

A bill (H.R. 5065) to direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5065) was ordered to a third reading, was read the third time, and passed.

#### UNITED STATES-ISRAEL ADVANCED RESEARCH PARTNERSHIP ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5877, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5877) to amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5877) was ordered to a third reading, was read the third time, and passed.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of S. Res. 335 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 335) supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOZMAN. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 15, 2015, under "Submitted Resolutions.")

#### INCREASING THE DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY TO VETERANS ACT OF 2015

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 290 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 290) to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Moran substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5173) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 290), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### JEFF MILLER AND RICHARD BLUMENTHAL VETERANS HEALTH CARE AND BENEFITS IMPROVEMENT ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6416, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6416) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ISAKSON. Mr. President, I ask unanimous consent to have printed in the RECORD the Joint Explanatory Statement in relation to H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### JOINT EXPLANATORY STATEMENT FOR H.R. 6416, THE JEFF MILLER AND RICHARD BLUMENTHAL HEALTH CARE AND BENEFITS IMPROVEMENT ACT OF 2016

H.R. 6416 reflects a Compromise Agreement reached by the Committee on Veterans' Affairs of the Senate and House of Representatives on the following bills introduced during the 114th Congress: S. 244, S. 425 as amended, S. 1203 as amended, S. 1731 as amended, S. 2921, S. 3021, S. 3438 as amended, H.R. 272, H.R. 421 as amended, H.R. 627, H.R. 675 as amended, H.R. 677 as amended, H.R. 1313, H.R. 1338 as amended, H.R. 1384, H.R. 1607 as amended, H.R. 1769 as amended, H.R. 1994 as amended, H.R. 2256 as amended, H.R. 2360 as amended, H.R. 2915 as amended, H.R. 3016 as amended, H.R. 3106 as amended, H.R. 3216, H.R. 3715 as amended, H.R. 4011, H.R. 4150 as amended, H.R. 4757 as amended, H.R. 5047, H.R. 5099 as amended, H.R. 5229 as amended, H.R. 5286, and H.R. 5526.

S. 425 as amended was ordered favorably reported out of the Committee on Veterans' Affairs of the Senate on December 9, 2015, and was reported out on December 7, 2016; S. 1203 as amended passed the Senate on November 10, 2015; S. 1731 as amended passed the Senate on October 29, 2015; S. 2921, which incorporated provisions derived from numerous House and Senate bills listed above, was introduced on May 11, 2016, and was reported out of the Committee on Veterans' Affairs of the Senate on May 16, 2016; S. 3438 as amended passed the Senate on November 29, 2016; H.R. 675 as amended passed the House on July 28, 2015; H.R. 677 as amended passed the House on February 9, 2016; H.R. 1313 passed the House on May 18, 2015; H.R. 1338 as amended passed the House on November 16, 2015; H.R. 1384 passed the House on November 16, 2015; H.R. 1607 as amended passed the House on July 27, 2015; H.R. 1769 as amended was reported out of the Committee on Veterans' Affairs of the House on May 24, 2016; H.R. 1994 as amended passed the House on July 29, 2015; H.R. 2256 as amended passed the House on July 21, 2015; H.R. 2360 as amended passed the House on February 9, 2016; H.R. 2915 as amended passed the House on February 9, 2016; H.R. 3016 as amended passed the House on February 9, 2016; H.R. 3106 as amended passed the House on February 9, 2016; H.R. 3216 passed the House on September 26, 2016; H.R. 3715 as amended passed the House on May 23, 2016; H.R. 4150 as amended was reported out of the Committee on Veterans' Affairs of the House on November 14, 2016; H.R. 4757 as amended passed the House on November 29, 2016; H.R. 5047 passed the House on November 30, 2016; H.R. 5099 as amended was reported out of the Committee on Veterans' Affairs of the House on November 14, 2016; and H.R. 5229 as amended passed the House on May 23, 2016.

The Committees have prepared the following explanation of H.R. 6416 to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document,

except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

**TITLE I—DISABILITY COMPENSATION MATTERS**  
**EXPEDITED PAYMENT OF SURVIVORS' BENEFITS**  
*Current Law*

Section 5101 of title 38, United States Code (hereinafter, "U.S.C."), requires a claimant to file a formal claim as a condition of receiving Department of Veterans Affairs (hereinafter, "VA" or "the Department") benefits.

*Senate Bill*

Section 301 of S. 2921 would amend section 5101 of title 38, U.S.C., to authorize VA to pay benefits under chapter 13 (dependency and indemnity compensation) and chapter 15 (pension) and sections 2302 (funeral expenses), 2307 (burial benefits), and 5121 (accrued benefits) of title 38, U.S.C., to a survivor of a veteran who has not filed a formal claim if VA determines that the record contains sufficient evidence to establish the survivor's entitlement to those benefits. For purposes of establishing an effective date under section 5110 of title 38, U.S.C., the earlier of the following dates would be treated as the date of receipt of the survivor's application for benefits: the date the survivor or the survivor's representative notifies VA of the veteran's death through a death certificate or other relevant evidence that establishes entitlement to survivors' benefits or the head of any other department or agency of the Federal Government notifies VA of the veteran's death. These changes would apply with respect to claims for benefits based on a death occurring on or after the date of enactment. The Secretary of Veterans Affairs would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on benefits paid pursuant to this authority.

*House Bill*

Section 5 of H.R. 677 as amended generally contains the same provisions as the Senate Bill, except that, for purposes of establishing an effective date under section 5110 of title 38, U.S.C., the earlier of the following dates would be treated as the date of receipt of the survivor's application for benefits: the date the survivor or the survivor's representative notifies VA of the veteran's death through a death certificate or relevant medical evidence indicating that the death was due to a service-connected or compensable disability or the head of any other department or agency of the Federal Government notifies VA of the veteran's death.

*Compromise Agreement*

Section 101 of the Compromise Agreement follows the language in the Senate Bill.

**BOARD OF VETERANS' APPEALS VIDEO HEARINGS**

*Current Law*

Under current law, section 7107(d) of title 38, U.S.C., an individual who appeals to the Board of Veterans' Appeals (hereinafter, "Board") may request a hearing at the Board's location in Washington, DC, or at a VA facility outside of Washington, DC (a field hearing). Further, under section 7107(e) of title 38, U.S.C., VA may provide equipment so that hearings outside of the Washington, DC, area can be conducted through video teleconference technology with Board members located in DC. If VA has made that technology available, the Chairman of the Board may allow appellants the opportunity to participate in a hearing using video teleconference technology, rather than having an in-person hearing with a Board member.

*Senate Bill*

Section 303 of S. 2921 would amend section 7107 of title 38, U.S.C., to provide that, for

purposes of scheduling a hearing at the earliest possible date, the Board would determine the location and type of hearing to be conducted. It would further provide that an appellant may request a different location or type of hearing and the Board must grant such a request, as well as ensure the hearing is scheduled at the earliest possible date without any undue delay or other prejudice to the appellant. Amended section 7107 of title 38, U.S.C., would further provide that any hearing conducted through picture and voice transmission must be conducted in the same manner as, and must be considered the equivalent of, a personal hearing.

*House Bill*

Section 10 of H.R. 677 as amended is substantively identical to the provision in the Senate Bill.

*Compromise Agreement*

Section 102 of the Compromise Agreement follows the language in both bills.

Requirement that Secretary of Veterans Affairs publish the average time required to adjudicate early-filed and later-filed appeals

*Current Law*

Under current law, section 7105(b) of title 38, U.S.C., a claimant has 1 year to file a Notice of Disagreement after the date on which VA mails notice of an initial decision on a claim for benefits.

*Senate Bill*

Section 306 of S. 2921 would require VA, on an on-going basis, to make available to the public the average length of time it takes for VA to adjudicate a timely appeal and the average length of time it takes VA to adjudicate an untimely appeal. This requirement would take effect 1 year after enactment and would apply until 3 years after enactment. VA would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on whether publication of that data has had an effect on the number of timely appeals that are filed. This section would define a "timely" appeal for these purposes as meaning an appeal filed not more than 180 days after the date VA mails notice of the initial decision and an "untimely" appeal as meaning an appeal filed more than 180 days after VA mails notice of the initial decision.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 103 of the Compromise Agreement follows the language in the Senate Bill, except that it would use the phrase "early-filed" to describe appeals filed not more than 180 days after the date VA mails notice of the initial decision and "later-filed" to describe appeals filed more than 180 days after VA mails notice of the initial decision.

Comptroller General review of claims processing performance of regional offices of Veterans Benefits Administration

*Current Law*

Current law contains no relevant provisions.

*Senate Bill*

Section 307 of S. 2921 would require the Government Accountability Office (hereinafter, "GAO") to complete a review of VA's regional offices in order to help the Veterans Benefits Administration achieve more consistent performance in the processing of claims for disability compensation. The review must be completed by not later than 15 months after the date that is 270 days after the date of enactment. GAO would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the results of that review.

*House Bill*

Section 14 of H.R. 677 as amended would establish a commission or task force to evaluate the backlog of claims at VA, including analyzing the most effective means to quickly and accurately resolve claims and options to improve the process.

*Compromise Agreement*

Section 104 of the Compromise Agreement follows the language in the Senate Bill.

Report on staffing levels at regional offices of Department of Veterans Affairs under National Work Queue

*Current Law*

Current law contains no relevant provisions.

*Senate Bill*

Section 310 of S. 2921 would require VA, not later than 15 months after enactment, to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the criteria and procedures that VA will use to determine appropriate staffing levels at the regional offices while using the National Work Queue for the distribution of claims processing work.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 105 of the Compromise Agreement follows the language in the Senate Bill.

Inclusion in annual budget submission of information on capacity of Veterans Benefits Administration to process benefits claims.

*Current Law*

Under current law, section 1105(a) of title 31, U.S.C., the President is required to submit to Congress an annual budget.

*Senate Bill*

Section 309 of S. 2921 would require VA to include in its annual budget submission information on the capacity of the Veterans Benefits Administration to process claims for VA benefits, including an estimate of the average number of claims for benefits that a single full-time equivalent employee can process in a year (excluding claims completed during mandatory overtime), based on a time and motion study and such other information as the Secretary of Veterans Affairs considers appropriate; a description of the actions VA will take to improve the processing of claims; and an assessment of the actions VA identified in the previous year that would be taken to improve claims processing and the effects of those actions. This requirement would apply with respect to the budget submitted for fiscal year 2017 and any fiscal year thereafter.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 106 of the Compromise Agreement follows the language in the Senate Bill, except that it would apply with respect to any fiscal year after fiscal year 2018.

