(Original	Signature	of Member)	

114TH CONGRESS 2D SESSION

H.R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr.	Takano introduced	the	following	bill;	which	was	referred	to	the
	Committee on								

A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 "Supporting, Employing, and Recognizing Veterans in
- 6 Communities Everywhere Act" or the "SERVICE Act".
- 7 (b) Table of Contents.—The table of contents for
- 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACCOUNTABILITY

Subtitle A—Whistleblower Protections

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

Subtitle B—Employees

- Sec. 111. Removal of employees of Department of Veterans Affairs based on performance or misconduct.
- Sec. 112. Suspension and removal of Department of Veterans Affairs employees for performance or misconduct that is a threat to public health or safety.
- Sec. 113. Authority to recoup bonuses or awards paid to employees of Department of Veterans Affairs.
- Sec. 114. Authority to recoup relocation expenses paid to or on behalf of employees of Department of Veterans Affairs.

Subtitle C—Supervisors and Senior Executives

- Sec. 121. Reduction of benefits for members of the Senior Executive Service within the Department of Veterans Affairs convicted of certain crimes.
- Sec. 122. Improved authorities of Secretary of Veterans Affairs to improve accountability of senior executives.

Subtitle D—Other Matters

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

TITLE II—HEALTH CARE

Subtitle A—Access to Care

- Sec. 201. Authorization of agreements between the Department of Veterans Affairs and non-Department health care providers.
- Sec. 202. Modification of authority to enter into agreements with State homes to provide nursing home care.
- Sec. 203. Requirement for advance appropriations for the Care in the Community account of the Department of Veterans Affairs.
- Sec. 204. Annual transfer of amounts within Department of Veterans Affairs to pay for health care from non-Department providers.
- Sec. 205. Elimination of requirement to act as secondary payer for care relating to non-service-connected disabilities under Choice Program.
- Sec. 206. Authorization of use of certain amounts appropriated to the Veterans

 Choice Fund for other non-Department of Veterans Affairs

 care.
- Sec. 207. Modification of process through which Department of Veterans Affairs records obligations for non-Department care.
- Sec. 208. Authority to disclose certain medical records of veterans who receive non-Department of Veterans Affairs health care.
- Sec. 209. Child care assistance for veterans receiving mental health care and other intensive health care services provided by the Department of Veterans Affairs.

Subtitle B—Expansion of Care

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

Subtitle C—Health Care Quality

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

Subtitle D—Medical Workforce

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

Subtitle E—Mental Health Care

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

Subtitle F—Opioid Therapy and Pain Management

- Sec. 261. Findings; sense of Congress.
- Sec. 262. Pilot program to improve treatment for veterans suffering from opioid addiction and chronic pain.
- Sec. 263. Assessment of Department and non-Department capabilities to treat opioid dependency and ensure access to needed health care services.
- Sec. 264. Increased access to naloxone and other treatments for reversing opioid overdose.

Subtitle G—Toxic Exposure

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

TITLE III—EDUCATION

Subtitle A—GI Bill Oversight

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

Subtitle B—Supports for Student Veterans

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

Subtitle C—Eligibility

- Sec. 321. Consideration of eligibility for post-9/11 educational assistance for certain time on active duty in reserve components of armed forces.
- Sec. 322. Clarification of eligibility for Marine Gunnery Sergeant John David Fry Scholarship.
- Sec. 323. Consideration of eligibility for Post-9/11 Educational Assistance for certain time on active duty in reserve components of Armed Forces.
- Sec. 324. Eligibility for Post-9/11 Educational Assistance for certain members of reserve components of Armed Forces who lost entitlement to educational assistance under Reserve Educational Assistance Program.

TITLE IV—DISABILITY COMPENSATION AND PENSION

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

TITLE V—HOUSING AND HOMELESSNESS

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

TITLE VI—EMPLOYMENT AND TRAINING

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

TITLE VII—CONSTRUCTION AND LEASES

- Sec. 701. Congressional approval of Department of Veterans Affairs major medical facility leases.
- Sec. 702. Program for the construction of department of veterans affairs major medical facility projects by non-federal entities under partnership agreements.
- Sec. 703. Pilot program to accept medical facilities and related property.
- Sec. 704. Authority to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus.
- Sec. 705. Authorization of major medical facility lease in Oxnard, California.

TITLE VIII—OTHER MATTERS

	Sec. 801. Provision of status under law by honoring certain members of the re-
	serve components as veterans. Sec. 802. Return of noncitizen veterans removed from the United States; status
	for noncitizen veterans in the United States.
	Sec. 803. Review of discharge characterization. Sec. 804. Historical review of discharges from the Armed Forces due to sexual
	orientation.
	Sec. 805. Modification of Article 125 of the Uniform Code of Military Justice. Sec. 806. Exemption from immigrant visa limit.
	Sec. 807. Certain service in the organized military forces of the Philippines and
	the Philippine Scouts deemed to be active service. Sec. 808. Eligibility for interment in national cemeteries.
1	TITLE I—ACCOUNTABILITY
2	Subtitle A—Whistleblower
3	Protections
4	SEC. 101. TREATMENT OF WHISTLEBLOWER COMPLAINTS
5	IN DEPARTMENT OF VETERANS AFFAIRS.
6	(a) In General.—Chapter 7 of title 38, United
7	States Code, is amended by adding at the end the fol-
8	lowing new subchapter:
9	"SUBCHAPTER II—WHISTLEBLOWER
10	COMPLAINTS
11	"§ 741. Office of Accountability and Whistleblower
12	Protection
13	"(a) Establishment.—There is established in the
14	Department an office to be known as the Office of Ac-
15	countability and Whistleblower Protection (in this section
16	referred to as the 'Office').
17	"(b) Head of Office.—(1) The head of the Office
18	shall be responsible for the functions of the Office and
19	shall be appointed by the President pursuant to section
20	308(a) of this title.

1	"(2) The head of the Office shall be known as the
2	'Assistant Secretary for Accountability and Whistleblower
3	Protection'.
4	"(3) The Assistant Secretary shall report directly to
5	the Secretary on all matters relating to the Office.
6	"(4) Notwithstanding section 308(b) of this title, the
7	Secretary may only assign to the Assistant Secretary re-
8	sponsibilities relating to the functions of the Office set
9	forth in subsection (c).
10	"(c) Functions.—(1) The functions of the Office
11	are as follows:
12	"(A) Advising the Secretary on all matters of
13	the Department relating to accountability, including
14	accountability of employees of the Department, re-
15	taliation against whistleblowers, and such matters as
16	the Secretary considers similar and affect public
17	trust in the Department.
18	"(B) Issuing reports and providing rec-
19	ommendations related to the duties described in sub-
20	paragraph (A).
21	"(C) Receiving whistleblower disclosures.
22	"(D) Referring whistleblower disclosures re-
23	ceived under subparagraph (C) for investigation to
24	the Office of the Medical Inspector, the Office of In-
25	spector General, or other investigative entity, as ap-

1	propriate, if the Assistant Secretary has reason to
2	believe the whistleblower disclosure is evidence of a
3	violation of a provision of law, mismanagement,
4	gross waste of funds, abuse of authority, or a sub-
5	stantial and specific danger to public health and
6	safety.
7	"(E) Receiving and referring disclosures from
8	the Special Counsel for investigation to the Medical
9	Inspector of the Department, the Inspector General
10	of the Department, or such other person with inves-
11	tigatory authority, as the Assistant Secretary con-
12	siders appropriate.
13	"(F) Recording, tracking, reviewing, and con-
14	firming implementation of recommendations from
15	audits and investigations carried out by the Inspec-
16	tor General of the Department, the Medical Inspec-
17	tor of the Department, the Special Counsel, and the
18	Comptroller General of the United States, including
19	the imposition of disciplinary actions and other cor-
20	rective actions contained in such recommendations.
21	"(G) Analyzing data from the Office and the
22	Office of Inspector General telephone hotlines, other
23	whistleblower disclosures, disaggregated by facility
24	and area of health care if appropriate, and relevant
25	audits and investigations to identify trends and issue

1	reports to the Secretary based on analysis conducted
2	under this subparagraph.
3	"(H) Receiving, reviewing, and investigating al-
4	legations of misconduct, retaliation, or poor perform-
5	ance involving—
6	"(i) an individual in a senior executive po-
7	sition (as defined in section 713(d) of this title)
8	in the Department;
9	"(ii) an individual employed in a confiden-
10	tial, policy-making, policy-determining, or pol-
11	icy-advocating position in the Department; or
12	"(iii) a supervisory employee, if the allega-
13	tion involves retaliation against an employee for
14	making a whistleblower disclosure.
15	"(I) Making such recommendations to the Sec-
16	retary for disciplinary action as the Assistant Sec-
17	retary considers appropriate after substantiating any
18	allegation of misconduct or poor performance pursu-
19	ant to an investigation carried out as described in
20	subparagraph (F) or (H).
21	"(2) In carrying out the functions of the Office, the
22	Assistant Secretary shall ensure that the Office maintains
23	a toll-free telephone number and Internet website to re-
24	ceive anonymous whistleblower disclosures.

- 1 "(3) In any case in which the Assistant Secretary re-
- 2 ceives a whistleblower disclosure from an employee of the
- 3 Department under paragraph (1)(C), the Assistant Sec-
- 4 retary may not disclose the identity of the employee with-
- 5 out the consent of the employee, except in accordance with
- 6 the provisions of section 552a of title 5, or as required
- 7 by any other applicable provision of Federal law.
- 8 "(d) Staff and Resources.—The Secretary shall
- 9 ensure that the Assistant Secretary has such staff, re-
- 10 sources, and access to information as may be necessary
- 11 to carry out the functions of the Office.
- 12 "(e) Relation to Office of General Coun-
- 13 SEL.—The Office shall not be established as an element
- 14 of the Office of the General Counsel and the Assistant
- 15 Secretary may not report to the General Counsel.
- 16 "(f) Reports.—(1)(A) Not later than June 30 of
- 17 each calendar year, beginning with June 30, 2017, the As-
- 18 sistant Secretary shall submit to the Committee on Vet-
- 19 erans' Affairs of the Senate and the Committee on Vet-
- 20 erans' Affairs of the House of Representatives a report
- 21 on the activities of the Office during the calendar year
- 22 in which the report is submitted.
- 23 "(B) Each report submitted under subparagraph (A)
- 24 shall include, for the period covered by the report, the fol-
- 25 lowing:

1	"(i) A full and substantive analysis of the ac-
2	tivities of the Office, including such statistical infor-
3	mation as the Assistant Secretary considers appro-
4	priate.
5	"(ii) Identification of any issues reported to the
6	Secretary under subsection (c)(1)(G), including such
7	data as the Assistant Secretary considers relevant to
8	such issues and any trends the Assistant Secretary
9	may have identified with respect to such issues.
10	"(iii) Identification of such concerns as the As-
11	sistant Secretary may have regarding the size, staff-
12	ing, and resources of the Office and such rec-
13	ommendations as the Assistant Secretary may have
14	for legislative or administrative action to address
15	such concerns.
16	"(iv) Such recommendations as the Assistant
17	Secretary may have for legislative or administrative
18	action to improve—
19	"(I) the process by which concerns are re-
20	ported to the Office; and
21	"(II) the protection of whistleblowers with-
22	in the Department.
23	"(v) Such other matters as the Assistant Sec-
24	retary considers appropriate regarding the functions
25	of the Office or other matters relating to the Office.

