERANS WITH SERVICE-CONNECTED**
17 **DISABILITIES.**

18 *(a) IN GENERAL.—Section 3103 of title 38, United*
19 *States Code, is amended—*

20 *(1) in subsection (a), by striking “or (e)” and*
21 *inserting “(e), or (g)”;* and

22 *(2) by adding at the end the following new sub-*
23 *section:*

1 “(g) Subsection (a) shall not apply to a veteran who
2 was discharged or released from active military, naval, or
3 air service on or after January 1, 2013.”.

4 (b) CONFORMING AMENDMENT.—Section 6(c) of the
5 Student Veteran Coronavirus Response Act of 2020 (134
6 Stat. 633; Public Law 116–140) is amended by striking
7 paragraph (1).

8 **SEC. 412. CLARIFICATION OF TERMINATION OF LEASES OF**
9 **PREMISES AND MOTOR VEHICLES OF**
10 **SERVICEMEMBERS WHO INCUR CATA-**
11 **STROPHIC INJURY OR ILLNESS OR DIE WHILE**
12 **IN MILITARY SERVICE.**

13 (a) CATASTROPHIC INJURIES AND ILLNESSES.—Para-
14 graph (4) of section 305(a) of the Servicemembers Civil Re-
15 lief Act (50 U.S.C. 3955(a)), as added by section 545 of
16 the National Defense Authorization Act for Fiscal Year
17 2020 (Public Law 116–92), is amended to read as follows:

18 “(4) CATASTROPHIC INJURY OR ILLNESS OF LES-
19 SEE.—

20 “(A) TERMINATION.—If the lessee on a lease
21 described in subsection (b) incurs a catastrophic
22 injury or illness during a period of military
23 service or while performing covered service, dur-
24 ing the one-year period beginning on the date on
25 which the lessee incurs such injury or illness—

1 “(i) the lessee may terminate the lease;

2 or

3 “(ii) in the case of a lessee who lacks
4 the mental capacity to contract or to man-
5 age his or her own affairs (including dis-
6 bursement of funds without limitation) due
7 to such injury or illness, the spouse or de-
8 pendent of the lessee may terminate the
9 lease.

10 “(B) DEFINITIONS.—In this paragraph:

11 “(i) CATASTROPHIC INJURY OR ILL-
12 NESS.—The term ‘catastrophic injury or ill-
13 ness’ has the meaning given that term in
14 section 439(g) of title 37, United States
15 Code.

16 “(ii) COVERED SERVICE.—The term
17 ‘covered service’ means full-time National
18 Guard duty, active Guard and Reserve
19 duty, or inactive-duty training (as such
20 terms are defined in section 101(d) of title
21 10, United States Code).”.

22 (b) DEATHS.—Paragraph (3) of such section is amend-
23 ed by striking “The spouse of the lessee” and inserting “The
24 spouse or dependent of the lessee”.

1 **SEC. 413. CLARIFICATION OF DELIVERY OF NOTICE OF TER-**2 **MINATION OF LEASES OF PREMISES AND**
3 **MOTOR VEHICLES FOR PURPOSES OF RELIEF**
4 **UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**5 (a) *IN GENERAL.*—Section 305(c)(2) of the
6 *Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2))* is
7 *amended*—8 (1) *in subparagraph (B), by striking “or” at the*
9 *end;*10 (2) *in subparagraph (C), by striking the period*
11 *and inserting “; or”; and*12 (3) *by adding at the end the following new sub-*
13 *paragraph:*14 “(D) *by electronic means, including*—15 “(i) *the direct delivery of material to*
16 *an electronic address designated by the lessor* (or the lessor’s grantee) *or the lessor’s*
17 *agent (or the agent’s grantee);*19 “(ii) *the posting of material to a*
20 *website or other internet or electronic-based*
21 *information repository to which access has*
22 *been granted to the lessee, the lessor (or the*
23 *lessor’s grantee), or the lessor’s agent (or the*
24 *agent’s grantee); and*25 “(iii) *other electronic means reason-*
26 *ably calculated to ensure actual receipt of*

1 *the material by the lessor (or the lessor's*
2 *grantee) or the lessor's agent (or the agent's*
3 *grantee).".*

4 *(b) EFFECTIVE DATE.—The amendments made by sub-*
5 *section (a) shall apply to delivery of notice of lease termi-*
6 *nations on or after the date the enactment of this Act.*

7 **SEC. 414. TECHNICAL CORRECTION REGARDING EXTEN-**
8 **SION OF LEASE PROTECTIONS FOR**
9 **SERVICEMEMBERS UNDER STOP MOVEMENT**
10 **ORDERS IN RESPONSE TO LOCAL, NATIONAL,**
11 **OR GLOBAL EMERGENCY.**

12 *(a) IN GENERAL.—Section 305(b) of the*
13 *Servicemembers Civil Relief Act (50 U.S.C. 3955(b)), as*
14 *amended by Public Law 116–158, is further amended—*

15 *(1) in paragraph (1)(C)(ii), by striking “Sec-*
16 *retary of Defense” and inserting “Secretary con-*
17 *cerned”; and*

18 *(2) in paragraph (2)(C)(ii), by striking “Sec-*
19 *retary of Defense” and inserting “Secretary con-*
20 *cerned”.*

21 *(b) RETROACTIVE APPLICATION.—The amendments*
22 *made by this section shall apply to stop movement orders*
23 *issued on or after March 1, 2020.*