**REPORT ON PLANS OF SECRETARY OF VETERANS AFFAIRS TO REDUCE INVENTORY OF NON-RATING WORKLOAD; SENSE OF CONGRESS REGARDING MONDAY MORNING WORKLOAD REPORT**

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 312 of S. 2921 would require VA, not later than 120 days after enactment, to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report that details VA's plans to reduce the inventory of work items listed in the Monday Morning Workload Report under End

Products 130 (Dependency—compensation), 137 (Dependency—pension), 173 (Pre-decisional hearings), 290 (Misc. determinations), 400 (Correspondence), 600 (Due process—compensation), 607 (Due process—pension), 690 (Cost of Living Adjustments and Social Security number verification), 930 (Review, including quality assurance), and 960 (Correction of errors).

Section 313 of S. 2921 would express the sense of Congress that VA should include in its Monday Morning Workload Report additional information about fully-developed claims and appeals.

#### *House Bill*

The House Bills contain no comparable provisions.

#### *Compromise Agreement*

Section 107 of the Compromise Agreement follows the language in the Senate Bill.

ANNUAL REPORT ON PROGRESS IN IMPLEMENTING VETERANS BENEFITS MANAGEMENT SYSTEM

#### *Current Law*

Current law contains no relevant provision.

#### *Senate Bill*

Section 311 of S. 2921 would require VA to submit reports to Congress annually on the progress in implementing the Veterans Benefits Management System (hereinafter, “VBMS”). The report would include an assessment of the current functionality of VBMS, recommendations submitted to VA by employees involved in claims processing for legislative or administrative action considered appropriate to improve the processing of claims, and recommendations submitted to VA by veterans service organizations who use VBMS for legislative or administrative action considered appropriate to improve the system. The reporting requirement would sunset 3 years after enactment.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 108 of the Compromise Agreement follows the language in the Senate Bill.

IMPROVEMENTS TO AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS

#### *Current Law*

Under section 504 of Public Law 104-275, VA was authorized to conduct a pilot program to use mandatory funding to provide compensation and pension medical examinations through the use of contractors. Under section 704 of Public Law 108-183, VA is authorized to use appropriated funds to obtain compensation and pension medical examinations by contractors. Currently, a physician providing an evaluation under these authorities must be licensed in the state or territory in which the examination takes place.

#### *Senate Bill*

Section 304 of S. 2921 would modify these authorities to provide that, notwithstanding any law regarding the licensure of physicians, a physician described below may conduct an examination pursuant to a contract entered into under the authority granted in Public Law 104-275 or Public Law 108-183 at any location in any state, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract. This new authority would apply to a physician who has a current license to practice the health care profession of the physician, is performing authorized duties for VA pursu-

ant to a contract for compensation and pension examinations, and is not barred from practicing his or her health care profession in any state, the District of Columbia, or a Commonwealth, territory, or possession of the United States.

#### *House Bill*

Section 11 of H.R. 677 as amended contains language substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 109 of the Compromise Agreement follows the language in both bills.

INDEPENDENT REVIEW OF PROCESS BY WHICH DEPARTMENT OF VETERANS AFFAIRS ASSESSES IMPAIRMENTS THAT RESULT FROM TRAUMATIC BRAIN INJURY FOR PURPOSES OF AWARDED DISABILITY COMPENSATION

#### *Current Law*

Current law contains no relevant provision.

#### *Senate Bill*

S. 244 would require VA to enter into an agreement with the Institute of Medicine of the National Academies to perform a comprehensive review of examinations furnished by VA to individuals who submit claims for compensation for traumatic brain injury to assess their cognitive impairments.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 110 of the Compromise Agreement generally follows the language in the Senate Bill, except that it would require a study to encompass all potential residuals of traumatic brain injury and includes technical changes.

REPORTS ON CLAIMS FOR DISABILITY COMPENSATION

#### *Current Law*

Under current law, section 5100 of title 38, U.S.C., the term “claimant” means “any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.”

#### *Senate Bill*

The Senate Bills contain no comparable provision.

#### *House Bill*

Sections 3 and 4 of H.R. 677 as amended would define the term formal claim and require VA to submit to Congress quarterly reports on formal and informal claims.

#### *Compromise Agreement*

Section 111 of the Compromise Agreement would require VA to submit to the Committee on Veterans’ Affairs of the Senate and House of Representatives a report on VA’s policies with respect to the processing of reasonably raised unrelated claims and would require VA, annually for 5 years, to submit to the Committee on Veterans’ Affairs of the Senate and House of Representatives a report on complete and incomplete claims for disability compensation submitted to VA.

SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE

#### *Current Law*

Current law contains no relevant provision.

#### *Senate Bill*

Section 314 of S. 2921 would express the sense of Congress appreciating the service of men and women disabled due to service in the Armed Forces, supporting the annual recognition of such American veterans who are disabled for life, and encouraging the American people to honor such veterans each year.

#### *House Bill*

Section 17 of H.R. 677 as amended contains language substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 112 of the Compromise Agreement follows the language in the Senate Bill with an updated estimate of the number of veterans living with service-connected disabilities.

SENSE OF CONGRESS ON SUBMITTAL OF INFORMATION RELATING TO CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA

#### *Current Law*

Current law contains no relevant provision.

#### *Senate Bill*

Section 315 of S. 2921 would express the sense of Congress that VA should submit to Congress information on claims for disability compensation based on post-traumatic stress disorder alleged to have been incurred or aggravated by military sexual trauma.

#### *House Bill*

Section 2 of H.R. 1607 as amended would require VA to submit to Congress annual reports on claims for disability compensation based on a mental health condition alleged to have been incurred or aggravated by military sexual trauma.

#### *Compromise Agreement*

Section 113 of the Compromise Agreement would express the sense of Congress that VA should submit to Congress information on claims for disability compensation based on a mental health condition alleged to have been incurred or aggravated by military sexual trauma.

TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

EXTENSION OF TEMPORARY INCREASE IN NUMBER OF JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

#### *Current Law*

Under section 7253(a) of title 38, U.S.C., the United States Court of Appeals for Veterans Claims (hereinafter, “Veterans Court”) was originally authorized to be composed of not more than seven judges. In 2001, the Veterans Court was temporarily expanded from seven to nine authorized judges for the period spanning January 2002 through August 2005 by Public Law 107-103. In 2008, the Veterans Court was again expanded from seven to nine authorized judges until January 2013 by Public Law 110-389.

#### *Senate Bill*

Section 701 of S. 2921 would amend section 7253, U.S.C., to expand the number of authorized judges at the Veterans Court to nine through January 1, 2021. It also would require the chief judge of the Veterans Court to report to Congress not later than June 30, 2020, on the temporary expansion, including an assessment on the effect of the expansion to ensure appeals are handled in a timely manner, a description of the types of ways in which the complexity levels of appeals may vary based on appellants’ eras of service, and a recommendation on whether the number of judges should be adjusted at the end of the expansion time.

#### *House Bill*

Section 201 of H.R. 675 as amended would expand the number of authorized judges at the Veterans Court to nine through January 1, 2020.

#### *Compromise Agreement*

Section 201 of the Compromise Agreement generally follows the language in the Senate Bill.

LIFE INSURANCE PROGRAM RELATING TO JUDGES  
OF UNITED STATES COURT OF APPEALS FOR  
VETERANS CLAIMS

*Current Law*

Under chapter 87 of title 5, U.S.C., certain Federal employees are eligible to purchase Federal Employees' Group Life Insurance. Section 604(a)(5) of title 28, U.S.C., provides that the Administrative Office of the United States Courts will pay for certain judges age 65 and older any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999.

*Senate Bill*

Section 702 of S. 2921 generally mirrors the House Bill except that it specifies that the Veterans Court would pay for the post-1999 increases.

*House Bill*

Section 203 of H.R. 675 as amended would amend section 7281 of title 38, U.S.C., to provide that the government would be required to pay for any post-1999 increases in the life insurance premiums for judges of the Veterans Court who are age 65 and older.

*Compromise Agreement*

Section 202 of the Compromise Agreement follows the language in the Senate Bill.

VOLUNTARY CONTRIBUTIONS TO ENLARGE  
SURVIVORS' ANNUITY

*Current Law*

Under section 7297 of title 38, U.S.C., a judge of the Veterans Court may elect to pay for a survivor annuity that would be paid to the judge's surviving spouse upon the death of the judge.

*Senate Bill*

Section 703 of S. 2921 contains language that mirrors the House Bill.

*House Bill*

Section 204 of H.R. 675 as amended would authorize a covered judge to purchase, in three-month increments, up to an additional year of service credit for each year of Federal judicial service completed. A covered judge is defined as: (1) a judge in regular active service; (2) a retired judge who is recall-eligible; or (3) a retired judge who would be recall-eligible but for meeting the aggregate recall service requirements under section 7257(b)(3) of title 38, U.S.C., or is permanently disabled as described by section 7257(b)(4) of title 38, U.S.C.

*Compromise Agreement*

Section 203 of the Compromise Agreement follows the language in both bills.

SELECTION OF CHIEF JUDGE OF UNITED STATES  
COURT OF APPEALS FOR VETERANS CLAIMS

*Current Law*

Under current law, section 7253(d) of title 38, U.S.C., the chief judge of the Veterans Court is the judge in regular active service who is senior in commission among judges who has served for at least 1 year as a judge and who has not previously served as chief judge. The chief judge serves for a term of 5 years or until the judge turns 70 years old, whichever occurs first.

*Senate Bill*

Section 704 of S. 2921 would amend section 7253(d), U.S.C., to add a prerequisite that a judge also must have at least 3 years remaining in his or her term of office in order to serve as the chief judge. It would also specify that, if there is no judge who meets all of the criteria to serve as chief judge, the chief judge will be the judge in regular active service who is senior in commission, has not previously served as chief judge, and either has 3 years remaining or has served for at least 1 year as a judge. If no judge meets those criteria, the chief judge would be the

judge most senior in commission who has not previously served as chief judge. These changes would apply with respect to selection of a chief judge occurring on or after January 1, 2020.

*House Bill*

Section 206 of H.R. 675 as amended would revise the qualifications for the chief judge of the Veterans Court. This section would require that the chief judge: (1) be 64 years of age and under; (2) have at least 3 years remaining in term of office; and (3) have not previously served as chief judge. In any case in which there is no judge of the Veterans Court who meets all of these requirements, the judge of the Veterans Court in regular active service who is senior in commission and has not served previously as chief judge and has either served for at least 1 year as a judge of the court or is 64 years of age and under and has at least 3 years remaining in term of office, would act as the chief judge.

*Compromise Agreement*

Section 204 of the Compromise Agreement follows the language in the Senate Bill.