1	"(2) If the Secretary receives a recommendation for
2	disciplinary action under subsection $(c)(1)(I)$ and does not
3	take or initiate the recommended disciplinary action before
4	the date that is 60 days after the date on which the Sec-
5	retary received the recommendation, the Secretary shall
6	submit to the Committee on Veterans' Affairs of the Sen-
7	ate and the Committee on Veterans' Affairs of the House
8	of Representatives a detailed justification for not taking
9	or initiating such disciplinary action.
10	"(g) Definitions.—In this section:
11	"(1) The term 'supervisory employee' means an
12	employee of the Department who is a supervisor as
13	defined in section 7103(a) of title 5.
14	"(2) The term 'whistleblower' means one who
15	makes a whistleblower disclosure.
16	"(3) The term 'whistleblower disclosure' means
17	any disclosure of information by an employee of the
18	Department or individual applying to become an em-
19	ployee of the Department which the employee or in-
20	dividual reasonably believes evidences—
21	"(A) a violation of a provision of law; or
22	"(B) gross mismanagement, a gross waste
23	of funds, an abuse of authority, or a substantial
24	and specific danger to public health or safety.

1	"§ 742. Protection of whistleblowers as criteria in
2	evaluation of supervisors
3	"(a) Development and Use of Criteria Re-
4	QUIRED.—The Secretary, in consultation with the Assist-
5	ant Secretary of Accountability and Whistleblower Protec-
6	tion, shall develop criteria that—
7	"(1) the Secretary shall use as a critical ele-
8	ment in any evaluation of the performance of a su-
9	pervisory employee; and
10	"(2) promotes the protection of whistleblowers.
11	"(b) Principles for Protection of Whistle-
12	BLOWERS.—The criteria required by subsection (a) shall
13	include principles for the protection of whistleblowers,
14	such as the degree to which supervisory employees respond
15	constructively when employees of the Department report
16	concerns, take responsible action to resolve such concerns,
17	and foster an environment in which employees of the De-
18	partment feel comfortable reporting concerns to super-
19	visory employees or to the appropriate authorities.
20	"(c) Supervisory Employee and Whistle-
21	BLOWER DEFINED.—In this section, the terms 'super-
22	visory employee' and 'whistleblower' have the meanings
23	given such terms in section 323 of this title.
24	$\begin{tabular}{ll} \begin{tabular}{ll} \beg$
25	"(a) Training.—Not less frequently than once every
26	two years, the Secretary, in coordination with the Whistle-

1	blower Protection Ombudsman designated under section
2	3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C.
3	App.), shall provide to each employee of the Department
4	training regarding whistleblower disclosures, including—
5	"(1) an explanation of each method established
6	by law in which an employee may file a whistle-
7	blower disclosure;
8	"(2) the right of the employee to petition Con-
9	gress regarding a whistleblower disclosure in accord-
10	ance with section 7211 of title 5;
11	"(3) an explanation that the employee may not
12	be prosecuted or reprised against for disclosing in-
13	formation to Congress, the Inspector General, or an-
14	other investigatory agency in instances where such
15	disclosure is permitted by law, including under sec-
16	tions 5701, 5705, and 7732 of this title, under sec-
17	tion 552a of title 5 (commonly referred to as the
18	Privacy Act), under chapter 93 of title 18, and pur-
19	suant to regulations promulgated under section
20	264(c) of the Health Insurance Portability and Ac-
21	countability Act of 1996 (Public Law 104–191);
22	"(4) an explanation of the language that is re-
23	quired to be included in all nondisclosure policies,
24	forms, and agreements pursuant to section

- 1 115(a)(1) of the Whistleblower Protection Enhance-
- 2 ment Act of 2012 (5 U.S.C. 2302 note); and
- 3 "(5) the right of contractors to be protected
- 4 from reprisal for the disclosure of certain informa-
- 5 tion under section 4705 or 4712 of title 41.
- 6 "(b) Manner Training Is Provided.—The Sec-
- 7 retary shall ensure, to the maximum extent practicable,
- 8 that training provided under subsection (a) is provided in
- 9 person.
- 10 "(c) Certification.—Not less frequently than once
- 11 every two years, the Secretary shall provide training on
- 12 merit system protection in a manner that the Special
- 13 Counsel certifies as being satisfactory.
- 14 "(d) Publication.—The Secretary shall publish on
- 15 the Internet website of the Department, and display
- 16 prominently at each facility of the Department, the rights
- 17 of an employee to make a whistleblower disclosure, includ-
- 18 ing the information described in paragraphs (1) through
- 19 (5) of subsection (a).
- 20 "(e) Whistleblower Disclosure Defined.—In
- 21 this section, the term 'whistleblower disclosure' has the
- 22 meaning given such term in section 323 of this title.

1	"§ 744. Congressional testimony by employees: treat-
2	ment as official duty
3	"(a) Congressional Testimony.—An employee of
4	the Department is performing official duty during the pe-
5	riod with respect to which the employee is testifying in
6	an official capacity in front of either chamber of Congress,
7	a committee of either chamber of Congress, or a joint or
8	select committee of Congress.
9	"(b) Travel Expenses.—The Secretary shall pro-
10	vide travel expenses, including per diem in lieu of subsist-
11	ence, in accordance with applicable provisions under sub-
12	chapter I of chapter 57 of title 5, to any employee of the
13	Department of Veterans Affairs performing official duty
14	described under subsection (a).".
15	(b) Conforming and Clerical Amendments.—
16	(1) Conforming amendment.—Such chapter
17	is further amended by inserting before section 701
18	the following:
19	"SUBCHAPTER I—GENERAL EMPLOYEE
20	MATTERS".
21	(2) CLERICAL AMENDMENTS.—The table of sec-
22	tions at the beginning of such chapter is amended—
23	(A) by inserting before the item relating to
24	section 701 the following new item:
	"SUBCHAPTER I—GENERAL EMPLOYEE MATTERS";
25	and

1	(B) by adding at the end the following new
2	items:
	"SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS
	"741. Office of Accountability and Whistleblower Protection. "742. Protection of whistleblowers as criteria in evaluation of supervisors. "743. Training regarding whistleblower disclosures. "744. Congressional testimony by employees; treatment as official duty".
3	(c) Report on Methods Used to Investigate
4	EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.—
5	(1) Report required.—Not later than 540
6	days after the date of the enactment of this Act, the
7	Assistant Secretary of Veterans Affairs for Account-
8	ability and Whistleblower Protection under section
9	741 of title 38, United States Code, as added by
10	subsection (a), shall submit to the Secretary of Vet-
11	erans Affairs, the Committee on Veterans' Affairs of
12	the Senate, and the Committee on Veterans' Affairs
13	of the House of Representatives a report on methods
14	used to investigate employees of the Department of
15	Veterans Affairs and whether such methods are used
16	to retaliate against whistleblowers.
17	(2) Contents.—The report required by sub-
18	section (a) shall include the following:
19	(A) An assessment of the use of adminis-
20	trative investigation boards, peer review,
21	searches of medical records, and other methods
22	for investigating employees of the Department.

1	(B) A determination of whether and to
2	what degree the methods described in para-
3	graph (1) are being used to retaliate against
4	whistleblowers.
5	(C) Recommendations for legislative or ad-
6	ministrative action to implement safeguards to
7	prevent the retaliation described in paragraph
8	(2).
9	(3) Whistleblower defined.—In this sec-
10	tion, the term "whistleblower" has the meaning
11	given such term in section 741 of title 38, United
12	States Code, as added by subsection (a).
13	Subtitle B—Employees
14	SEC. 111. REMOVAL OF EMPLOYEES OF DEPARTMENT OF
15	VETERANS AFFAIRS BASED ON PERFORM-
16	ANCE OR MISCONDUCT.
17	(a) In General.—Chapter 7 of title 38, United
18	States Code, is further amended by inserting after section
19	
	713 the following new section:
20	713 the following new section: "§ 715. Employees: removal based on performance or
2021	
	"§ 715. Employees: removal based on performance or
21 22	"§ 715. Employees: removal based on performance or misconduct

1	"(A) the performance or misconduct of the cov-
2	ered individual warrants such removal; and
3	"(B) in the case of removal for performance, a
4	portion of such performance occurred during the
5	two-year period ending on the date of the determina-
6	tion.
7	"(2) If the Secretary removes a covered individual
8	under paragraph (1), the Secretary may remove the cov-
9	ered individual from the civil service (as defined in section
10	2101 of title 5).
11	"(3) Nothing in this section may be construed to au-
12	thorize a finalized performance appraisal of an employee
13	to be retroactively amended.
14	"(b) Notice to Congress.—Not later than 30 days
15	after removing a covered individual under subsection (a),
16	the Secretary shall submit to the Committees on Veterans'
17	Affairs of the Senate and House of Representatives notice
18	in writing of such removal and the reason for such re-
19	moval.
20	"(c) Procedure.—(1) An employee removed under
21	subsection (a) is entitled, before removal, to—
22	"(A) at least 10 business days written notice
23	(which, in the case of removal for performance, shall
24	identify specific instances as described in clause (i)
25	of section 4303(b)(1)(A) of title 5 and critical ele-

1	ments as described in clause (ii) of such section),
2	unless there is reasonable cause to believe that the
3	employee committed a crime for which a sentence of
4	imprisonment can be imposed—
5	"(i) stating the specific reasons for the
6	proposed action; and
7	"(ii) including a file containing all evidence
8	in support of the proposed action;
9	"(B) 10 business days to answer the charges
10	orally and in writing and to furnish affidavits and
11	other documentary evidence in support of the an-
12	swer;
13	"(C) be represented by an attorney or other
14	representative;
15	"(D) a review of the case by the Secretary be-
16	fore a decision adverse to the employee is made
17	final;
18	"(E) as soon as practicable, a decision of the
19	Secretary with respect to the charges of the em-
20	ployee; and
21	"(F) a written statement of the decision of the
22	Secretary that—
23	"(i) includes the specific reasons of the de-
24	cision; and

1	"(ii) in the case of a removal based on per-
2	formance, complies with section 4303(b)(1)(D)
3	of title 5.
4	"(2)(A) Subject to subparagraph (B) and subsection
5	(e), any final decision of the Secretary regarding removal
6	under subsection (a) may be appealed to the Merit Sys-
7	tems Protection Board.
8	"(B) An appeal under subparagraph (A) of a removal
9	may only be made if such appeal is made not later than
10	10 business days after the date of such removal.
11	"(C)(i) Subject to clause (ii), the decision of the Sec-
12	retary shall be sustained under subparagraph (A) only if
13	the Secretary's decision—
14	"(I) in the case of an action based on perform-
15	ance, is supported by substantial evidence; or
16	"(II) in any other case, is supported by a pre-
17	ponderance of the evidence.
18	"(ii) Notwithstanding clause (i), the Secretary's deci-
19	sion may not be sustained under subparagraph (A) if the
20	covered individual—
21	"(I) shows harmful error in the application of
22	the Secretary's procedures in arriving at such deci-
23	sion;