1 **SEC. 415. TERMINATION OF CONTRACTS FOR TELEPHONE,**
2 **MULTICHANNEL VIDEO PROGRAMMING, OR**
3 **INTERNET ACCESS SERVICE BY CERTAIN IN-**
4 **DIVIDUALS UNDER SERVICEMEMBERS CIVIL**
5 **RELIEF ACT.**

6 *Section 305A(a) of the Servicemembers Civil Relief Act*
7 *(50 U.S.C. 3956(a)) is amended by adding at the end the*
8 *following new paragraph:*

9 “(4) ADDITIONAL INDIVIDUALS COVERED.—For
10 *purposes of this section, the following individuals*
11 *shall be treated as a servicemember covered by para-*
12 *graph (1):*

13 “(A) *A spouse or dependent of a service-*
14 *member who dies while in military service or a*
15 *spouse or dependent of a member of a reserve*
16 *component of the Armed Forces who dies while*
17 *performing duty described in subparagraph (C).*

18 “(B) *A spouse or dependent of a service-*
19 *member who incurs a catastrophic injury or ill-*
20 *ness (as that term is defined in section 439(g) of*
21 *title 37, United States Code), if the servicemem-*
22 *ber incurs the catastrophic injury or illness*
23 *while in military service or performing duty de-*
24 *scribed in subparagraph (C).*

25 “(C) *A member of a reserve component of*
26 *the Armed Forces performing military service or*

1 *performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty*
2 *training (as such terms are defined in section*
3 *101(d) of title 10, United States Code).".*

5 **SEC. 416. EXTENSION OF CERTAIN EMPLOYMENT AND RE-**
6 **EMPLOYMENT RIGHTS TO MEMBERS OF THE**
7 **NATIONAL GUARD WHO PERFORM STATE AC-**
8 **TIVE DUTY.**

9 *Section 4303 of title 38, United States Code, is amend-*
10 *ed—*

11 *(1) in paragraph (13), by inserting “State active*
12 *duty for a period of 14 days or more, State active*
13 *duty in response to a national emergency declared by*
14 *the President under the National Emergencies Act (50*
15 *U.S.C. 1601 et seq.), State active duty in response to*
16 *a major disaster declared by the President under sec-*
17 *tion 401 of the Robert T. Stafford Disaster Relief and*
18 *Emergency Assistance Act (42 U.S.C. 5170),” after*
19 *“full-time National Guard duty,”;*

20 *(2) by redesignating paragraph (15) as para-*
21 *graph (16); and*

22 *(3) by inserting after paragraph (14) the fol-*
23 *lowing new paragraph (15):*

1 “(15) The term ‘State active duty’ means train-
2 ing or other duty, other than inactive duty, performed
3 by a member of the National Guard of a State—

4 “(A) not under section 502 of title 32 or
5 under title 10;

6 “(B) in service to the Governor of a State;

7 and

8 “(C) for which the member is not entitled to
9 pay from the Federal Government.”.

10 **SEC. 417. REPAYMENT OF MISUSED BENEFITS.**

11 (a) *IN GENERAL.*—Section 6107(b) of title 38, *United*
12 *States Code*, is amended—

13 (1) in paragraph (1), by striking “In any case
14 in which a fiduciary described in paragraph (2)” and
15 inserting “In any case not covered by subsection (a)
16 in which a fiduciary”;

17 (2) by striking paragraph (2); and

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

20 (b) *APPLICATION.*—The amendments made by sub-
21 section (a) shall apply with respect to any determination
22 by the Secretary of Veterans Affairs made on or after the
23 date of the enactment of this Act regarding the misuse of
24 benefits by a fiduciary.

1 **SEC. 418. STUDY REGARDING THE ACCESSIBILITY OF**
2 **WEBSITES OF THE DEPARTMENT OF VET-**
3 **ERANS AFFAIRS TO INDIVIDUALS WITH DIS-**
4 **ABILITIES.**

5 (a) *STUDY.*—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Veterans Af-
7 fairs shall conduct a study of all websites of the Department
8 of Veterans Affairs to determine whether such websites are
9 accessible to individuals with disabilities in accordance
10 with section 508 of the Rehabilitation Act of 1973 (29
11 U.S.C. 794d).

12 (b) *REPORT.*—

13 (1) *IN GENERAL.*—Not later than 90 days after
14 completing the study under subsection (a), the Sec-
15 retary shall submit to Congress a report on such
16 study.

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

19 (A) A list of each website described in sub-
20 section (a) that is not accessible to individuals
21 with disabilities in accordance with section 508
22 of the Rehabilitation Act of 1973 (29 U.S.C.
23 794d).

24 (B) For each website identified in the list
25 under paragraph (1)—

9 (c) WEBSITE DEFINED.—In this section, the term
10 “website” includes the following:

11 (1) A file attached to a website.

12 (2) *A web-based application.*

16 SEC. 419. DETERMINATION OF BUDGETARY EFFECTS.

17 *The budgetary effects of this Act, for the purpose of*
18 *complying with the Statutory Pay-As-You-Go Act of 2010,*
19 *shall be determined by reference to the latest statement titled*
20 *“Budgetary Effects of PAYGO Legislation” for this Act,*
21 *submitted for printing in the Congressional Record by the*
22 *Chairman of the Senate Budget Committee, provided that*
23 *such statement has been submitted prior to the vote on pas-*
24 *sage.*

Calendar No. 603

116TH CONGRESS
2D SESSION
S. 4511

A BILL

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

DECEMBER 8, 2020

Reported with an amendment