TITLE III—BURIAL BENEFITS AND OTHER  
MATTERS

EXPANSION OF ELIGIBILITY FOR HEADSTONES,  
MARKERS, AND MEDALLIONS

*Current Law*

Current law, section 2306 of title 38, U.S.C., requires VA to provide, upon request, a headstone or marker for the grave of an eligible individual in a private cemetery. VA may also provide, upon request, a medallion signifying the status of the deceased as a veteran, to be affixed to the privately purchased headstone or marker of the deceased in lieu of providing a government-furnished headstone or marker. This medallion is only available for the headstone or marker of an individual who dies on or after November 1, 1990.

*Senate Bill*

Section 801 of S. 2921 would amend section 2306(d)(4) of title 38, U.S.C., to specify that medallions may be provided for deceased individuals who served in the Armed Forces on or after April 6, 1917, in lieu of a government furnished headstone or marker.

*House Bill*

Section 2 of H.R. 677 as amended is substantively identical to section 801 of S. 2921. Section 1 of H.R. 4757 as amended adds a new paragraph (5) to section 2306(d) of title 38, U.S.C., requiring VA to provide a headstone, marker, or medallion signifying the deceased's status as a medal of honor recipient when furnishing a headstone, marker, or medallion for placement in a private cemetery.

*Compromise Agreement*

Section 301 of the Compromise Agreement follows the language in the House Bills and combines section 2 of H.R. 677 as amended with section 1 of H.R. 4757 as amended.

EXPANSION OF PRESIDENTIAL MEMORIAL  
CERTIFICATE PROGRAM

*Current Law*

Section 112 of title 38, U.S.C., authorizes a program to honor the memory of deceased veterans with honorable discharges and persons who died in active military, naval, or air service by providing a Presidential certificate to surviving family and friends.

*Senate Bill*

The Senate Bills contain no comparable provisions.

*House Bill*

Section 2 of H.R. 4757 as amended would amend section 112 of title 38, U.S.C., by adding eligible groups of individuals from para-

graphs (2), (3), and (7) of section 2402(a) of title 38, U.S.C.

*Compromise Agreement*

Section 302 of the Compromise Agreement replaces all eligibility criteria in section 112 of title 38, U.S.C., with eligibility based on a reference to paragraphs (1), (2), (3), and (7) of section 2402(a) of that title.

DEPARTMENT OF VETERANS AFFAIRS STUDY ON  
MATTERS RELATING TO BURIAL OF UNCLAIMED  
REMAINS OF VETERANS IN NATIONAL CEME-  
TERIES

*Current Law*

Under section 2302 of title 38, U.S.C., VA may pay for the reimbursement of the costs of a burial receptacle when a deceased veteran has no next of kin nor sufficient resources to furnish the burial receptacle. Section 2414 of that title requires VA to collect information from the local medical examiner, funeral director, or other responsible entity on whether or not the veteran was cremated and what steps were taken to ensure the deceased veteran had no next of kin.

*Senate Bill*

Section 804 of S. 2921 would require VA to complete a study on matters relating to the interment of unclaimed remains of veterans in national cemeteries and submit a report to Congress on the findings of the study. The study would include the scope of related issues including the estimated number of unclaimed remains, effectiveness of VA procedures to work with persons or entities in custody of unclaimed remains, and an assessment of state and local laws affecting VA's ability to inter unclaimed remains. This section would take effect 1 year after enactment and the report would be required 1 year after it takes effect.

*House Bill*

Section 2 of H.R. 1338 as amended is substantively identical to the Senate Bill in the requirements of the study. The House Bill does not delay the effective date of the provision after enactment.

*Compromise Agreement*

Section 303 of the Compromise Agreement follows the language in the Senate Bill.

STUDY ON PROVISION OF INTERMENTS IN  
VETERANS' CEMETERIES DURING WEEKENDS

*Current Law*

Chapter 24 of title 38, U.S.C., establishes the National Cemetery Administration, directs the Secretary of Veterans Affairs to administer the national cemeteries, and authorizes VA to provide aid to states and tribal organizations for the establishment, expansion, and improvement of veterans' cemeteries.

*Senate Bill*

The Senate Bills contain no comparable provisions.

*House Bill*

H.R. 3715 as amended would amend section 2404 of title 38, U.S.C., to direct VA to permit interments in national cemeteries and state veterans' cemeteries during weekends other than Federal holiday weekends at the request of the veteran's next of kin. VA would be required to notify an individual requesting interment of a veteran of the opportunity to request a weekend interment.

*Compromise Agreement*

Section 304 of the Compromise Agreement would require VA to conduct a study on the feasibility and the need for providing increased interment options on weekends. The study would need to include information about requests for weekend burials over the past 10 years as well as a comparison of practices related to weekend burials at non-VA cemeteries. VA would be required to complete the study and provide a report to Congress within 180 days of enactment. Honoring

as veterans certain persons who performed service in the Reserve components of the Armed Forces.

#### *Current Law*

Under current law, section 101(2) of title 38, U.S.C., for purposes of determining eligibility for benefits administered by VA, a veteran is defined as “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” As such, a member of the Reserve components who is eligible for retirement pay, or in receipt of retired pay, who did not have qualifying active duty service, is not recognized as a veteran for purposes of eligibility for certain VA benefits.

#### *Senate Bill*

Section 701 of S. 1203 as amended would recognize the service of certain individuals in the Reserve components of the Armed Forces by honoring them as veterans. This section, in a non-codified provision, would honor as a veteran those individuals who are entitled under chapter 1223 of title 10, U.S.C., to retired pay for irregular service or who would be entitled to retired pay, but for age. Those who are honored as “veterans” under this section would not be entitled to any VA benefit by reason of such recognition.

#### *House Bill*

H.R. 1384 would amend title 38, U.S.C., to honor as a veteran those individuals who are entitled under chapter 1223 of title 10, U.S.C., to retired pay for irregular service or who would be entitled to retired pay, but for age. Those who are honored as “veterans” under this section would not be entitled to any VA benefit by reason of such recognition.

#### *Compromise Agreement*

Section 305 of the Compromise Agreement follows the language in the Senate Bill.

TITLE IV—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION  
CLARIFICATION OF ELIGIBILITY FOR MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP

#### *Current Law*

Section 3311(b)(9) of title 38, U.S.C., as amended by section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 128 Stat. 1796; 38 U.S.C. 3311 note), authorizes educational assistance to the surviving spouse and child of an active duty servicemember who dies in the line of duty on or after September 11, 2001. The delimitation date for use of this benefit by a surviving spouse is 15 years from the date of death of the active duty servicemember.

#### *Senate Bill*

Section 401 of S. 2921 would amend section 3317 of title 38, U.S.C., to allow Fry Scholarship recipients to participate in the Yellow Ribbon Program. It would also amend section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) to treat deaths of servicemembers that occurred between September 11, 2001, and December 31, 2005, as if they had occurred on January 1, 2006, for purposes of that section. The changes made by section 401 would apply to terms of study beginning on or after January 1, 2015.

#### *House Bill*

Section 302 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 401 of the Compromise Agreement includes the provision amending section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) to treat deaths of servicemembers that

occurred between September 11, 2001, and December 31, 2005, as if they had occurred on January 1, 2006, for purposes of that section. It does not include the provision amending section 3317 of title 38, U.S.C., to allow Fry Scholarship recipients to participate in the Yellow Ribbon Program.

APPROVAL OF COURSES OF EDUCATION AND TRAINING FOR PURPOSES OF THE VOCATIONAL REHABILITATION PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

#### *Current Law*

Subchapter I of chapter 36 of title 38, U.S.C., provides criteria under which a course of education or training may be approved or disapproved for the use of veterans educational assistance. Assistance provided under the Vocational Rehabilitation and Employment program is not subject to these same criteria.

#### *Senate Bill*

Section 404 of S. 2921 amends section 3104(b) of title 38, U.S.C., to require, to the maximum extent practicable, that an education or training program pursued under Vocational Rehabilitation and Employment must be an approved course for purposes of the Montgomery GI Bill or the Post-9/11 GI Bill. Section 404 would grant the Secretary of Veterans Affairs authority to waive this new requirement. This section would take effect 1 year after the provision's enactment.

#### *House Bill*

Section 303 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 402 of the Compromise Agreement follows the language in both bills.

AUTHORITY TO PRIORITIZE VOCATIONAL REHABILITATION SERVICES BASED ON NEED

#### *Current Law*

Section 3104 of title 38, U.S.C., describes the services and assistance that VA may provide under the Vocational Rehabilitation and Employment program. It does not include authority for VA to prioritize the provision of these services to veterans.

#### *Senate Bill*

Section 405 of S. 2921 would add a new subsection to section 3104 of title 38, U.S.C., granting the Secretary of Veterans Affairs the authority to prioritize the provision of Vocational Rehabilitation and Employment services to veterans. The Secretary would be authorized to consider the disability rating, employment handicap, qualification for an independent living program, income, and any other appropriate factor in establishing priority. The Secretary would be required to submit a plan to Congress no later than 90 days prior to any planned change in prioritizing services.

#### *House Bill*

Section 304 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 403 of the Compromise Agreement follows the language in both bills.

REPORTS ON PROGRESS OF STUDENTS RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE

#### *Current Law*

Current law requires educational and training institutions to report to VA the enrollment of students receiving VA educational assistance, to include changes to enrollments within a term and completion of the educational objective.

#### *Senate Bill*

Section 410 of S. 2921 would require educational institutions to submit an annual report to VA not later than 1 year after enactment on the academic progress of students

for whom it receives payments under the Post-9/11 GI Bill. The Secretary of Veterans Affairs would be required to include this information in the annual report to Congress on the Post-9/11 GI Bill.

#### *House Bill*

The House Bills contain no similar provision.

#### *Compromise Agreement*

Section 404 of the Compromise Agreement follows the language in the Senate Bill.

RECODIFICATION AND IMPROVEMENT OF ELECTION PROCESS FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

#### *Current Law*

The Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-252) established the process by which individuals may elect from multiple educational assistance programs for which they are eligible the one they wish to use. The election is irrevocable.

#### *Senate Bill*

Section 406 of S. 2921 would codify in a re-designated section 3325 of title 38, U.S.C., the provisions now found in section 5003(c) of Public Law 110-252 and would add a provision to that new section providing that, in the case of an individual who on or after January 1, 2016, submits to VA an election of which education program to use that VA determines is clearly against the interests of the individual or who fails to make an election, VA may make an alternative election on behalf of the individual that VA determines is in the best interests of the individual. This section would also require VA to promptly notify the veteran of such alternate election and allow the veteran 30 days to modify the election.

#### *House Bill*

Section 305 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 405 of the Compromise Agreement follows the language of both bills.