1	"(II) shows that the decision was based on any
2	prohibited personnel practice described in section
3	2302(b) of title 5; or
4	"(III) shows that the decision was not in ac-
5	cordance with law.
6	"(3) The procedures under section 7513(b) of title
7	5 and chapter 43 of such title shall not apply to a removal
8	under this section.
9	"(d) Expedited Review.—(1) The Merit Systems
10	Protection Board shall promulgate such rules as the
11	Board considers appropriate to expedite appeals under
12	subsection $(c)(2)$.
13	"(2) The Board shall ensure that a final decision on
14	an appeal described in paragraph (1) is issued not later
15	than 90 days after the appeal is made.
16	"(3) During the period beginning on the date on
17	which a covered individual appeals a removal from the civil
18	service under subsection (c)(2) and ending on the date
19	that the Board issues a final decision on such appeal, such
20	covered individual may not receive any pay, awards, bo-
21	nuses, incentives, allowances, differentials, student loan
22	repayments, special payments, or benefits.
23	"(4) To the maximum extent practicable, the Sec-
24	retary shall provide to the Merit Systems Protection
25	Board such information and assistance as may be nec-

1	essary to ensure an appeal under subsection $(c)(2)$ is expe-
2	dited.
3	"(e) Relation to Title 5.—The authority provided
4	by this section is in addition to the authority provided by
5	subchapter V of chapter 75 of title 5 and chapter 43 of
6	such title.
7	"(f) Definitions.—In this section:
8	"(1) The term 'covered individual' means an in-
9	dividual occupying a position at the Department but
10	does not include—
11	"(A) an individual, as that term is defined
12	in section 713(d); or
13	"(B) a political appointee.
14	"(2) The term 'misconduct' includes a violation
15	of paragraph (8) or (9) of section 2302(b) of title
16	5, neglect of duty, malfeasance, or failure to accept
17	a directed reassignment or to accompany a position
18	in a transfer of function.
19	"(3) The term 'political appointee' means an in-
20	dividual who is—
21	"(A) employed in a position described
22	under sections 5312 through 5316 of title 5
23	(relating to the Executive Schedule);
24	"(B) a limited term appointee, limited
25	emergency appointee, or noncareer appointee in

1	the Senior Executive Service, as defined under
2	paragraphs (5), (6), and (7), respectively, of
3	section 3132(a) of title 5; or
4	"(C) employed in a position of a confiden-
5	tial or policy-determining character under
6	schedule C of subpart C of part 213 of title 5
7	of the Code of Federal Regulations.".
8	(b) CLERICAL AND CONFORMING AMENDMENTS.—
9	(1) CLERICAL.—The table of sections at the be-
10	ginning of such chapter is amended by inserting
11	after the item relating to section 713 the following
12	new item:
	"715. Employees: removal based on performance or misconduct.".
13	(2) Conforming.—
14	(A) TITLE 5.—Section 4303(f) of title 5,
1415	(A) Title 5.—Section 4303(f) of title 5, United States Code, is amended—
15	United States Code, is amended—
15 16	United States Code, is amended— (i) in paragraph (2), by striking "or"
15 16 17	United States Code, is amended— (i) in paragraph (2), by striking "or" at the end;
15 16 17 18	United States Code, is amended— (i) in paragraph (2), by striking "or" at the end; (ii) in paragraph (3), by striking the
15 16 17 18 19	United States Code, is amended— (i) in paragraph (2), by striking "or" at the end; (ii) in paragraph (3), by striking the period at the end and inserting ", or"; and
115 116 117 118 119 220	United States Code, is amended— (i) in paragraph (2), by striking "or" at the end; (ii) in paragraph (3), by striking the period at the end and inserting ", or"; and (iii) by adding at the end the fol-

1	(B) Title 38.—Subchapter V of chapter
2	74 of title 38, United States Code, is amend-
3	ed —
4	(i) in section 7461(b)(1), by striking
5	"If the" and inserting "Except as provided
6	in section 715 of this title, if the"; and
7	(ii) in section 7462—
8	(I) in subsection (a)(1), by strik-
9	ing "Disciplinary" and inserting "Ex-
10	cept as provided in section 715 of this
11	title, the Disciplinary'; and
12	(II) in subsection $(b)(1)$, by
13	striking "In any case" and inserting
14	"Except as provided in section 715 of
15	this title, in any case".
16	SEC. 112. SUSPENSION AND REMOVAL OF DEPARTMENT OF
17	VETERANS AFFAIRS EMPLOYEES FOR PER-
18	FORMANCE OR MISCONDUCT THAT IS A
19	THREAT TO PUBLIC HEALTH OR SAFETY.
20	(a) In General.—Chapter 7 of title 38, United
21	States Code, is amended by adding after section 713 the
22	following new section:

1	"§ 715. Employees: suspension and removal for per-
2	formance or misconduct that is a threat
3	to public health or safety
4	"(a) Suspension and Removal.—Subject to sub-
5	sections (b) and (c), the Secretary may—
6	"(1) suspend without pay an employee of the
7	Department of Veterans Affairs if the Secretary de-
8	termines the performance or misconduct of the em-
9	ployee is a threat to public health or safety, includ-
10	ing the health and safety of veterans; and
11	"(2) remove an employee suspended under
12	paragraph (1) when, after such investigation and re-
13	view as the Secretary considers necessary, the Sec-
14	retary determines that removal is necessary in the
15	interests of public health or safety.
16	"(b) Procedure.—An employee suspended under
17	subsection (a)(1) is entitled, after suspension and before
18	removal, to—
19	"(1) within 30 days after suspension, a written
20	statement of the specific charges against the em-
21	ployee, which may be amended within 30 days there-
22	after;
23	"(2) an opportunity within 30 days thereafter,
24	plus an additional 30 days if the charges are amend-
25	ed to answer the charges and submit affidavits:

1	"(3) a hearing, at the request of the employee,
2	by a Department authority duly constituted for this
3	purpose;
4	"(4) a review of the case by the Secretary, be-
5	fore a decision adverse to the employee is made
6	final; and
7	"(5) written statement of the decision of the
8	Secretary.
9	"(c) Relation to Other Disciplinary Rules.—
10	The authority provided under this section shall be in addi-
11	tion to the authority provided under section 713 and title
12	5 with respect to disciplinary actions for performance or
13	misconduct.
14	"(d) Back Pay for Whistleblowers.—If any em-
15	ployee of the Department of Veterans Affairs is subject
16	to a suspension or removal under this section and such
17	suspension or removal is determined by an appropriate au-
18	thority under applicable law, rule, regulation, or collective
19	bargaining agreement to be a prohibited personnel prac-
20	tice described under section 2302(b)(8) or (9) of title 5,
21	such employee shall receive back pay equal to the total
22	amount of basic pay that such employee would have re-
23	ceived during the period that the suspension and removal
24	(as the case may be) was in effect, less any amounts

1	earned by the employee through other employment during
2	that period.
3	"(e) Definitions.—In this section, the term 'em-
4	ployee' means any individual occupying a position within
5	the Department of Veterans Affairs under a permanent
6	or indefinite appointment and who is not serving a proba-
7	tionary or trial period.".
8	(b) CLERICAL AND CONFORMING AMENDMENTS.—
9	(1) CLERICAL.—The table of sections at the be-
10	ginning of such chapter is amended by adding after
11	the item relating to section 713 the following new
12	item:
	"715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety.".
13	(2) Conforming.—Section 4303(f) of title 5,
14	United States Code, is amended—
15	(A) by striking "or" at the end of para-
16	graph (2);
17	(B) by striking the period at the end of
18	paragraph (3) and inserting ", or"; and
19	(C) by adding at the end the following:
20	"(4) any suspension or removal under section
21	715 of title 38.".
22	(e) Report on Suspensions and Removals.—Not
23	later than one year after the date of the enactment of this
24	Act, the Inspector General of the Department of Veterans

1	Affairs shall submit to the Committees on Veterans' Af-
2	fairs of the House of Representatives and the Senate a
3	report on suspensions and removals of employees of the
4	Department made under section 715 of title 38, United
5	States Code, as added by subsection (a). Such report shall
6	include, with respect to the period covered by the report,
7	the following:
8	(1) The number of employees who were sus-
9	pended under such section.
10	(2) The number of employees who were re-
11	moved under such section.
12	(3) A description of the threats to public health
13	or safety that caused such suspensions and remov-
14	als.
15	(4) The number of such suspensions or remov-
16	als, or proposed suspensions or removals, that were
17	of employees who filed a complaint regarding—
18	(A) an alleged prohibited personnel prac-
19	tice committed by an officer or employee of the
20	Department and described in section
21	2302(b)(8) or $2302(b)(9)(A)(i)$, (B), (C), or
22	(D) of title 5, United States Code; or
23	(B) the safety of a patient at a medical fa-
24	cility of the Department.

1	(5) Of the number of suspensions and removals
2	listed under paragraph (4), the number that the In-
3	spector General considers to be retaliation for whis-
4	tleblowing.
5	(6) The number of such suspensions or remov-
6	als that were of an employee who was the subject of
7	a complaint made to the Department regarding the
8	health or safety of a patient at a medical facility of
9	the Department.
10	(7) Any recommendations by the Inspector
11	General, based on the information described in para-
12	graphs (1) through (6), to improve the authority to
13	make such suspensions and removals.
14	SEC. 113. AUTHORITY TO RECOUP BONUSES OR AWARDS
15	PAID TO EMPLOYEES OF DEPARTMENT OF
16	VETERANS AFFAIRS.
17	(a) In General.—Such chapter is further amended
18	by inserting after section 715, as added by section 111,
19	the following new section:
20	" \S 717. Recoupment of bonuses or awards paid to em-
21	ployees of Department
22	"(a) Recoupment.—Notwithstanding any other pro-
23	vision of law, the Secretary may issue an order directing
24	an employee of the Department to repay the amount, or
25	a portion of the amount, of any award or bonus paid to

1	the employee under title 5, including under chapters 45
2	or 53 of such title, or this title if—
3	"(1) the Secretary determines—
4	"(A) the employee has committed an act of
5	fraud, waste, or malfeasance;
6	"(B) but for such act, the award or bonus
7	would have been paid at a lower amount or
8	would not have occurred; and
9	"(C) such repayment is appropriate pursu-
10	ant to regulations prescribed under subsection
11	(c); and
12	"(2) before such repayment, the employee is af-
13	forded notice and an opportunity for a hearing con-
14	ducted by another department or agency of the Fed-
15	eral Government.
16	"(b) Review.—(1) Upon the issuance of an order by
17	the Secretary under subsection (a), the employee shall be
18	afforded—
19	"(A) notice of the order and an opportunity to
20	respond to the order; and
21	"(B) consistent with paragraph (2), an oppor-
22	tunity to appeal the order to another department or
23	agency of the Federal Government.
24	"(2) If a final decision on an appeal made under
25	paragraph (1)(B) is not made by the applicable depart-

- 1 ment or agency of the Federal Government within 30 days
- 2 after receiving such appeal, the order of the Secretary
- 3 under subsection (a) shall be final and not subject to fur-
- 4 ther appeal.
- 5 "(c) REGULATIONS.—The Secretary shall prescribe
- 6 regulations to carry out this section.".
- 7 (b) CLERICAL AMENDMENT.—The table of sections
- 8 at the beginning of such chapter, as amended by section
- 9 111, is further amended by inserting after the item relat-
- 10 ing to section 715 the following new item:
 - "717. Recoupment of bonuses or awards paid to employees of Department.".
- 11 (c) Effective Date.—Section 717 of title 38,
- 12 United States Code, as added by subsection (a), shall
- 13 apply with respect to acts of fraud, waste, or malfeasance
- 14 occurring on or after the date of the enactment of this
- 15 Act.
- 16 (d) Construction.—Nothing in this title or the
- 17 amendments made by this title may be construed to mod-
- 18 ify the certification issued by the Office of Personnel Man-
- 19 agement and the Office of Management and Budget re-
- 20 garding the performance appraisal system of the Senior
- 21 Executive Service of the Department of Veterans Affairs.