WORK-STUDY ALLOWANCE

#### *Current Law*

Current law, section 3485 of title 38, U.S.C., authorizes VA to pay a work-study allowance to individuals receiving VA educational assistance if they meet certain enrollment requirements and work for up to 25 hours per week at an approved VA work-study location in a VA facility or educational institution.

#### *Senate Bill*

Section 407 of S. 2921 would amend section 3485 of title 38, U.S.C., to provide an additional period of 5 years, from June 30, 2016, to June 30, 2021, during which a student may receive a work-study allowance for performing outreach services for a State approving agency, providing hospital and domiciliary care and medical treatment to veterans in a State home, or performing an activity relating to the administration of a national cemetery or a state veterans' cemetery.

#### *House Bill*

Section 308 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 406 of the Compromise Agreement follows the language in both bills, except that the 5-year period would run from June 30, 2017, to June 30, 2022.

CENTRALIZED REPORTING OF VETERAN ENROLLMENT BY CERTAIN GROUPS, DISTRICTS, AND CONSORTIUMS OF EDUCATIONAL INSTITUTIONS

#### *Current Law*

Current law, section 3684 of title 38, U.S.C., requires educational and training institutions to report to VA the enrollment of students receiving VA educational assistance

and to certify their compliance with the requirements of approval for VA educational assistance in order to receive payments.

#### *Senate Bill*

Section 421 of S. 2921 would modify section 3684 of title 38, U.S.C., so that an “educational institution” for purposes of reporting to VA enrollments in education programs would include a group, district, or consortium of separately accredited educational institutions located in the same state that are organized in a manner that facilitates the centralized reporting of enrollments in the group, district, or consortium of institutions.

#### *House Bill*

Section 401 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 407 of the Compromise Agreement follows the language in both bills.

#### ROLE OF STATE APPROVING AGENCIES

#### *Current Law*

Under current law, section 3672 of title 38, U.S.C., certain types of education courses meeting criteria in chapter 36 of title 38, U.S.C., are deemed approved for the use of VA educational assistance.

#### *Senate Bill*

Section 423 of S. 2921 would amend section 3672 of title 38, U.S.C., so that an education program would be deemed approved for purposes of VA education benefits only if a State approving agency determines that the program meets the deemed-approved criteria. It would also modify section 3675 of title 38, U.S.C., so that a program that is not subject to approval under section 3672 of title 38, U.S.C., may be approved by a State approving agency or VA acting in the role of a State approving agency when the criteria for approval of accredited programs at for-profit institutions are met.

#### *House Bill*

Section 403 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 408 of the Compromise Agreement follows the language in both bills.

#### MODIFICATION OF REQUIREMENTS FOR APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS OF PROGRAMS DESIGNED TO PREPARE INDIVIDUALS FOR LICENSURE OR CERTIFICATION

#### *Current Law*

Current law, sections 3675 and 3676 of title 38, U.S.C., lists a number of requirements for accredited and non-accredited education and training programs to be approved for VA educational assistance, including for licensure and certification programs.

#### *Senate Bill*

Section 425 of S. 2921 would amend chapter 36 of title 38, U.S.C., to require both accredited and non-accredited programs that are designed to prepare an individual for licensure or certification in a state to meet any instructional curriculum licensure or certification requirements of the state in order to be approved for purposes of VA education benefits. It would also require programs designed to prepare an individual for employment pursuant to standards developed by a board or agency of a state in an occupation that requires approval or licensure to be approved or licensed by the board or agency of the state in order to be approved for purposes of VA education benefits. It would also require that any course of education designed to prepare a student for licensure to practice law be accredited by a recognized party. It would add a new subsection (f) to

section 3676 of title 38, U.S.C., providing that the Secretary of Veterans Affairs would be authorized to waive either of those requirements in certain circumstances and would add specific criteria for disapproving such courses in section 3679 of title 38, U.S.C. This section would not apply to individuals continuously enrolled in a course if that course is later disapproved pursuant to this section.

#### *House Bill*

H.R. 2360 as amended contains similar language to the Senate Bill, but lacks the language specifying the requirements apply to courses preparing for licensure to practice law and to standard college degree programs at accredited public or not-for-profit educational institutions.

#### *Compromise Agreement*

Section 409 of the Compromise Agreement follows the language in the Senate Bill.

#### CRITERIA USED TO APPROVE COURSES

#### *Current Law*

Current law, section 3676 of title 38, U.S.C., requires non-accredited courses to meet a number of criteria in order to be approved for VA educational assistance. Included in these are any additional criteria as may be deemed necessary by the State approving agency.

#### *Senate Bill*

Section 424 of S. 2921 would modify section 3676 of title 38, U.S.C., so that additional criteria may be required only if the Secretary, in consultation with the State approving agency and pursuant to regulations prescribed to carry out this requirement, determines that the additional criteria are necessary and treat public, private, and proprietary for-profit educational institutions equitably. Section 424 would modify section 3675 of title 38, U.S.C., so that accredited courses must also meet those additional criteria to be approved.

#### *House Bill*

Section 404 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 410 of the Compromise Agreement follows the language in both bills.

#### COMPLIANCE SURVEYS

#### *Current Law*

Section 3693 of title 38, U.S.C., requires VA to conduct compliance surveys of institutions that enroll eligible veterans in education programs approved for VA educational assistance. VA must conduct compliance surveys each year for institutions enrolling 300 or more eligible veterans or offering courses other than standard college degrees.

#### *Senate Bill*

Section 426 of S. 2921 would amend section 3693 of title 38, U.S.C., to provide that VA generally must conduct an annual compliance survey of educational institutions and training establishments offering approved courses if at least 20 veterans or other VA beneficiaries are enrolled in its courses; VA must design the compliance survey to ensure that institutions or establishments and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of title 38, U.S.C.; VA must survey each institution or establishment not less than once during every 2-year period; VA must assign not fewer than one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required; and VA must, in consultation with State approving agencies, annually determine the parameters of the surveys and not later than September 1 of each year make available to the State approving agencies a

list of educational institutions and training establishments that will be surveyed during the fiscal year following the date of making the list available.

#### *House Bill*

Section 405 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### *Compromise Agreement*

Section 411 of the Compromise Agreement follows the language in both bills.

#### MODIFICATION OF REDUCTION IN REPORTING FEE MULTIPLIERS FOR PAYMENTS BY SECRETARY OF VETERANS AFFAIRS TO EDUCATIONAL INSTITUTIONS

#### *Current Law*

Current law, section 3684 of title 38, U.S.C., directs VA to pay educational institutions a fee for each educational assistance beneficiary whose enrollment the institution certifies to VA. The current fees are \$9 or \$12 per student depending on whether or not the school receives an assistance payment in care of the beneficiary.

#### *Senate Bill*

Section 902 of S. 2921 would change the rates of the reporting fees that are paid to educational institutions beginning on September 26, 2016. The rates would change from \$9 and \$13 per student to \$8 and \$12 per student until September 25, 2025.

#### *House Bill*

The House Bills contain no similar provision.

#### *Compromise Agreement*

Section 412 of the Compromise Agreement would change the rates of the reporting fees to \$6 and \$12 per student through September 25, 2017. From September 26, 2017, to September 25, 2026, the reporting fees would be paid at a rate of \$7 and \$12 per student.

#### COMPOSITION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

#### *Current Law*

Current law, section 3692 of title 38, U.S.C., requires VA to include veterans who are representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War when forming the Veterans' Advisory Committee on Education.

#### *Senate Bill*

The Senate Bills contain no relevant provision.

#### *House Bill*

The House Bills contain no relevant provision.

#### *Compromise Agreement*

Section 413 of the Compromise Agreement includes language from a VA legislative proposal that would amend section 3692(a) of title 38, U.S.C., to modify the requirements on the composition of the Veterans' Advisory Committee on Education. The current requirement to include veterans representing specific conflict eras, such as World War II, Korea, and Vietnam, would be replaced with a more flexible requirement to include veterans representing those who have used, are using, or may in the future use VA educational assistance benefits.

#### SURVEY OF INDIVIDUALS USING THEIR ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER THE EDUCATIONAL ASSISTANCE PROGRAMS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

#### *Current Law*

Current law contains no relevant provision.

#### *Senate Bill*

Section 427 of S. 2921 would require VA to contract with a non-government entity to

conduct a survey of individuals who are using or have used VA educational benefits. The survey would have to be contracted within 9 months of enactment, provided to the Committee on Veterans' Affairs of the Senate and House of Representatives at least 30 days in advance of data collection, completed within 6 months, and conducted by electronic means. The survey would include demographic information, opinion on effectiveness of transition assistance programs, and resources used to decide on a program of education and which education benefit to use, among other survey requirements. VA would be required to report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the findings of this survey within 90 days of its completion.

#### House Bill

Section 406 of H.R. 3016 as amended is substantively identical to the Senate Bill.

#### Compromise Agreement

Section 414 of the Compromise Agreement follows the language in both bills.

DEPARTMENT OF VETERANS AFFAIRS PROVISION OF INFORMATION ON ARTICULATION AGREEMENTS BETWEEN INSTITUTIONS OF HIGHER LEARNING

#### Current Law

Current law, section 3697A of title 38, U.S.C., directs VA to provide educational and vocational counseling to veterans within 1 year of separation from the military and to other eligible individuals using VA educational assistance.

#### Senate Bill

The Senate Bills contain no similar provisions.

#### House Bill

H.R. 5047 would require VA counselors providing educational or vocational counseling under section 3697A of title 38, U.S.C., to provide, as part of that counseling, information on articulation agreements at each educational institution in which the individual is interested. VA must also include information on articulation agreements when it provides a certification of eligibility for educational assistance.

#### Compromise Agreement

Section 415 of the Compromise Agreement follows the language in the House Bill.

RETENTION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE DURING CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY

#### Current Law

Current law, sections 16131 and 16133 of title 10, U.S.C., allows used entitlement to the Montgomery GI Bill-Selected Reserves to be retained by an individual when their enrollment is interrupted by orders to active duty under certain sections of title 10, U.S.C.

#### Senate Bill

Section 408 of S. 2921 would add 10 U.S.C. 12304a and 12304b to the list of authorities in 10 U.S.C. 16131 and 16133 under which a reservist may regain lost payments and lost entitlement for the Montgomery GI Bill-Selected Reserve education program when that activation authority prevented the reservist from completing his or her studies.

#### House Bill

The House Bills contain no similar provision.

#### Compromise Agreement

Section 416 of the Compromise Agreement follows the language in the Senate Bill.