1	SEC. 114. AUTHORITY TO RECOUP RELOCATION EXPENSES
2	PAID TO OR ON BEHALF OF EMPLOYEES OF
3	DEPARTMENT OF VETERANS AFFAIRS.
4	(a) In General.—Such chapter is further amended
5	by adding at the end the following new section:
6	"§ 719. Recoupment of relocation expenses paid on
7	behalf of employees of Department
8	"(a) Recoupment.—(1) Notwithstanding any other
9	provision of law, the Secretary may direct an employee of
10	the Department to repay the amount, or a portion of the
11	amount, paid to or on behalf of the employee under title
12	5 for relocation expenses, including any expenses under
13	section 5724 or 5724a of such title, or this title if—
14	"(A) the Secretary determines that—
15	"(i) the employee has committed an act of
16	fraud, waste, or malfeasance;
17	"(ii) but for such act, the expenses would
18	have been paid at a lower amount or would not
19	have occurred; and
20	"(iii) such repayment is appropriate pursu-
21	ant to regulations prescribed under subsection
22	(c); and
23	"(B) before such repayment is ordered, the in-
24	dividual is afforded—

1	"(i) notice of the determination of the Sec-
2	retary and an opportunity to respond to the de-
3	termination; and
4	"(ii) consistent with paragraph (2), an op-
5	portunity to appeal the determination to an-
6	other department or agency of the Federal Gov-
7	ernment.
8	"(2) If a final decision on an appeal made under
9	paragraph (1)(B)(ii) is not made by the applicable depart-
10	ment or agency of the Federal Government within 30 days
11	after receiving such appeal, the order of the Secretary
12	under paragraph (1) shall be final and not subject to fur-
13	ther appeal.
14	"(b) Review.—A decision regarding a repayment by
15	an employee pursuant to subsection $(a)(1)(B)(ii)$ is final
16	and may not be reviewed by any department, agency, or
17	court.
18	"(c) Regulations.—The Secretary shall prescribe
19	regulations to carry out this section.".
20	(b) Clerical Amendment.—The table of sections
21	at the beginning of such chapter is further amended by
22	adding at the end the following new item:
	"719. Recoupment of relocation expenses paid to or on behalf of employees of Department.".
23	(c) Effective Date.—Section 719 of title 38,
24	United States Code, as added by subsection (a), shall

1	apply with respect to acts of fraud, waste, or malfeasance
2	occurring on or after the date of the enactment of this
3	[Act].
4	(d) Construction.—Nothing in this section or the
5	amendments made by this section may be construed to
6	modify the certification issued by the Office of Personnel
7	Management and the Office of Management and Budget
8	regarding the performance appraisal system of the Senior
9	Executive Service of the Department of Veterans Affairs.
10	Subtitle C—Supervisors and Senior
11	Executives
12	SEC. 121. REDUCTION OF BENEFITS FOR MEMBERS OF THE
13	SENIOR EXECUTIVE SERVICE WITHIN THE
14	DEPARTMENT OF VETERANS AFFAIRS CON-
1415	DEPARTMENT OF VETERANS AFFAIRS CON- VICTED OF CERTAIN CRIMES.
15	VICTED OF CERTAIN CRIMES.
15 16	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.—
151617	victed of certain crimes. (a) Reduction of Benefits.— (1) In general.—Chapter 7 of title 38, United
15 16 17 18	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.— (1) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after
15 16 17 18 19	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.— (1) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after section 719, as added by section 113, the following
15 16 17 18 19 20	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.— (1) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after section 719, as added by section 113, the following new section:
15 16 17 18 19 20 21	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.— (1) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after section 719, as added by section 113, the following new section: "§ 721. Senior executives: reduction of benefits of in-
15 16 17 18 19 20 21 22	VICTED OF CERTAIN CRIMES. (a) REDUCTION OF BENEFITS.— (1) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by inserting after section 719, as added by section 113, the following new section: "§ 721. Senior executives: reduction of benefits of individuals convicted of certain crimes

1	position for performance or misconduct under section 713
2	of this title, chapter 43 or subchapter V of chapter 75
3	of title 5, or any other provision of law shall not be taken
4	into account for purposes of calculating an annuity with
5	respect to such individual under chapter 83 or chapter 84
6	of title 5, if—
7	"(A) such performance or misconduct included
8	offenses committed by the individual for which the
9	individual is convicted of a felony (and the convic-
10	tion is final), as determined by the Director of the
11	Office of Personnel Management; and
12	"(B) before such order is made, the individual
13	is afforded—
14	"(i) notice of the order and an opportunity
15	to respond to the order; and
16	"(ii) consistent with paragraph (2), an op-
17	portunity to appeal the order to another depart-
18	ment or agency of the Federal Government.
19	"(2) If a final decision on an appeal made under
20	paragraph (1)(B)(ii) is not made by the applicable depart-
21	ment or agency of the Federal Government within 30 days
22	after receiving such appeal, the order of the Secretary
23	under paragraph (1) shall be final and not subject to fur-
24	ther appeal.

1	"(b) Reduction of Annuity for Retired Em-
2	PLOYEE.—(1) The Secretary may order that the covered
3	service of an individual who is subject to a removal or
4	transfer action for performance or misconduct under sec-
5	tion 713 of this title, chapter 43 or subchapter V of chap-
6	ter 75 of title 5, or any other provision of law but who
7	leaves employment at the Department prior to the
8	issuance of a final decision with respect to such action
9	shall not be taken into account for purposes of calculating
10	an annuity with respect to such individual under chapter
11	83 or chapter 84 of title 5, if—
12	"(A) the individual is convicted of a felony that
13	influenced the individual's performance while em-
14	ployed in the senior executive position; and
15	"(B) before such order is made, the individual
16	is afforded notice and an opportunity for a hearing
17	conducted by another department or agency of the
18	Federal Government.
19	"(2) The Secretary shall make such an order not
20	later than seven days after the date of the conclusion of
21	a hearing referred to in paragraph (1)(B) that determines
22	that such order is lawful.
23	"(c) Administrative Requirements.—(1) Not
24	later than 30 days after the Secretary issues an order
25	under subsection (a) or (b), the Director of the Office of

- 1 Personnel Management shall recalculate the annuity of the
- 2 individual.
- 3 "(2) A decision regarding whether the covered service
- 4 of an individual shall be taken into account for purposes
- 5 of calculating an annuity under subsection (a) or (b) is
- 6 final and may not be reviewed by any department or agen-
- 7 cy or any court.
- 8 "(d) Lump-Sum Annuity Credit.—Any individual
- 9 with respect to whom an annuity is reduced under sub-
- 10 section (a) or (b) shall be entitled to be paid so much of
- 11 such individual's lump-sum credit as is attributable to the
- 12 period of covered service.
- 13 "(e) Spouse or Children Exception.—The Sec-
- 14 retary, in consultation with the Director of the Office of
- 15 Personnel Management, shall prescribe regulations that
- 16 may provide for the payment to the spouse or children
- 17 of any individual referred to in subsection (a) or (b) of
- 18 any amounts which (but for this subsection) would other-
- 19 wise have been nonpayable by reason of such subsections.
- 20 Any such regulations shall be consistent with the require-
- 21 ments of section 8332(o)(5) and 8411(l)(5) of title 5, as
- 22 the case may be.
- 23 "(f) Definitions.—In this section:
- 24 "(1) The term 'covered service' means, with re-
- spect to an individual subject to a removal or trans-

1	fer for performance or misconduct under section 713
2	of this title, chapter 43 or subchapter V of chapter
3	75 of title 5, or any other provision of law, the pe-
4	riod of service beginning on the date that the Sec-
5	retary determines under such applicable provision
6	that the individual engaged in activity that gave rise
7	to such action and ending on the date that the indi-
8	vidual is removed or transferred from the senior ex-
9	ecutive position or leaves employment at the Depart-
10	ment prior to the issuance of a final decision with
11	respect to such action, as the case may be.
12	"(2) The term 'lump-sum credit' has the mean-
13	ing given such term in section 8331(8) or section
14	8401(19) of title 5, as the case may be.
15	"(3) The term 'senior executive position' has
16	the meaning given such term in section $713(g)(3)$ of
17	this title.
18	"(4) The term 'service' has the meaning given
19	such term in section 8331(12) or section 8401(26)
20	of title 5, as the case may be.".
21	(2) CLERICAL AMENDMENT.—The table of sec-
22	tions at the beginning of chapter 7 of such title is
23	amended by inserting after the item relating to sec-
24	tion 719, as added by section 113, the following new
25	item:

"721.	Senior	executives:	reduction	of benefits	of individuals	convicted	of certain
		crimes.	,				

- 1 (b) APPLICATION.—Section 721 of title 38, United
- 2 States Code, as added by subsection (a)(1), shall apply
- 3 to any action of removal or transfer under section 713
- 4 of title 38, United States Code, relating to performance
- 5 or misconduct occurring on or after the date of the enact-
- 6 ment of this Act.
- 7 SEC. 122. IMPROVED AUTHORITIES OF SECRETARY OF VET-
- 8 ERANS AFFAIRS TO IMPROVE ACCOUNT-
- 9 ABILITY OF SENIOR EXECUTIVES.
- 10 (a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—
- 11 (1) IN GENERAL.—Section 713 of title 38,
- 12 United States Code, is amended to read as follows:
- 13 "§ 713. Accountability of senior executives
- 14 "(a) AUTHORITY.—(1) The Secretary may, as pro-
- 15 vided in this section, reprimand or suspend, involuntarily
- 16 reassign, demote, or remove a covered individual from a
- 17 senior executive position at the Department if the Sec-
- 18 retary determines that the misconduct or performance of
- 19 the covered individual warrants such action.
- 20 "(2) If the Secretary so removes such an individual,
- 21 the Secretary may remove the individual from the civil
- 22 service (as defined in section 2101 of title 5).

1	"(b) Rights and Procedures.—(1) A covered indi-
2	vidual who is the subject of an action under subsection
3	(a) is entitled to—
4	"(A) be represented by an attorney or other
5	representative of the covered individual's choice;
6	"(B) not fewer than 10 business days advance
7	written notice of the charges and evidence sup-
8	porting the action and an opportunity to respond, in
9	a manner prescribed by the Secretary, before a deci-
10	sion is made regarding the action; and
11	"(C) grieve the action in accordance with an in-
12	ternal grievance process that the Secretary, in con-
13	sultation with the Assistant Secretary for Account-
14	ability and Whistleblower Protection, shall establish
15	for purposes of this subsection.
16	"(2)(A) The Secretary shall ensure that the grievance
17	process established under paragraph (1)(C) takes fewer
18	than 21 days.
19	"(B) The Secretary shall ensure that, under the proc-
20	ess established pursuant to paragraph (1)(C), grievances
21	are reviewed only by employees of the Department.
22	"(3) A decision or grievance decision under para-
23	graph (1)(C) shall be final and conclusive

1	"(4) A covered individual adversely affected by a final
2	decision under paragraph (1)(C) may obtain judicial re-
3	view of the decision.
4	"(5) In any case in which judicial review is sought
5	under paragraph (4), the court shall review the record and
6	may set aside any Department action found to be—
7	"(A) arbitrary, capricious, an abuse of discre-
8	tion, or otherwise not in accordance with a provision
9	of law;
10	"(B) obtained without procedures required by a
11	provision of law having been followed; or
12	"(C) unsupported by substantial evidence.
13	"(c) Relation to Other Provisions of Law.—
14	(1) The authority provided by subsection (a) is in addition
15	to the authority provided by section 3592 or subchapter
16	V of chapter 75 of title 5.
17	"(2) Section 3592(b)(1) of title 5 and the procedures
18	under section 7543(b) of such title do not apply to an ac-
19	tion under subsection (a).
20	"(d) Definitions.—In this section:
21	"(1) The term 'covered individual' means—
22	"(A) a career appointee (as that term is
23	defined in section 3132(a)(4) of title 5); or
24	"(B) any individual who occupies an ad-
25	ministrative or executive position and who was

1	appointed under section 7306(a) or section
2	7401(1) of this title.
3	"(2) The term 'misconduct' includes neglect of
4	duty, malfeasance, or failure to accept a directed re-
5	assignment or to accompany a position in a transfer
6	of function.
7	"(3) The term 'senior executive position'
8	means—
9	"(A) with respect to a career appointee (as
10	that term is defined in section 3132(a) of title
11	5), a Senior Executive Service position (as such
12	term is defined in such section); and
13	"(B) with respect to a covered individual
14	appointed under section 7306(a) or section
15	7401(1) of this title, an administrative or exec-
16	utive position.".
17	(2) Conforming Amendment.—Section
18	7461(c)(1) of such title is amended by inserting
19	"employees in senior executive positions (as defined
20	in section 713(d) of this title) and" before "interns".
21	(b) Performance Management.—
22	(1) In General.—The Secretary of Veterans
23	Affairs shall establish a performance management
24	system for employees in senior executive positions,
25	as defined in section 713(d) of title 38. United

1	States Code, as amended by subsection (a), that en-
2	sures performance ratings and awards given to such
3	employees—
4	(A) meaningfully differentiate extraor-
5	dinary from satisfactory contributions; and
6	(B) substantively reflect organizational
7	achievements over which the employee has re-
8	sponsibility and control.
9	(2) Regulations.—The Secretary shall pre-
10	scribe regulations to carry out paragraph (1).
11	Subtitle D—Other Matters
12	SEC. 131. ANNUAL REPORT ON PERFORMANCE OF RE-
13	GIONAL OFFICES OF THE DEPARTMENT OF
13	
14	VETERANS AFFAIRS.
14	VETERANS AFFAIRS.
14 15	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is
14 15 16	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended—
14 15 16 17	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the
14 15 16 17	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the period the following: "and on the performance of
14 15 16 17 18	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the period the following: "and on the performance of any regional office that fails to meet its administra-
14 15 16 17 18 19 20	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the period the following: "and on the performance of any regional office that fails to meet its administrative goals";
14 15 16 17 18 19 20	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the period the following: "and on the performance of any regional office that fails to meet its administrative goals"; (2) in paragraph (2), by striking "and";
14 15 16 17 18 19 20 21	VETERANS AFFAIRS. Section 7734 of title 38, United States Code, is amended— (1) in the first sentence, by inserting before the period the following: "and on the performance of any regional office that fails to meet its administrative goals"; (2) in paragraph (2), by striking "and"; (3) by redesignating paragraph (3) as para-

1	"(3) in the case of any regional office that, for
2	the year covered by the report, did not meet the ad-
3	ministrative goal of no claim pending for more than
4	125 days and an accuracy rating of 98 percent—
5	"(A) a signed statement prepared by the
6	individual serving as director of the regional of-
7	fice as of the date of the submittal of the report
8	containing—
9	"(i) an explanation for why the re-
10	gional office did not meet the goal;
11	"(ii) a description of the additional re-
12	sources needed to enable the regional office
13	to reach the goal; and
14	"(iii) a description of any additional
15	actions planned for the subsequent year
16	that are proposed to enable the regional of-
17	fice to meet the goal; and
18	"(B) a statement prepared by the Under
19	Secretary for Benefits explaining how the fail-
20	ure of the regional office to meet the goal af-
21	fected the performance evaluation of the direc-
22	tor of the regional office; and".

1	TITLE II—HEALTH CARE
2	Subtitle A—Access to Care
3	SEC. 201. AUTHORIZATION OF AGREEMENTS BETWEEN THE
4	DEPARTMENT OF VETERANS AFFAIRS AND
5	NON-DEPARTMENT HEALTH CARE PRO-
6	VIDERS.
7	(a) In General.—Subchapter I of chapter 17 of title
8	38, United States Code is amended by inserting after sec-
9	tion 1703A the following new section:
10	"§ 1703B. Veterans Care Agreements
11	"(a) AGREEMENTS TO FURNISH CARE.—(1) If the
12	Secretary is not feasibly able to furnish hospital care, med-
13	ical services, or extended care under this chapter at facili-
14	ties of the Department or under contracts or sharing
15	agreements entered into under authorities other than this
16	section, the Secretary may furnish such care and services
17	by entering into agreements under this section with eligi-
18	ble providers that are certified under subsection (c). An
19	agreement entered into under this section may be referred
20	to as a 'Veterans Care Agreement'.
21	"(2) The Secretary is not feasibly able to furnish care
22	or services as described in paragraph (1) if the Secretary
23	determines that the medical condition of the veteran, the
24	travel involved, the nature of the care or services required,
25	or a combination of those factors make the use of facilities

1	of the Department, contracts, or sharing agreements im-
2	practicable or inadvisable.
3	"(3) Eligibility of a veteran under this section for the
4	care or services described in paragraph (1) shall be deter-
5	mined as if such care or services were furnished in a facil-
6	ity of the Department and provisions of this title applica-
7	ble to veterans receiving such care or services in a facility
8	of the Department shall apply to veterans receiving such
9	care or services under this section.
10	"(b) Eligible Providers.—For purposes of this
11	section, an eligible provider is one of the following:
12	"(1) A provider of services that has enrolled
13	and entered into a provider agreement under section
14	1866(a) of the Social Security Act (42 U.S.C.
15	1395ee(a)).
16	"(2) A physician or supplier that has enrolled
17	and entered into a participation agreement under
18	section 1842(h) of such Act (42 U.S.C. 1395u(h)).
19	"(3) A provider of items and services receiving
20	payment under a State plan under title XIX of such
21	Act (42 U.S.C. 1396 et seq.) or a waiver of such a
22	plan.
23	"(4) A provider that is—
24	"(A) an Aging and Disability Resource
25	Center, an area agency on aging, or a State

1	agency (as defined in section 102 of the Older
2	Americans Act of 1965 (42 U.S.C. 3002)); or
3	"(B) a center for independent living (as
4	defined in section 702 of the Rehabilitation Act
5	of 1973 (29 U.S.C. 796a)).
6	"(5) Such other health care providers as the
7	Secretary considers appropriate for purposes of this
8	section.
9	"(c) Certification of Eligible Providers.—(1)
10	The Secretary shall establish a process for the certification
11	of eligible providers under this section that shall, at a min-
12	imum, set forth the following:
13	"(A) Procedures for the submittal of applica-
14	tions for certification and deadlines for actions taken
15	by the Secretary with respect to such applications.
16	"(B) Standards and procedures for approval
17	and denial of certification, duration of certification,
18	revocation of certification, and recertification.
19	"(C) Procedures for assessing eligible providers
20	based on the risk of fraud, waste, and abuse of such
21	providers similar to the level of screening under sec-
22	tion 1866(j)(2)(B) of the Social Security Act (42
23	U.S.C. $1395cc(j)(2)(B)$) and the standards set forth
24	under section 9.104 of title 48, Code of Federal
25	Regulations, or any successor regulation.

1	"(2) The Secretary shall deny or revoke certification
2	to an eligible provider under this subsection if the Sec-
3	retary determines that the eligible provider is currently—
4	"(A) excluded from participation in a Federal
5	health care program (as defined in section 1128B(f)
6	of the Social Security Act (42 U.S.C. 1320a-7b(f)))
7	under section 1128 or 1128A of the Social Security
8	Act (42 U.S.C. 1320a-7 and 1320a-7a); or
9	"(B) identified as an excluded source on the list
10	maintained in the System for Award Management,
11	or any successor system.
12	"(d) Terms of Agreements.—Each agreement en-
13	tered into with an eligible provider under this section shall
14	include provisions requiring the eligible provider to do the
15	following:
16	"(1) To accept payment for care and services
17	furnished under this section at rates established by
18	the Secretary for purposes of this section, which
19	shall be, to the extent practicable, the rates paid by
20	the United States for such care and services to pro-
21	viders of services and suppliers under the Medicare
22	program under title XVIII of the Social Security Act
23	(42 U.S.C. 1395 et seq.).
24	"(2) To accept payment under paragraph (1) as
25	payment in full for care and services furnished

1	under this section and to not seek any payment for
2	such care and services from the recipient of such
3	care and services.
4	"(3) To furnish under this section only the care
5	and services authorized by the Department under
6	this section unless the eligible provider receives prior
7	written consent from the Department to furnish care
8	or services outside the scope of such authorization.
9	"(4) To bill the Department for care and serv-
10	ices furnished under this section in accordance with
11	a methodology established by the Secretary for pur-
12	poses of this section.
13	"(5) Not to seek to recover or collect from a
14	health-plan contract or third party, as those terms
15	are defined in section 1729 of this title, for any care
16	or services for which payment is made by the De-
17	partment under this section.
18	"(6) To provide medical records for veterans
19	furnished care or services under this section to the
20	Department in a timeframe and format specified by
21	the Secretary for purposes of this section.
22	"(7) To meet such other terms and conditions,
23	including quality of care assurance standards, as the
24	Secretary may specify for purposes of this section.