TECHNICAL AMENDMENT RELATING TO IN-STATE TUITION RATE FOR INDIVIDUALS TO WHOM ENTITLEMENT IS TRANSFERRED UNDER ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE

#### Current Law

Current law, section 3679 of title 38, U.S.C., as amended by section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 128 Stat. 1796; 38 U.S.C. 3311 note), requires VA to disapprove any program in which a veteran within 3 years of separation or their dependent using transferred education benefits is charged more than the in-state tuition rate charged to residents of the state for that same program.

#### Senate Bill

Section 428 of S. 2921 would amend section 3679(c)(2)(B) of title 38, U.S.C., to specify that a covered individual includes someone using education benefits transferred to them under section 3319 of title 38, U.S.C., when the person who transferred benefits is a veteran within 3 years of separation from active duty or a member of the uniformed services described in section 3319(b) of title 38, U.S.C. Under this section, VA must disapprove courses in which these covered individuals are charged more than the in-state tuition rate charged to residents of the state for the same program. This change would apply with courses and terms beginning after July 1, 2017.

#### House Bill

Section 408 of H.R. 3016 as amended is similar to the language in the Senate Bill but would require disapproval when the in-state tuition rate is not applied for any individual using transferred education benefits under section 3319 of title 38, U.S.C., without regard to how many years have passed since the veteran's military separation.

#### Compromise Agreement

Section 417 of the Compromise Agreement follows the language in the Senate Bill.

STUDY ON THE EFFECTIVENESS OF VETERANS TRANSITION EFFORTS

#### Current Law

Current law, section 1144 of title 10, U.S.C., requires the Departments of Defense, Veterans Affairs, Homeland Security, and Labor to provide transition assistance training to transitioning members of the Armed Forces.

#### Senate Bill

The Senate Bills contain no similar provision.

#### House Bill

H.R. 5229 as amended would require VA, in coordination with the Departments of Defense and Labor, to conduct a study evaluating military transition assistance programs with emphasis on their effectiveness for certain groups of minority veterans. VA would be required to report to Congress its findings and any recommendations within 18 months of enactment. The House Bill would also prohibit the authorization of additional funds to carry out these requirements.

#### Compromise Agreement

Section 418 of the Compromise Agreement follows the language in the House Bill.

TITLE V—SMALL BUSINESS AND EMPLOYMENT MATTERS

MODIFICATION OF TREATMENT UNDER CONTRACTING GOALS AND PREFERENCES OF DEPARTMENT OF VETERANS AFFAIRS

#### Current Law

Under current law, section 8127 of title 38, U.S.C., if the death of a veteran causes a small business to be less than 51 percent

owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights shall be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans. The current transition period from the date of the veteran's death is the earliest of the following dates: the date on which the surviving spouse remarries; the date on which the surviving spouse relinquishes an ownership interest in the small business concern; or the date that is 10 years after the date of the veteran's death.

Current law only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

#### Senate Bill

Sections 501 and 502 of S. 1203 as amended would modify the ownership requirements for small business contracts and preferences. In the case of a veteran who dies as a result of a service-connected disability with a 100 percent rating, the surviving spouse would also be allowed to assume control of the business for 10 years after the date of the veteran's death. For a veteran who passes away with less than 100 percent disability, who does not die of a service-connected disability, a transition period of 3 years after the veteran's death would be authorized.

#### House Bill

H.R. 1313 is substantively identical to the Senate Bill.

#### Compromise Agreement

Section 501 of the Compromise Agreement follows the language in both bills.

LONGITUDINAL STUDY OF JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

#### Current Law

Current law, section 4103A of title 38, U.S.C., provides intensive services for veterans with significant barriers to employment to meet their employment needs and facilitate placements.

#### Senate Bill

Section 502 of S. 2921 would add section 4115 to chapter 41 of title 38, U.S.C., which would require the Secretary of Labor to contract with a non-government entity to conduct a 5-year longitudinal study of job counseling, training, and placement service for veterans. The study would collect information relating to length of military service, disability, unemployment, income levels, home ownership, use of job counseling and training services, and demographic information. The Secretary would report the findings to Congress by not later than July 1 of each year for the 5-year period and include in the report the number of job fairs attended by One-Stop Career Center employees where they had contact with veterans and the number of veterans contacted at each job fair.

#### House Bill

Section 502 of H.R. 3016 as amended is substantively similar to the Senate Bill but would not require the study or inclusion of job fairs attended by One-Stop Career Center employees.

#### Compromise Agreement

Section 502 of the Compromise Agreement follows the language in the Senate Bill.

LIMITATION ON ADMINISTRATIVE LEAVE FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS

#### Current Law

Current law places no restrictions on administrative leave.



*Senate Bill*

Section 124 of S. 2921 would restrict the ability of the Secretary of Veterans Affairs to place employees on administrative leave for no more than 14 days in a given year. The Secretary may waive the limitation but would be required to provide the Committee on Veterans' Affairs of the Senate and House of Representatives a detailed explanation for extending the administrative leave. The explanation would be required to include the position and location where the individual is employed. Not later than 30 days after the end of each fiscal year, the Secretary would also be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report listing the position of each employee of the Department (if any) who has been placed on administrative leave for a period longer than 14 business days during such fiscal year.

*House Bill*

Section 7 of H.R. 1994 as amended is similar to the Senate Bill, except that it would require the Secretary of Veterans Affairs to also report the name of any individual who was placed on administrative leave for longer than 14 days to the Committee on Veterans' Affairs of the Senate and House of Representatives. The House Bill also would not require an additional report from the Secretary at the end of each fiscal year of each individual placed on administrative leave for a time that is greater than 14 days in the prior fiscal year.

*Compromise Agreement*

Section 503 of the Compromise Agreement follows the language in the House Bill, except that it would not require the Secretary to provide any individual's name who is placed on administrative leave for a time that is greater than 14 days and would only require the Secretary to report an individual's job title, pay grade, and location.

REQUIRED COORDINATION BETWEEN DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING WITH STATE DEPARTMENTS OF LABOR AND VETERANS AFFAIRS

*Current Law*

Current law, section 4103 of title 38, U.S.C., directs the Department of Labor to assign directors of veterans' employment and training to each state.

*Senate Bill*

Section 501 of S. 2921 would require the Department of Labor's director of veterans' employment and training for each state to coordinate their activities with the state agencies for labor and veterans affairs. Section 501 would take effect 1 year after the enactment date.

*House Bill*

The House Bills contain no similar provisions.

*Compromise Agreement*

Section 504 of the Compromise Agreement follows the language in the Senate Bill.

## TITLE VI—HEALTH CARE MATTERS

## SUBTITLE A—MEDICAL CARE

REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE MEDICAL COMMUNITY CARE ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS

*Current Law*

Section 117 of title 38, U.S.C., provides for the advance appropriations of certain VA appropriations accounts. Providing appropriations in advance ensures that medical care and certain benefits continue if annual appropriations bills or a continuing resolution to provide funding are not signed into law before the end of the fiscal year. Public Law 114-41, the Surface Transportation and Veterans Health Care Choice Improvement Act

of 2015, provided a new appropriations account to fund medical care that is not provided at a VA facility.

*Senate Bill*

Section 274 of S. 2921 would provide for the advance appropriation of funding for the Medical Community Care Appropriations account.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 601 of the Compromise Agreement follows the language in the Senate Bill.

## IMPROVED ACCESS TO APPROPRIATE IMMUNIZATIONS FOR VETERANS

*Current Law*

Section 1701 of title 38, U.S.C., provides definitions for medical care and hospital care. To promote health and prevent diseases among veterans, VA delivers preventive health services, which includes providing immunizations against infectious diseases. Recommendations on immunizations for adults are made by the Advisory Committee on Immunization Practices, an entity that advises the Secretary of the Department of Health and Human Services and is supported by the Centers for Disease Control and Prevention. That advisory committee publishes an immunization schedule for adults.

*Senate Bill*

Section 201 of S. 2921 would amend section 1701 of title 38, U.S.C., to clarify that the term "preventive health services" encompasses immunizations against infectious diseases, including each immunization on the recommended adult immunization schedule at the time such immunization is indicated on that schedule. The section would also require VA to report to the Committee on Veterans' Affairs of the Senate and House of Representatives on programs conducted the previous fiscal year to ensure veterans have access to the recommended immunizations. Section 201 would also ensure that a veteran would not receive an immunization that the veteran does not wish to receive.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 602 of the Compromise Agreement follows the language in the Senate Bill.

PRIORITY OF MEDAL OF HONOR RECIPIENTS IN HEALTH CARE SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS

*Current Law*

Section 1705 of title 38, U.S.C., provides for eligibility for the VA health care system. Medal of honor recipients are eligible to be enrolled in the VA healthcare system under priority group three and are required to pay applicable VA copayments for certain care.

*Senate Bill*

Section 203 of S. 2921 would increase medal of honor recipients from priority group three to priority group one in the VA health care system. Medal of honor recipients would be elevated to the highest priority group within the Veterans Health Administration and would not be required to pay co-payments for care they received.

*House Bill*

Section 102 of H.R. 3016 as amended contains an identical provision.

*Compromise Agreement*

Section 603 of the Compromise Agreement follows the language in both bills.

REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS

*Current Law*

Public Law 114-223 restricts VA's use of fiscal year 2017 funding for the provision of hospital care, nursing home care, or medical services under chapter 17 of title 38, U.S.C., for non-service connected disabilities under section 1729(a)(2) of title 38, U.S.C., unless the veteran has provided third-party reimbursement information.

*Senate Bill*

Section 241 of S. 2921 would amend title 38, U.S.C., and add a new section 1705A. This section would require VA to collect from individuals information on health-plan contracts and would allow VA to take any action necessary to collect the information. In addition, this section would denote that the Secretary may not deny services to an individual if he or she fails to provide this information.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 604 of the Compromise Agreement follows the Senate Bill.

MENTAL HEALTH TREATMENT FOR VETERANS WHO HAVE SERVED IN CLASSIFIED MISSIONS

*Current Law*

Section 7301 of title 38, U.S.C., established within the Veterans Health Administration of the Department of Veterans Affairs the primary function to provide complete medical and hospital services for the medical care and treatment of veterans. Section 1701 of title 38, U.S.C., defines "hospital care" to include "mental health services, consultation, professional counseling, marriage and family counseling."

*Senate Bill*

Section 212 of S. 2921 would amend title 38, U.S.C., by adding a new section, 1720H, to direct VA to establish standards and procedures in consultation with the Department of Defense to ensure that veterans who participated in classified missions or served in sensitive units may access mental health care in a manner that fully accommodates their obligation to not improperly disclose classified information.

*House Bill*

Section 3 of H.R. 2915 as amended contains an identical provision.

*Compromise Agreement*

Section 605 of the Compromise Agreement follows the language in the Senate and House Bills.