1	"(e) Termination of Agreements.—(1) An eligi-
2	ble provider may terminate an agreement with the Sec-
3	retary under this section at such time and upon such no-
4	tice to the Secretary as the Secretary may specify for pur-
5	poses of this section.
6	"(2) The Secretary may terminate an agreement with
7	an eligible provider under this section at such time and
8	upon such notice to the eligible provider as the Secretary
9	may specify for purposes of this section, if the Secretary—
10	"(A) determines that the eligible provider failed
11	to comply substantially with the provisions of the
12	agreement or with the provisions of this section and
13	the regulations prescribed thereunder;
14	"(B) determines that the eligible provider is—
15	"(i) excluded from participation in a Fed-
16	eral health care program (as defined in section
17	1128B(f) of the Social Security Act (42 U.S.C.
18	1320a-7b(f))) under section 1128 or 1128A of
19	the Social Security Act (42 U.S.C. 1320a-7
20	and 1320a-7a); or
21	"(ii) identified as an excluded source on
22	the list maintained in the System for Award
23	Management, or any successor system;
24	"(C) ascertains that the eligible provider has
25	been convicted of a felony or other serious offense

1 under Federal or State law and determines that the 2 continued participation of the eligible provider would be detrimental to the best interests of veterans or 3 4 the Department; or "(D) determines that it is reasonable to termi-6 nate the agreement based on the health care needs 7 of a veteran or veterans. 8 "(f) Periodic REVIEW $^{
m OF}$ CERTAIN AGREE-MENTS.—(1) Not less frequently than once every two years, the Secretary shall review each Veterans Care 10 Agreement of material size entered into during the twoyear period preceding the review to determine whether it is feasible and advisable to furnish the hospital care, medical services, or extended care furnished under such agree-14 15 ment at facilities of the Department or through contracts or sharing agreements entered into under authorities other 16 17 than this section. 18 "(2)(A) Subject to subparagraph (B), a Veterans 19 Care Agreement is of material size as determined by the 20 Secretary for purposes of this section. 21 "(B) A Veterans Care Agreement entered into after 22 September 30, 2016, for the purchase of extended care 23 services is of material size if the purchase of such services under the agreement exceeds \$1,000,000 annually. The Secretary may adjust such amount to account for changes

- 1 in the cost of health care based upon recognized health2 care market surveys and other available data and shall
- 3 publish any such adjustments in the Federal Register.
- 4 "(g) Exclusion of Certain Federal Con-
- 5 TRACTING PROVISIONS.—(1) An agreement under this
- 6 section may be entered into without regard to any law that
- 7 would require the Secretary to use competitive procedures
- 8 in selecting the party with which to enter into the agree-
- 9 ment.
- 10 "(2)(A) Except as provided in subparagraph (B) and
- 11 unless otherwise provided in this section or in regulations
- 12 prescribed pursuant to this section, an eligible provider
- 13 that enters into an agreement under this section is not
- 14 subject to, in the carrying out of the agreement, any law
- 15 to which providers of services and suppliers under the
- 16 Medicare program under title XVIII of the Social Security
- 17 Act (42 U.S.C. 1395 et seq.) are not subject.
- 18 "(B) An eligible provider that enters into an agree-
- 19 ment under this section is subject to—
- 20 "(i) all laws regarding integrity, ethics, fraud,
- or that subject a person to civil or criminal pen-
- 22 alties; and
- 23 "(ii) all laws that protect against employment
- 24 discrimination or that otherwise ensure equal em-
- 25 ployment opportunities.

1	"(h) Monitoring of Quality of Care.—The Sec-
2	retary shall establish a system or systems, consistent with
3	survey and certification procedures used by the Centers
4	for Medicare & Medicaid Services and State survey agen-
5	cies to the extent practicable—
6	"(1) to monitor the quality of care and services
7	furnished to veterans under this section; and
8	"(2) to assess the quality of care and services
9	furnished by an eligible provider for purposes of de-
10	termining whether to renew an agreement under this
11	section with the eligible provider.
12	"(i) DISPUTE RESOLUTION.—(1) The Secretary shall
13	establish administrative procedures for eligible providers
14	with which the Secretary has entered an agreement under
15	this section to present any dispute arising under or related
16	to the agreement.
17	"(2) Before using any dispute resolution mechanism
18	under chapter 71 of title 41 with respect to a dispute aris-
19	ing under an agreement under this section, an eligible pro-
20	vider must first exhaust the administrative procedures es-
21	tablished by the Secretary under paragraph (1).".
22	(b) REGULATIONS.—The Secretary of Veterans Af-
23	fairs shall prescribe an interim final rule to carry out sec-
24	tion 1703B of such title, as added by subsection (a), not

1	later than one year after the date of the enactment of this
2	Act.
3	(c) Clerical Amendment.—The table of sections
4	at the beginning of chapter 17 of such title is amended
5	by inserting after the item related to section 1703A the
6	following new item:
	"1703B. Veterans Care Agreements.".
7	SEC. 202. MODIFICATION OF AUTHORITY TO ENTER INTO
8	AGREEMENTS WITH STATE HOMES TO PRO-
9	VIDE NURSING HOME CARE.
10	(a) Use of Agreements.—
11	(1) In general.—Paragraph (1) of subsection
12	(a) of section 1745 of title 38, United States Code
13	is amended, in the matter preceding subparagraph
14	(A), by striking "a contract (or agreement under
15	section 1720(c)(1) of this title)" and inserting "an
16	agreement".
17	(2) Payment.—Paragraph (2) of such sub-
18	section is amended by striking "contract (or agree-
19	ment)" each place it appears and inserting "agree-
20	ment".
21	(b) Exclusion of Certain Federal Con-
22	TRACTING PROVISIONS.—Such subsection is further
23	amended by adding at the end the following new para-
24	oranh.

1	"(4)(A) An agreement under this section may be en-
2	tered into without regard to any law that would require
3	the Secretary to use competitive procedures in selecting
4	the party with which to enter into the agreement.
5	"(B)(i) Except as provided in clause (ii) and unless
6	otherwise provided in this section or in regulations pre-
7	scribed pursuant to this section, a State home that enters
8	into an agreement under this section is not subject to, in
9	the carrying out of the agreement, any law to which pro-
10	viders of services and suppliers under the Medicare pro-
11	gram under title XVIII of the Social Security Act (42
12	U.S.C. 1395 et seq.) are not subject.
13	"(ii) A State home that enters into an agreement
14	under this section is subject to—
15	"(I) all laws regarding integrity, ethics, fraud,
16	or that subject a person to civil or criminal pen-
17	alties; and
18	"(II) all laws that protect against employment
19	discrimination or that otherwise ensure equal em-
20	ployment opportunities.".
21	(c) Effective Date.—
22	(1) In general.—The amendments made by
23	this section shall apply to agreements entered into
24	under section 1745 of such title on and after the
25	date on which the regulations prescribed by the Sec-

1	retary of Veterans Affairs to implement such amend-
2	ments take effect.
3	(2) Publication.—The Secretary shall publish
4	the date described in paragraph (1) in the Federal
5	Register not later than 30 days before such date.
6	SEC. 203. REQUIREMENT FOR ADVANCE APPROPRIATIONS
7	FOR THE CARE IN THE COMMUNITY AC-
8	COUNT OF THE DEPARTMENT OF VETERANS
9	AFFAIRS.
10	(a) In General.—Section 117(c) of title 38, United
11	States Code, is amended by adding at the end the fol-
12	lowing new paragraph:
13	"(7) Veterans Health Administration, Care in
14	the Community.".
15	(b) Conforming Amendment.—Section
16	1105(a)(37) of title 31, United States Code, is amended
17	by adding at the end the following new subparagraph:
18	"(G) Veterans Health Administration,
19	Care in the Community.".
20	(c) Applicability.—The amendments made by this
21	section shall apply to fiscal years beginning on and after
22	[October 1, 2016.]

1	SEC. 204. ANNUAL TRANSFER OF AMOUNTS WITHIN DE-
2	PARTMENT OF VETERANS AFFAIRS TO PAY
3	FOR HEALTH CARE FROM NON-DEPARTMENT
4	PROVIDERS.
5	Section 106 of the Veterans Access, Choice, and Ac-
6	countability Act of 2014 (Public Law 113–146; 38 U.S.C.
7	1701 note) is amended by adding at the end the following
8	new subsection:
9	"(c) Annual Transfer of Amounts.—
10	"(1) In General.—At the beginning of each
11	fiscal year, the Secretary of Veterans Affairs shall
12	transfer to the Chief Business Office of the Veterans
13	Health Administration an amount equal to the
14	amount estimated to be required to furnish hospital
15	care, medical services, and other health care through
16	non-Department of Veterans Affairs providers dur-
17	ing that fiscal year.
18	"(2) Adjustments.—During a fiscal year, the
19	Secretary may make adjustments to the amount
20	transferred under paragraph (1) for that fiscal year
21	to accommodate any variances in demand for hos-
22	pital care, medical services, or other health care
23	through non-Department providers.".

1	SEC. 205. ELIMINATION OF REQUIREMENT TO ACT AS SEC-
2	ONDARY PAYER FOR CARE RELATING TO
3	NON-SERVICE-CONNECTED DISABILITIES
4	UNDER CHOICE PROGRAM.
5	(a) In General.—Section 101(e) of the Veterans
6	Access, Choice, and Accountability Act of 2014 (Public
7	Law 113–146; 38 U.S.C. 1701 note) is amended—
8	(1) by striking paragraphs (2) and (3);
9	(2) by redesignating paragraph (4) as para-
10	graph (3); and
11	(3) by inserting after paragraph (1) the fol-
12	lowing new paragraph (2):
13	"(2) Responsibility for costs of certain
14	CARE.—In any case in which an eligible veteran is
15	furnished hospital care or medical services under
16	this section for a non-service-connected disability de-
17	scribed in subsection $(a)(2)$ of section 1729 of title
18	38, United States Code, the Secretary may recover
19	or collect reasonable charges for such care or serv-
20	ices from a health-care plan described in paragraph
21	(3) in accordance with such section.".
22	(b) Conforming Amendment.—Paragraph (1) of
23	such section is amended by striking "paragraph (4)" and
24	inserting "paragraph (3)".