EXAMINATION AND TREATMENT BY DEPARTMENT OF VETERANS AFFAIRS FOR EMERGENCY MEDICAL CONDITIONS AND WOMEN IN LABOR

*Current Law*

Current law contains no relevant provisions.

*Senate Bill*

Section 246 of S. 2921 would add a new section, 1784A, to title 38, U.S.C., to require any VA facility with an emergency department to provide stabilizing care in the form of an examination or treatment for an emergency medical condition for any individual who is on the campus of the hospital and requests treatment or has a request for treatment made on his/her behalf.

*House Bill*

Section 2 of H.R. 3216 would add a new section 1730B to title 38, U.S.C., to require a VA facility with an emergency department to provide stabilizing care to an enrolled veteran in the form of examination or treatment for an emergent medical condition for



a veteran that requests treatment or a treatment request is made by an individual acting on behalf of the veteran.

#### *Compromise Agreement*

Section 606 of the Compromise Agreement follows the language in the Senate Bill. It is the intent of Congress that VA obtain other health insurance information from individuals receiving care under this provision consistent with the authority in section 604 of the Compromise Agreement.

#### SUBTITLE B—VETERANS HEALTH ADMINISTRATION

#### TIME PERIOD COVERED BY ANNUAL REPORT ON READJUSTMENT COUNSELING SERVICE

#### *Current Law*

Section 7309 of title 38, U.S.C., requires the Readjustment Counseling Service (hereinafter, “RCS”) to submit an annual report covering the activities of the RCS for the preceding calendar year.

#### *Senate Bill*

The Senate Bills contain no comparable provision.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 611 of the Compromise Agreement contains a new provision that would amend section 7309 of title 38, U.S.C., to change the time period covered by the annual report to include the activities of the RCS in the preceding fiscal year.

#### ANNUAL REPORT ON VETERANS HEALTH ADMINISTRATION AND FURNISHING OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE

#### *Current Law*

Title 38, U.S.C., contains a number of requirements for VA to submit reports to Congress regarding the Department’s activities.

#### *Senate Bill*

Section 248 of S. 2921 would amend title 38, U.S.C., by adding a new section, 7330B, which would require VA to submit an annual report to Congress regarding the provision of hospital care, medical services, and nursing home care by the Veterans Health Administration. An annual report would be due not later than March 1 of each year from 2018 through 2022.

#### *House Bill*

Section 2 of H.R. 2256 as amended contains an identical provision.

#### *Compromise Agreement*

Section 612 of the Compromise Agreement follows the language in the Senate and House Bills.

#### EXPANSION OF QUALIFICATIONS FOR LICENSED MENTAL HEALTH COUNSELORS OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE DOCTORAL DEGREES

#### *Current Law*

Section 7402(b)(11) of title 38, U.S.C., authorizes the appointment in the Veterans Health Administration of licensed professional mental health counselors (hereinafter, “LPMHC”) provided the LPMHCs hold a master’s degree in mental health counseling.

#### *Senate Bill*

Section 214 of S. 2921 would amend section 7402(b)(11) of title 38, U.S.C., to expand the qualifications for an individual to be appointed as a VA licensed professional mental health counselor to include individuals with a doctoral degree in mental health counseling.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 613 of the Compromise Agreement follows the language in the Senate Bill.

#### MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

#### *Current Law*

Section 7423(a) of title 38, U.S.C., establishes the hours that are used to determine whether an employee is a full-time employee. A full-time employee is one who works 80 hours over a 2 week period.

#### *Senate Bill*

Section 221 of S. 2921 would amend section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time VA physician or physician assistant must consist of not less than 80 hours in a biweekly pay period. Specifically, VA may modify the hours of employment for a full-time physician or physician assistant to be more or less than 80 hours in a biweekly pay period if the total hours for the employee does not exceed 2,080 hours in a calendar year.

#### *House Bill*

Section 2 of H.R. 4150 as amended would amend section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time physician or physician assistant must consist of not less than 80 hours in a pay period. Section 2 would also ban the accrual of overtime because of the modification of the hours of employment.

#### *Compromise Agreement*

Section 614 of the Compromise Agreement amends section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time physician must consist of not less than 80 hours in a pay period, on the condition that the physician provides VA with an advance written notice. It is the intent of Congress that the advance written notice required by this section be a one-time notice to VA that the physician is willing to modify his or her hours of employment as needed to ensure proper staffing at the Department.

#### REPEAL OF COMPENSATION PANELS TO DETERMINE MARKET PAY FOR PHYSICIANS AND DENTISTS

#### *Current Law*

Section 7431 of title 38, U.S.C., establishes a pay system for VA physicians and dentists. The section also mandates that a panel comprised of physicians or dentists make recommendations on market pay for physicians or dentists.

#### *Senate Bill*

The Senate Bills contain no comparable provision.

#### *House Bill*

Section 4 of H.R. 5526 would amend section 7431 of title 38, U.S.C., to repeal the requirement that physician or dental compensation panels be considered when setting market pay for physicians or dentists.

#### *Compromise Agreement*

Section 615 of the Compromise Agreement follows the language in the House Bill.

#### CLARIFICATION REGARDING LIABILITY FOR BREACH OF AGREEMENT UNDER DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

#### *Current Law*

Section 7671 of title 38, U.S.C., authorizes VA to carry out the Employee Incentive Scholarship Program as a tool to recruit and retain health professionals. This program provides education and training scholarships for qualified Veterans Health Administration

employees. Under section 7675 of title 38, U.S.C., program participants are liable for the amount which was paid to them or on their behalf if they fail to maintain appropriate academic standing, are dismissed for disciplinary reasons from the educational institution, voluntarily terminate the education or training prior to completion, fail to meet licensure requirements, or if the participant is a part-time student who fails to maintain VA employment while enrolled in a training course.

#### *Senate Bill*

The Senate Bills contain no comparable provision.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 616 of the Compromise Agreement would amend section 7675 of title 38, U.S.C., to include full-time students as among VA Employee Incentive Scholarship participants liable for the amount which was paid to them or on their behalf, in the event the participant fails to maintain VA employment.

#### EXTENSION OF PERIOD FOR INCREASE IN GRADUATE MEDICAL EDUCATION RESIDENCY POSITIONS AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

#### *Current Law*

The Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 7302 note) requires the Secretary of Veterans Affairs to increase the number of graduate medical education residency positions by 1,500 residency slots during the 5 year period that began 1 year after enactment of Public Law 113-146.

#### *Senate Bill*

Section 223 of S. 2921 would amend the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 7302 note) to allow VA an additional 5 years to increase the number of graduate medical education residency positions at medical facilities of VA by 1,500 positions. It would also extend for 5 years the requirement that VA submit an annual report to the Committee on Veterans’ Affairs of the Senate and House of Representatives on graduate medical education residency positions at VA medical facilities.

#### *House Bill*

H.R. 4011 contains an identical provision.

#### *Compromise Agreement*

Section 617 of the Compromise Agreement is identical to both the House and Senate provisions.

#### REPORT ON PUBLIC ACCESS TO RESEARCH BY DEPARTMENT OF VETERANS AFFAIRS

#### *Current Law*

Section 7303 of title 38, U.S.C., requires VA to carry out a program of medical research in connection with the provision of medical care and treatment to veterans in order to more effectively carry out the primary function of the Veterans Health Administration to contribute to the Nation’s knowledge about disease and disability.

#### *Senate Bill*

Section 296 of S. 2921 would provide that, not later than 180 days and 1 year after enactment, VA must submit a report on increasing public access to scientific publications and digital data from research funded by VA.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 618 of the Compromise Agreement follows the language in the Senate Bill.

AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS

*Current Law*

Section 8104(a)(2) of title 38, U.S.C., requires statutory authorization for all VA major medical facility construction projects.

*Senate Bill*

S. 3438 as amended would authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Reno, Nevada, and Long Beach, California.

*House Bill*

The House Bills contain no comparable provisions.

*Compromise Agreement*

Section 619 of the Compromise Agreement follows the language in the Senate Bill.

SUBTITLE C—TOXIC EXPOSURE  
DEFINITIONS

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 281 of S. 2921 would define the terms Armed Forces, descendant, toxic exposure, and veteran for purposes of this subtitle.

*House Bill*

Section 2 of H.R. 1769 and section 301 of H.R. 5286 would define the terms Armed Force, descendant, exposed, exposure, toxic substance, and veteran for purposes of this subtitle.

*Compromise Agreement*

Section 631 of the Compromise Agreement follows the language in the Senate Bill.

NATIONAL ACADEMY OF MEDICINE ASSESSMENT ON RESEARCH RELATING TO THE DESCENDANTS OF INDIVIDUALS WITH TOXIC EXPOSURE

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 282 of S. 2921 would require that, not later than 180 days after enactment, the Secretary of Veterans Affairs enter into an agreement with the National Academy of Medicine (hereinafter, “NAM”) to conduct an assessment on scientific research relating to the descendants of individuals with toxic exposure. If an agreement cannot be entered into, the Secretary must seek to enter into such an agreement with another appropriate organization.

Section 282 would require that the assessment include review of the scientific literature regarding toxicological and epidemiological research on descendants of individuals with toxic exposure; an assessment of areas requiring further study; and an assessment of the scope and methodology required to conduct adequate research including the types of individuals to be studied, the number of veterans and descendants to be studied, alternatives for participation, amount of time and resources needed, and the appropriate Federal agencies needed to participate. Section 282 also would require the establishment of categories, including definitions for each category, to be used in assessing the evidence that a particular health condition is related to toxic exposure and an analysis of the feasibility of conducting scientific research, the value and relevance of the information that could result from the research, and the feasibility and advisability of assessing additional information held by a Federal agency that may be sensitive. The assessment also would include the identification of a research entity or entities with expertise in conducting

research on health conditions of descendants of individuals with toxic exposure and the ability to conduct the recommended research.

Not later than 2 years after entering into an agreement, section 282 would require the organization to provide a report that includes the results of the assessment conducted regarding the scope and methodology required to conduct adequate research and a determination regarding whether the results of such assessment indicate that it is feasible to conduct further research, including an explanation of the basis for determination. Not later than 90 days after receiving the results of the assessment and determination, the Secretary of Veterans Affairs must submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a certification of the understanding of the Secretary regarding the feasibility of conducting further research regarding health conditions of descendants of veterans with toxic exposure.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 632 of the Compromise Agreement follows the language in the Senate Bill.

ADVISORY BOARD ON RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 283 of S. 2921 would require that, unless the Secretary of Veterans Affairs certifies that it is not feasible to conduct further research, not later than 180 days after receiving the assessment from the NAM, the Secretary establish an advisory board to advise the Secretary in the selection of a research entity or entities, advise the entity or entities in conducting research and advise the Secretary with respect to the activities of the entity or entities. The advisory board would consist of 13 voting members with not less than two members of organizations with tax exempt status, two descendants of veterans with toxic exposure, and seven health professionals, scientists or academics with expertise in research. It is the intent of the Senate that the Secretary select health professionals, scientists, or academics to serve on the advisory board that are highly qualified in their respective fields and have peer-reviewed published work. The advisory board would advise the Secretary in the selection of a research entity or entities, advise the entity and assess the activities of the entity in conducting research, develop a research strategy for the entity or entities, advise the Secretary with respect to the activities of the entity or entities, submit recommendations for the annual report, and meet not less frequently than semiannually with the Secretary and representatives of the entity or entities.

*House Bill*

Section 4 of H.R. 1769 and section 303 of H.R. 5286 would require that, within 180 days of enactment, VA establish an advisory board to oversee and assess the National Center established under section 3 of H.R. 1769 and section 302 of H.R. 5286. It would require that, within 120 days of enactment, the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, the Director of the National Institute of Environmental Health Sciences, and other heads of Federal agencies as the Secretary determines appropriate

select no less than 13 voting members with not less than three members of organizations with tax exempt status, not less than one descendant of a veteran exposed to toxic substances who has manifested a structural or functional birth defect or a health condition that is related to the toxic exposure, or a parent or child of that descendant, not less than six health professionals, scientists, or academics who are not employees of the Federal Government and have expertise in research. The Secretary may select additional members from among social workers and advocates for veterans or members of the Armed Forces who are not employees of the Federal Government and nonvoting members who are employees of the Federal Government with expertise in research. The advisory board would meet quarterly with the National Center, review the annual report submitted by the National Center and advise the Secretary with respect to the National Center's work and issues related to the health conditions of descendants of veterans exposed to toxic substances, including any determinations or recommendations that the advisory board may have with respect to the feasibility and advisability of the Department providing health care services to descendants. No later than 1 year after the establishment of the advisory board and not less than 1 year thereafter, the board would be required to submit a report with recommendations for administrative and legislative action to the Committee on Veterans' Affairs of the Senate and House of Representatives and to the Secretary.

*Compromise Agreement*

Section 633 of the Compromise Agreement follows the language in the Senate Bill, as well as the intent expressed by the Senate.

RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 284 of S. 2921 would require, unless the Secretary certifies that it is not feasible to conduct further research, not later than 1 year after receiving the results and determination from the NAM, the Secretary to enter into an agreement with one or more research entities to conduct research on health conditions of descendants of veterans with toxic exposure while serving as members of the Armed Forces.

The research entity or entities would assess, using the categories established in section 282, the extent to which a health condition of a descendant of a veteran is related to toxic exposure of the veteran while serving as a member of the Armed Forces. The entity would be allowed to study individuals as identified in the assessment in section 282, which includes veterans with toxic exposure and the descendants of those veterans. The Senate encourages the research entity, as feasible, to examine the role of epigenetics on male reproduction as it relates to toxic exposure among veterans. The Secretary of Defense and the Secretary of Veterans Affairs would be required to make available to the research entity records held by VA, the Department of Defense, the Armed Forces, or any other Federal agency, as appropriate, that the research entity determines are necessary. The Secretaries would jointly establish a mechanism for access.

Not later than 1 year after commencing the research, and not later than September 30 each year thereafter, the research entity would, in consultation with the advisory board, submit to the Secretary and the Committee on Veterans' Affairs of the Senate

and House of Representatives a report on the functions of the research entity during the preceding year. The report would include a summary of the research efforts, a description of any findings made, and recommendations for administrative or legislative action made by the advisory board, which may include recommendations for further research. Upon request from any 501(c)(19) tax exempt organization, the Secretary may transmit to the organization a copy of the report.

#### *House Bill*

Section 3 of H.R. 1769 and section 302 of H.R. 5286 would require that, no later than 1 year after enactment, the Secretary of Veterans Affairs select, in consultation with the advisory board established under section 4 of H.R. 1769 and section 303 of H.R. 5286, a VA medical center to serve as the national center for research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as a member of the Armed Forces that are related to such exposure. The National Center must be selected from among VA's medical centers with expertise in diagnosing and treating functional and structural birth defects, or expertise in caring for individuals exposed to toxic substances and diagnosing and treating any health conditions resulting from such exposure or medical centers that are affiliated with research medical centers or teaching hospitals with such expertise. The Center would be required to study individuals that are a descendant of a member of the Armed Forces and such member was exposed to a toxic substance while serving as a member of the Armed Forces and such descendant is afflicted with a health condition that is related to the exposure of such member to such toxic substance and individuals that were exposed to a toxic substance while serving as a member of the Armed Forces and are afflicted with a health condition that is related to the exposure. Not less than once a year, the National Center must submit to Congress and the advisory board a report that includes the research efforts that have been completed during that year, and efforts that are ongoing as of the date of submittal of the report.

Section 5 of H.R. 1769 and section 305 of H.R. 5286 would require the Secretary of Defense to conduct a declassification review to determine what information may be made publicly available relating to any known incident in which no less than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a specialist in the field of occupational medicine has determined to be credibly associated with that toxic substance. To the extent possible and consistent with national security, the Secretary would be required to make publicly available the information declassified following the review.

Section 5 of H.R. 1769 and section 305 of H.R. 5286 would require the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services and the Secretary of Defense, to conduct a national outreach and education campaign directed toward members of the Armed Forces, veterans, and their family members to communicate (1) information on incidents of exposure of members of the Armed Forces to toxic substances, health conditions resulting from such exposure, and the potential long-term effects of such exposure on the individuals exposed to those substances and the descendants of those individuals and (2) information on the National Center established under section 302 for individuals eligible to participate in studies conducted at the National Center.

#### *Compromise Agreement*

Section 634 of the Compromise Agreement follows the language in the Senate Bill, as well as the intent expressed by the Senate.

#### TITLE VII—HOMELESSNESS MATTERS

##### SUBTITLE A—ACCESS OF HOMELESS VETERANS TO BENEFITS

##### EXPANSION OF DEFINITION OF HOMELESS VETERAN FOR PURPOSES OF BENEFITS UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

#### *Current Law*

Section 2002 of title 38, U.S.C., defines "homeless veteran," for purposes of eligibility for VA homeless programs, as the term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (section 11302(a) of title 42, U.S.C.). Congress amended the McKinney-Vento Homeless Assistance Act in 2009 to include homeless individuals or families fleeing their residence as a result of domestic or other life-threatening situations. VA's definition of homeless veteran has not been updated to reflect this change.

#### *Senate Bill*

Section 601 of S. 2921 would amend section 2002 in title 38, U.S.C., so that the VA definition of homeless would include those individuals described in section 11302(b) of title 42, U.S.C., such as those fleeing domestic violence.

Section 4 of S. 1731 as amended would define veteran for purposes of certain VA programs, including the Grant and Per Diem (hereinafter, "GPD") program and the Supportive Services for Very-Low Income Veteran Families (hereinafter, "SSVF") program, as a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released. This would not include a person who received a dishonorable discharge or a discharge by reason of a general court martial.

#### *House Bill*

Section 1 of H.R. 272 and section 3 of H.R. 2256 as amended would amend section 2002 in title 38, U.S.C., so that the VA definition of homeless would include those individuals described in section 11302(b) of title 42, U.S.C., such as those fleeing domestic violence. The House Bills are similar to section 601 of S. 2921. The House Bills contain no comparable provision to section 4 of S. 1731 as amended.

#### *Compromise Agreement*

Section 701(1) of the Compromise Agreement follows the language in both the Senate and House Bills. Section 701(2) follows the language in the Senate Bill.

##### AUTHORIZATION TO FURNISH CERTAIN BENEFITS TO HOMELESS VETERANS WITH DISCHARGES OR RELEASES UNDER OTHER THAN HONORABLE CONDITIONS

#### *Current Law*

Section 5303 of title 38, U.S.C., requires that individuals be barred from receiving VA benefits under certain conditions.

#### *Senate Bill*

Section 3 of S. 1731 as amended would amend section 5303 of title 38, U.S.C., to exempt homeless veterans from being disqualified from receiving services through VA's GPD program and SSVF program as a result of a discharge or dismissal from the Armed Forces under conditions other than honorable, except for discharge by reason of a general court-martial.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 702 of the Compromise Agreement follows the language in the Senate Bill.

##### WAIVER OF MINIMUM PERIOD OF CONTINUOUS ACTIVE DUTY IN ARMED FORCES FOR CERTAIN BENEFITS FOR HOMELESS VETERANS

#### *Current Law*

Section 5303A of title 38, U.S.C., requires veterans who entered into service after September 7, 1980, to have completed the shorter of 24 months of continuous active duty or the full period for which the veteran was called to active duty to be eligible for VA health benefits. Section 5303A of title 38, U.S.C., includes a number of exceptions to this requirement.

#### *Senate Bill*

Section 2 of S. 1731 as amended would amend section 5303A(b)(3) of title 38, U.S.C., to include among the exceptions to the minimum period of continuous active duty service requirement, homeless veterans eligible for VA's GPD program and SSVF program.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 703 of the Compromise Agreement follows the language in the Senate Bill.

##### TRAINING OF PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS AND GRANT RECIPIENTS

#### *Current Law*

Section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans. Section 2044 of title 38, U.S.C., requires VA to provide financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing.

#### *Senate Bill*

Section 5 of S. 1731 as amended would require VA to provide training and education on the implementation of this title and the amendments made by this subtitle to VA staff supporting or administering VA homeless programs and recipients of grants or other funding to carry out the GPD or SSVF program.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 704 of the Compromise Agreement follows the language in the Senate Bill.

##### REGULATIONS

#### *Current Law*

Current law contains no relevant provisions.

#### *Senate Bill*

Section 7 of S. 1731 as amended would require VA to prescribe regulations not later than 270 days after the date of enactment to ensure that VA is in compliance with this title and the amendments made by this subtitle.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 705 of the Compromise Agreement follows the language in the Senate Bill.

##### EFFECTIVE DATE

#### *Current Law*

Current law contains no relevant provisions.

#### *Senate Bill*

Section 8 of S. 1731 as amended would require that this subtitle and amendments made by the subtitle apply to individuals

seeking VA homeless benefits under chapter 20 of title 38, U.S.C., before, on, and after the date of enactment.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 706 of the Compromise Agreement follows the language in the Senate Bill. The intent of Congress is that those previously found ineligible for services through VA's GPD and SSVF programs would have the opportunity to receive a new review for eligibility should they still need services from either of those programs.