1	SEC. 206. AUTHORIZATION OF USE OF CERTAIN AMOUNTS
2	APPROPRIATED TO THE VETERANS CHOICE
3	FUND FOR OTHER NON-DEPARTMENT OF
4	VETERANS AFFAIRS CARE.
5	(a) In General.—Section 802 of the Veterans Ac-
6	cess, Choice, and Accountability Act of 2014 (Public Law
7	113–146; 38 U.S.C. 1701 note) is amended—
8	(1) in subsection (c)—
9	(A) in paragraph (1)—
10	(i) by striking "Except as provided by
11	paragraph (3), any" and inserting "Any";
12	and
13	(ii) by striking "by the Secretary of
14	Veterans Affairs" and all that follows
15	through the period at the end and insert-
16	ing "by the Secretary of Veterans Af-
17	fairs—
18	"(A) to carry out section 101, including,
19	subject to paragraph (2), any administrative re-
20	quirements of such section;
21	"(B) to furnish health care to individuals
22	under chapter 17 of title 38, United States
23	Code, at non-Department facilities, including
24	pursuant to authority other than the authority
25	under section 101; and

1	"(C) to furnish disability examinations
2	conducted by health care providers that are not
3	health care providers of the Department of Vet-
4	erans Affairs."; and
5	(B) by striking paragraph (3) and insert-
6	ing the following new paragraphs:
7	"(3) Treatment of amounts.—Amounts
8	made available to the Secretary under this sub-
9	section shall be used to supplement, not supplant,
10	amounts made available to the Secretary in the Med-
11	ical Services account of the Department of Veterans
12	Affairs.
13	"(4) Non-department facilities de-
14	FINED.—In this subsection, the term 'non-Depart-
15	ment facilities' has the meaning given that term in
16	section 1701 of title 38, United States Code."; and
17	(2) in subsection (d)(1), by striking "only for
18	the program" and all that follows through the period
19	at the end and inserting "only for the purposes spec-
20	ified in subsection (c)(1).".
21	(b) Emergency Designations.—
22	(1) In general.—This section is designated as
23	an emergency requirement pursuant to section 4(g)
24	of the Statutory Pay-As-You-Go Act of 2010 (2
25	U.S.C. 933(g)).

1	(2) Designation in Senate.—In the Senate,
2	this section is designated as an emergency require-
3	ment pursuant to section 403(a) of S. Con. Res. 13
4	(111th Congress), the concurrent resolution on the
5	budget for fiscal year 2010.
6	SEC. 207. MODIFICATION OF PROCESS THROUGH WHICH
7	DEPARTMENT OF VETERANS AFFAIRS
8	RECORDS OBLIGATIONS FOR NON-DEPART-
9	MENT CARE.
10	(a) In General.—Subchapter III of chapter 17 of
11	title 38, United States Code, is amended by adding at the
12	end the following new section:
13	"§ 1730B. Recording obligations for care at non-De-
14	partment facilities
15	"The Secretary may record as an obligation of the
16	United States Government amounts owed for hospital care
17	or medical services furnished under this chapter at non-
18	Department facilities on the date on which a claim by a
19	health care provider for payment is approved rather than
20	on the date that the hospital care or medical services are
21	authorized by the Secretary.".
22	(b) CLERICAL AMENDMENT.—The table of sections
23	at the beginning of chapter 17 of such title is amended
24	by inserting after the item relating to section 1730A the
25	following new item:

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

1	SEC. 208. AUTHORITY TO DISCLOSE CERTAIN MEDICAL
2	RECORDS OF VETERANS WHO RECEIVE NON-
3	DEPARTMENT OF VETERANS AFFAIRS
4	HEALTH CARE.
5	Section 7332(b)(2) of title 38, United States Code,
6	is amended by adding at the end the following new sub-
7	paragraph:
8	"(H) To a non-Department entity (including
9	private entities and other departments or agencies of
10	the Federal Government) that provides hospital care
11	or medical treatment to veterans.".
12	SEC. 209. CHILD CARE ASSISTANCE FOR VETERANS RE-
13	CEIVING MENTAL HEALTH CARE AND OTHER
14	INTENSIVE HEALTH CARE SERVICES PRO-
15	VIDED BY THE DEPARTMENT OF VETERANS
16	AFFAIRS.
17	(a) In General.—Subchapter III of chapter 17 of
18	title 38, United States Code, is further amended by adding
19	at the end the following new section:
20	"§ 1730C. Child care assistance for veterans receiving
21	mental health care and other intensive
22	health care services
23	"(a) In General.—The Secretary shall provide child
24	care assistance to an eligible veteran for any period that
25	the veteran—

1	"(1) receives covered health care services at a
2	facility of the Department; and
3	"(2) is required travel to and return from such
4	facility for the receipt of such health care services.
5	"(b) Child Care Assistance.—(1) Child care as-
6	sistance provided under this section may include any of
7	the following:
8	"(A) A stipend for the payment of child care of-
9	fered by a licensed child care center (either directly
10	or through a voucher program) which shall be, to
11	the extent practicable, modeled after the Depart-
12	ment of Veterans Affairs Child Care Subsidy Pro-
13	gram established pursuant to section 590 of title 40.
14	"(B) Direct provision of child care at an on-site
15	facility of the Department.
16	"(C) A payment made directly to a private child
17	care agency.
18	"(D) A collaboration with a facility or program
19	of another Federal department or agency.
20	"(E) Such other form of assistance as the Sec-
21	retary considers appropriate.
22	"(2) In the case that child care assistance under this
23	section is provided as a stipend under paragraph (1)(A),
24	such stipend shall cover the full cost of such child care.
25	"(c) Definitions.—In this section:

1	"(1) The term 'eligible veteran' means a vet-
2	eran who—
3	"(A) is the primary caretaker of a child or
4	children; and
5	"(B) is—
6	"(i) receiving covered health care serv-
7	ices from the Department; or
8	"(ii) in need of covered health care
9	services, and but for lack of child care
10	services, would receive such covered health
11	care services from the Department.
12	"(2) The term 'covered health care services'
13	means—
14	"(A) regular mental health care services;
15	"(B) intensive mental health care services;
16	or
17	"(C) such other intensive health care serv-
18	ices that the Secretary determines that provi-
19	sion of assistance to the veteran to obtain child
20	care would improve access to such health care
21	services by the veteran.".
22	(b) CLERICAL AMENDMENT.—The table of sections
23	at the beginning of such chapter is amended by inserting
24	after the item relating to section 1730B, as added by sec-
25	tion 207, the following new item:

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

Subtitle B—Expansion of Care

- 2 SEC. 211. IN VITRO FERTILIZATION FOR CERTAIN DIS-
- 3 ABLED VETERANS.
- 4 (a) In General.—Subchapter II of chapter 17 of
- 5 title 38, United States Code, is amended by adding at the
- 6 end the following new section:
- 7 "§ 1720H. In vitro fertilization for certain disabled
- 8 veterans
- 9 "(a) IN GENERAL.—In addition to any fertility treat-
- 10 ment otherwise furnished by the Secretary under this title,
- 11 if the Secretary determines that in vitro fertilization is
- 12 medically necessary, the Secretary shall furnish in vitro
- 13 fertilization to the covered individual upon the joint re-
- 14 quest of the covered individual and the spouse of the cov-
- 15 ered individual.
- 16 "(b) Limitation on Cycles and Attempts.—In
- 17 furnishing in vitro fertilization to a covered individual
- 18 under this section, the Secretary may provide not more
- 19 than three in vitro fertilization cycles that result in a total
- 20 of not more than six implantation attempts.
- 21 "(c) Storage and Disposition of Gametes,
- 22 Zygotes, and Embryos.—(1) In carrying out this sec-
- 23 tion, the Secretary may provide for cryogenic storage of

1	the gametes, zygotes, and embryos of a covered individual
2	only for a period not to exceed three years.
3	"(2) During the period of cryogenic storage of the
4	gametes, zygotes, or embryos of a covered individual under
5	paragraph (1)—
6	"(A) any determination regarding the disposi-
7	tion of the gametes, zygotes, or embryos shall be
8	made by the covered individual in accordance with
9	the laws of the State in which the gametes, zygotes,
10	or embryos are located; and
11	"(B) the Secretary shall ensure that any activi-
12	ties relating to the custody or disposition of the
13	gametes, zygotes, or embryos are carried out in ac-
14	cordance with the laws of the State in which the
15	gametes, zygotes, or embryos are located.
16	"(3) After the period of cryogenic storage of the
17	gametes, zygotes, or embryos of a covered individual under
18	paragraph (1), the covered individual—
19	"(A) shall be solely responsible for—
20	"(i) the custody of the gametes, zygotes, or
21	embryos; and
22	"(ii) the payment of any costs relating to
23	the cryogenic storage of the gametes, zygotes,
24	or embryos; and

1	"(B) shall, with respect to any action or inac-
2	tion by the covered individual relating to custody
3	under subparagraph (A)(i) or costs under subpara-
4	graph (A)(ii), be subject to the laws of the State in
5	which the gametes, zygotes, or embryos are located.
6	"(4) The Secretary may not possess or store the
7	gametes, zygotes, or embryos of a covered individual at
8	a facility of the Department.
9	"(d) Prohibitions.—In carrying out this section,
10	the Secretary may not—
11	"(1) provide any benefits or services relating to
12	surrogacy;
13	"(2) furnish in vitro fertilization that includes
14	mitochondrial donation;
15	"(3) assist with obtaining a donation of
16	gametes, zygotes, or embryos from a third party; or
17	"(4) use gametes, zygotes, or embryos for re-
18	search or cloning.
19	"(e) Acknowledgment of Requirements.—The
20	Secretary may not furnish in vitro fertilization to a cov-
21	ered individual under this section unless the covered indi-
22	vidual acknowledges, in writing—
23	"(1) the limitation described in subsection (b);
24	and

1	"(2) the period of cryogenic storage of gametes,
2	zygotes, and embryos described in subsection $(c)(1)$
3	and the responsibilities of the covered individual
4	under subsection (c)(3) after such period.
5	"(f) Annual Report.—(1) Not later than one year
6	after the date of the enactment of the Women Veterans
7	and Families Health Services Act of 2015, and not less
8	frequently than annually thereafter, the Secretary shall
9	submit to the Committee on Veterans' Affairs of the Sen-
10	ate and the Committee on Veterans' Affairs of the House
11	of Representatives a report on in vitro fertilization fur-
12	nished to covered individuals under this section.
13	"(2) Each report submitted under paragraph (1)
14	shall include the following:
15	"(A) With respect to the year preceding the
16	submittal of the report, the following:
17	"(i) The number of covered individuals
18	who sought in vitro fertilization under this sec-
19	tion.
20	"(ii) An identification, in aggregate form
21	and excluding individually identifying informa-
22	tion, of the service-connected conditions de-
23	scribed in subsection $(g)(1)(A)(ii)$ of such cov-
24	ered individuals.