#### SUBTITLE B—OTHER HOMELESSNESS MATTERS

#### INCREASED PER DIEM PAYMENTS FOR TRANSITIONAL HOUSING ASSISTANCE THAT BECOMES PERMANENT HOUSING FOR HOMELESS VETERANS

#### *Current Law*

Current law, section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans. The per diem payment, which is set at a maximum of \$43.32 per day, per veteran housed, is calculated based on the daily cost of care, but may not exceed the rate paid to State homes for domiciliary care.

#### *Senate Bill*

Section 602 of S. 2921 would amend section 2012(a)(2) of title 38, U.S.C., to increase the maximum per diem rate for homeless veteran service providers participating in the Transition in Place program to compensate for an increase in operational costs. Section 602 would also authorize the per diem rate VA provides to certain entities that provide services to homeless veterans to exceed the rate paid to State homes in the case of services provided to a homeless veteran who is placed in housing that will become permanent housing upon termination of those services (transition-in-place). In those cases, the maximum per diem would be 150 percent of the State home rate.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 711 of the Compromise Agreement follows the language in the Senate Bill.

#### PROGRAM TO IMPROVE RETENTION OF HOUSING BY FORMERLY HOMELESS VETERANS AND VETERANS AT RISK OF BECOMING HOMELESS

#### *Current Law*

Current law, section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans.

#### *Senate Bill*

Section 604 of S. 2921 would amend title 38, U.S.C., to redesignate current section 2013 as 2014 and insert a new section 2013 to require VA to carry out a program to increase housing stability and retention by providing grants to community organizations that provide case management to formerly homeless veterans. These organizations should include those that are successfully providing or have successfully provided transitional housing services under sections 2012 or 2016 of title 38, U.S.C. This section would require the Secretary of Veterans Affairs to give grant provision priority to an organization that voluntarily stops receiving per diem payments and converts an existing transitional housing facility into a permanent housing facility. This section would also require VA to

submit a report to Congress within 1 year of enactment to assess the new program.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 712 of the Compromise Agreement follows the language in the Senate Bill.

#### ESTABLISHMENT OF NATIONAL CENTER ON HOMELESSNESS AMONG VETERANS

#### *Current Law*

Current law contains no relevant provisions.

#### *Senate Bill*

Subsection (a) of section 606 of S. 2921 would add a new section 2067 to title 38, U.S.C., to codify the existing National Center on Homelessness Among Veterans (hereinafter, "NCHAV"). This would require the Secretary of Veterans Affairs to oversee a center that operates independently of other VA homelessness programs. Subsection (a) of new section 2067 of title 38, U.S.C., would require that the NCHAV implement the following functions: carry out and promote research into the causes of and contributing factors to veteran homelessness; assess the effectiveness of VA programs to meet the needs of homeless veterans; identify and disseminate best practices with regard to housing stabilization, income support, employment assistance, community partnerships, and other matters as the Secretary deems appropriate; integrate evidence-based best practices, policies, and programs into VA programs for homeless veterans and ensure VA staff and community partners are effectively able to implement them; and serve as a resource center for all research and training activities carried out by VA, Federal entities, and community partners to promote the exchange of information with respect to veteran homelessness.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 713 of the Compromise Agreement follows the language in the Senate Bill.

#### REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

#### *Current Law*

Section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans.

#### *Senate Bill*

Section 610 of S. 2921 would require VA to assess and measure the capacity of GPD programs, including how well they achieve their stated goals at the national level, placements in permanent housing and employment, and increases in the regular income of participants in the programs. In conducting the required assessment, VA should develop and use tools to examine the capacity of the programs at the national and local levels. The section would also require VA to utilize information collected under this section to set specific goals to ensure the GPD programs are effectively serving homeless veterans, to assess whether the programs are meeting the specific goals, to inform funding allocations for the programs, and to improve the referral of homeless veterans to GPD programs. VA would be required to submit a report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the assessment and include recommendations for legislative and administrative actions for improving the programs.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 714 of the Compromise Agreement follows the language in the Senate Bill.

#### REPORT ON OUTREACH RELATING TO INCREASING THE AMOUNT OF HOUSING AVAILABLE TO VETERANS

#### *Current Law*

Current law contains no relevant provisions.

#### *Senate Bill*

Section 611 of S. 2921, in a freestanding provision, would require the Secretary of Veterans Affairs to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report describing and assessing VA outreach to realtors, landlords, property management companies, and developers to educate them about the housing needs of veterans as well as the benefits of having veterans as tenants.

#### *House Bill*

The House Bills contain no comparable provision.

#### *Compromise Agreement*

Section 715 of the Compromise Agreement follows the language in the Senate Bill, except that it would require the report to also be submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Financial Services Committee of the House of Representatives.

#### TITLE VIII—OTHER MATTERS

#### DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION REFORMS

#### *Current Law*

Section 8104(a)(2) of title 38, U.S.C., requires statutory authorization for all VA major medical facility construction projects and requires VA to notify the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives prior to obligating any unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major construction project.

#### *Senate Bill*

The Senate Bills contain no comparable provision.

#### *House Bill*

Section 2 of H.R. 3106 as amended would require the use of industry standards, standard designs, and best practices for VA medical facility construction projects; require VA to ensure that relevant employees have ongoing professional training and development regarding industry standards and best practices; prohibit VA from obligating/expending funds for advance planning or design for any super construction project until 60 days after congressional notification; prohibit VA from obligating funds for a major medical facility project/super construction project by more than 10 percent of the amount approved by law without congressional approval; prohibit VA from using bid savings amounts/funds for other than their original purpose before 30 days after notifying the Committees on Veterans' Affairs and Appropriations of the House of Representatives and the Senate unless each committee approves the obligation; require VA to report to the Committees on Veterans' Affairs and Appropriations of the House of Representatives and the Senate on the use of bid savings; require quarterly reports on super construction projects; and require VA to complete a master plan for each VA medical facility.

Section 3 of H.R. 3106 as amended would create, within VA's Office of the Inspector General, an Assistant Inspector General for

Construction to conduct, supervise, and coordinate audits, evaluations, and investigations into the planning, design, contracting, execution, and construction of VA facilities and infrastructure.

#### Compromise Agreement

Section 801 of the Compromise Agreement follows the language in the House Bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The bill was ordered to a third reading and was read the third time.

Mr. BOOZMAN. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 6416) was passed.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMBAT-INJURED VETERANS TAX FAIRNESS ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5015, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5015) to restore amounts improperly withheld for tax purposes from severance payments to individuals who retired or separated from service in the Armed Forces for combat-related injuries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5015) was ordered to a third reading, was read the third time, and passed.

#### RESOLUTIONS SUBMITTED TODAY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 635, S. Res. 636, S. Res. 637, S. Res. 638, and S. Res. 639.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST— H.R. 5456

Mr. WYDEN. Mr. President, in just a few minutes, because it is very late or very early, if one might characterize the hour of the morning, I will be offering a unanimous consent request to pass Calendar No. 527, H.R. 5456, the Family First Prevention Services Act.

Just to give a short description of this bill, there has been an enormous amount of bipartisan effort and good will to enact this legislation that many policy experts consider the most significant improvement in child welfare policy in decades.

In the other body, the legislation passed unanimously, and there was superb work done by Chairman BRADY, the Speaker, Congressman RYAN, VERN BUCHANAN. There was a whole host of colleagues on the Democratic side, SANDY LEVIN, LLOYD DOGGETT, and Leader PELOSI, a whole host of Members and enormous effort. You had the leadership, the Ways and Means Committee. They came together and passed the legislation unanimously.

The reason they did is, 500 organizations, groups representing children and pediatricians and the Catholic bishops, the Children's Defense Fund, all came together. They said the current policy today with respect to vulnerable children just defies common sense. In effect, you cannot get help to the families when it really is most critical.

When a family member or parent, for example, is dealing with drug abuse or mental health or a challenge where, if they were able to get a modest amount of assistance, the family could come together again and be healthy, the youngster would be able to stay in the home. Very often, in these kinds of instances, a grandparent or an uncle, if we made some modest changes in Federal policy, could step up as well—something I feel very strongly about having written the kinship care law a number of years ago to reward grandparents, aunts, and uncles when they could meet the strict standards for qualifying to take care of a youngster in these circumstances.

Chairman HATCH, Chairman GRASSLEY, and many of our senior Members have worked very hard with me and our colleague Senator BENNET from Colorado, who has devoted an enormous amount of attention to the needs of youngsters. I have been on the floor tonight really for the last 5 or 6 hours trying to resolve remaining concerns.

Now, we had a hotline months and months ago on this bill, and there really wasn't much reaction at the outset, and finally there were three Members who had concerns, and we moved to address them. Chairman BRADY has been

particularly gracious on the other side of the Capitol, saying if a State needed more time, if there were questions with respect to whether they could meet some of the criteria, he was open to giving them that kind of additional time.

I will tell my colleagues: I told my constituents this fall that probably nothing is more important to me than to come back here and pursue what I call principled bipartisanship. Bipartisanship is not about taking each other's bad ideas. Anybody can do that. That is a piece of cake. Principled bipartisanship is about taking good ideas from both sides of the aisle.

For example, I know that with the Presiding Officer, there was a question about the type of providers in his home State that might be eligible for this service. So we said we had heard from a number of conservatives that they wanted to make sure that one type of provider over another wasn't favored. So we said all of the providers can participate as long as they meet the quality standards. That was essentially a conservative concept.

We had a number on our side of the aisle who wanted to make sure there really were wrap-around services for these kinds of families. There is good foster care. Nobody has ever said that is not the case. But we know that Federal policy shouldn't create an incentive to rip these families apart. It should create incentives to keep families together.

So I wanted to come tonight and make one more appeal to pass what is, according to many of the most authoritative experts of child welfare, the most significant improvement in child welfare law in decades.

There are no objections on our side of the aisle. This is the second time I brought up this unanimous consent request, and no Senator has come to the floor on the other side of the aisle to raise an objection in terms of policy and substance. Frankly, I wish that somebody would, because I think we could accommodate them. Because of the graciousness of Chairman BRADY, the Republican chair on the other side, I think we could accommodate them. But no Senator has come now, for the second time this week, to actually offer a substantive objection.

So if you want what I call principled bipartisanship, which is what Chairman HATCH, Chairman GRASSLEY, Chairman BRADY—so many colleagues on both sides of the aisle have been working for—we have to have colleagues who will come and actually voice their substantive objection. I am making it clear again tonight that if anyone on the other side of the aisle has a substantive objection, my guess is we could resolve it, because there has been a lot of goodwill on both sides. But if people won't come and make a substantive objection, then it is hard to know what might satisfy them and allow us to proceed with this very important child welfare reform.