1	"(iii) The cost of furnishing in vitro fer-
2	tilization under this section and a comparison
3	of such cost to the cost to a covered individual
4	of obtaining in vitro fertilization through the
5	private sector without assistance from the De-
6	partment.
7	"(iv) The number of successful implanta-
8	tions or births that occurred through the use of
9	in vitro fertilization furnished under this sec-
10	tion.
11	"(v) The number of individuals that the
12	Secretary determined were ineligible for in vitro
13	fertilization furnished under this section, in-
14	cluding the reasons for such ineligibility.
15	"(B) The total number, in aggregate form and
16	excluding individually identifying information, of in
17	vitro fertilization cycles and implantation attempts
18	furnished to covered individuals under this section
19	and the total number of such cycles and attempts
20	that such covered individuals have remaining.
21	"(g) Definitions.—In this section:
22	"(1) The term 'covered individual' means—
23	"(A) a veteran, regardless of sex, who—
24	"(i) is enrolled in the system of an-
25	nual patient enrollment established and op-

1	erated by the Secretary under section
2	1705(a) of this title; and
3	"(ii) has a service-connected condition
4	and such condition results in the veteran
5	being unable to procreate without the use
6	of in vitro fertilization; and
7	"(B) a spouse of a veteran described in
8	subparagraph (A).
9	"(2) The term 'service-connected condition'
10	means a condition that was incurred or aggravated
11	in line of duty in the active military, naval, or air
12	service.".
13	(b) CLERICAL AMENDMENT.—The table of sections
14	at the beginning of chapter 17 of such title is amended
15	by inserting after the item relating to section 1720G the
16	following new item:
	"1720H. In vitro fertilization for certain disabled veterans.".
17	SEC. 212. ADOPTION ASSISTANCE FOR CERTAIN DISABLED
18	VETERANS.
19	(a) In General.—Subchapter II of chapter 17 of
20	title 38, United States Code is further amended by adding
21	at the end the following new section:
22	" \S 1720I. Adoption assistance for certain disabled vet-
23	erans
24	"(a) In General.—The Secretary may pay an
25	amount, not to exceed the limitation amount, to assist a

1	covered veteran and the spouse of the covered veteran, if
2	any, in the adoption of one or more children.
3	"(b) Definitions.—In this section:
4	"(1) The term 'covered veteran' means a vet-
5	eran, regardless of sex, who—
6	"(A) is enrolled in the system of annual
7	patient enrollment established and operated by
8	the Secretary under section 1705(a) of this
9	title; and
10	"(B) has a service-connected condition and
11	such condition results in the veteran being un-
12	able to procreate without the use of in vitro fer-
13	tilization.
14	"(2) The term 'limitation amount' means the
15	amount equal to the cost the Department would
16	incur by paying the expenses of three adoptions by
17	covered veterans, as determined by the Secretary.
18	"(3) The term 'service-connected condition'
19	means a condition that was incurred or aggravated
20	in line of duty in the active military, naval, or air
21	service.".
22	(b) Clerical Amendment.—The table of sections
23	at the beginning of chapter 17 of such title is further
24	amended by inserting after the item relating to section
25	1720H the following new item:

[&]quot;1720I. Adoption assistance for certain disabled veterans.".

1	SEC. 213. EXPANSION OF ELIGIBILITY FOR PARTICIPATION
2	IN AND SERVICES PROVIDED UNDER FAMILY
3	CAREGIVER PROGRAM OF DEPARTMENT OF
4	VETERANS AFFAIRS.
5	(a) Family Caregiver Program.—
6	(1) Expansion of eligibility.—Subsection
7	(a)(2)(B) of section 1720G of title 38, United States
8	Code, is amended by striking "on or after September
9	11, 2001".
10	(2) Clarification of eligibility for ill-
11	NESS.—Such subsection is further amended by in-
12	serting "or illness" after "serious injury".
13	(3) Expansion of needed services in eli-
14	GIBILITY CRITERIA.—Subsection (a)(2)(C) of such
15	section is amended—
16	(A) in clause (ii), by striking "; or" and in-
17	serting a semicolon;
18	(B) by redesignating clause (iii) as clause
19	(iv); and
20	(C) by inserting after clause (ii) the fol-
21	lowing new clause (iii):
22	"(iii) a need for regular or extensive in-
23	struction or supervision without which the abil-
24	ity of the veteran to function in daily life would
25	be seriously impaired; or".

1	(4) Expansion of Services Provided.—Sub-
2	section (a)(3)(A)(ii) of such section is amended—
3	(A) in subclause (IV), by striking "; and"
4	and inserting a semicolon;
5	(B) in subclause (V), by striking the period
6	at the end and inserting a semicolon; and
7	(C) by adding at the end the following new
8	subclauses:
9	"(VI) child care services or a monthly sti-
10	pend for such services if such services are not
11	readily available from the Department;
12	"(VII) financial planning services relating
13	to the needs of injured and ill veterans and
14	their caregivers; and
15	"(VIII) legal services, including legal ad-
16	vice and consultation, relating to the needs of
17	injured and ill veterans and their caregivers.".
18	(5) Expansion of respite care provided.—
19	Subsection (a)(3)(B) of such section is amended by
20	striking "shall be" and all that follows through the
21	period at the end and inserting "shall—
22	"(i) be medically and age-appropriate;
23	"(ii) include in-home care; and
24	"(iii) include peer-oriented group activities.".

1	(6) MODIFICATION OF STIPEND CALCULA-
2	TION.—Subsection (a)(3)(C) of such section is
3	amended—
4	(A) by redesignating clause (iii) as clause
5	(iv); and
6	(B) by inserting after clause (ii) the fol-
7	lowing new clause (iii):
8	"(iii) In determining the amount and degree of per-
9	sonal care services provided under clause (i) with respect
10	to an eligible veteran whose need for personal care services
11	is based in whole or in part on a need for supervision or
12	protection under paragraph (2)(C)(ii) or regular instruc-
13	tion or supervision under paragraph (2)(C)(iii), the Sec-
14	retary shall take into account the following:
15	"(I) The assessment by the family caregiver of
16	the needs and limitations of the veteran.
17	"(II) The extent to which the veteran can func-
18	tion safely and independently in the absence of such
19	supervision, protection, or instruction.
20	"(III) The amount of time required for the
21	family caregiver to provide such supervision, protec-
22	tion, or instruction to the veteran.".
23	(7) Periodic evaluation of need for cer-
24	TAIN SERVICES.—Subsection (a)(3) of such section

1	is amended by adding at the end the following new
2	subparagraph:
3	"(D) In providing instruction, preparation, and train-
4	ing under subparagraph (A)(i)(I) and technical support
5	under subparagraph (A)(i)(II) to each family caregiver
6	who is approved as a provider of personal care services
7	for an eligible veteran under paragraph (6), the Secretary
8	shall periodically evaluate the needs of the eligible veteran
9	and the skills of the family caregiver of such veteran to
10	determine if additional instruction, preparation, training,
11	or technical support under those subparagraphs is nec-
12	essary.".
13	(8) Use of Primary care teams.—Subsection
14	(a)(5) of such section is amended, in the matter pre-
15	ceding subparagraph (A), by inserting "(in collabo-
16	ration with the primary care team for the eligible
17	veteran to the maximum extent practicable)" after
18	"evaluate".
19	(9) ELIGIBILITY OF AND ASSISTANCE FOR FAM-
20	ILY CAREGIVERS.—Subsection (a) of such section is
21	amended by adding at the end the following new
22	paragraphs:
23	"(11) Notwithstanding any other provision of this
24	subsection, a family caregiver of an eligible veteran who
25	is eligible under paragraph (2) solely because of a serious

injury or illness (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, 3 4 or air service before September 11, 2001, is eligible for 5 assistance under this subsection as follows: 6 "(A) Not earlier than October 1, 2016, if the 7 family caregiver would merit a monthly personal 8 caregiver stipend under paragraph (3)(A)(ii)(V) in 9 an amount that is in the highest tier specified in the 10 schedule established by the Secretary under para-11 graph (3)(C)(i). 12 "(B) Not earlier than October 1, 2018, if the 13 family caregiver would merit such a stipend in an 14 amount that is in the middle tier specified in such 15 schedule. "(C) Not earlier than October 1, 2020, if the 16 17 family caregiver would merit such a stipend in an 18 amount that is in the lowest tier specified in such 19 schedule. 20 "(12)(A) In providing assistance under this sub-21 section to family caregivers of eligible veterans, the Sec-22 retary may enter into contracts, provider agreements, and 23 memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

1	"(B) The Secretary may provide assistance under
2	this paragraph only if such assistance is reasonably acces-
3	sible to the family caregiver and is substantially equivalent
4	or better in quality to similar services provided by the De-
5	partment.
6	"(C) The Secretary may provide fair compensation
7	to Federal agencies, States, and other entities that provide
8	assistance under this paragraph.
9	"(D) In carrying out this paragraph, the Secretary
10	shall work with the interagency working group on policies
11	relating to caregivers of veterans and members of the
12	Armed Forces established under section 7 of the Military
13	and Veteran Caregiver Services Improvement Act of
14	2015.".
15	(b) Termination of General Caregiver Sup-
16	PORT PROGRAM.—
17	(1) In general.—Subsection (b) of such sec-
18	tion is amended by adding at the end the following
19	new paragraph:
20	"(6) The authority of the Secretary to provide sup-
21	port services for caregivers of covered veterans under this
22	subsection shall terminate on October 1, 2020.".
23	(2) Continuation of Certain Assistance.—
24	The Secretary of Veterans Affairs shall ensure that
25	any activities carried out under subsection (b) of

1	such section on September 30, 2020, are continued
2	under subsection (a) of such section on and after
3	October 1, 2020.
4	(c) Modification of Definition of Family Mem-
5	BER.—Subparagraph (B) of subsection (d)(3) of such sec-
6	tion is amended to read as follows:
7	"(B) is not a member of the family of the
8	veteran and does not provide care to the vet-
9	eran on a professional basis.".
10	(d) Modification of Definition of Personal
11	CARE SERVICES.—Subsection (d)(4) of such section is
12	amended—
13	(1) in subparagraph (A), by striking "inde-
14	pendent'';
15	(2) by redesignating subparagraph (B) as sub-
16	paragraph (D); and
17	(3) by inserting after subparagraph (A) the fol-
18	lowing new subparagraphs:
19	"(B) Supervision or protection based on
20	symptoms or residuals of neurological or other
21	impairment or injury.
22	"(C) Regular or extensive instruction or
23	supervision without which the ability of the vet-
24	eran to function in daily life would be seriously
25	impaired.".

1	(e) Annual Evaluation Report.—Paragraph (2)
2	of section 101(c) of the Caregivers and Veterans Omnibus
3	Health Services Act of 2010 (Public Law 111–163; 38
4	U.S.C. 1720G note) is amended to read as follows:
5	"(2) Contents.—Each report required by
6	paragraph (1) after the date of the enactment of the
7	Military and Veteran Caregiver Services Improve-
8	ment Act of 2015 shall include the following with re-
9	spect to the program of comprehensive assistance for
10	family caregivers required by subsection (a)(1) of
11	such section 1720G:
12	"(A) The number of family caregivers that
13	received assistance under such program.
14	"(B) The cost to the Department of pro-
15	viding assistance under such program.
16	"(C) A description of the outcomes
17	achieved by, and any measurable benefits of,
18	carrying out such program.
19	"(D) An assessment of the effectiveness
20	and the efficiency of the implementation of such
21	program, including a description of any barriers
22	to accessing and receiving care and services
23	under such program.

1	"(E) A description of the outreach activi-
2	ties carried out by the Secretary under such
3	program.
4	"(F) An assessment of the manner in
5	which resources are expended by the Secretary
6	under such program, particularly with respect
7	to the provision of monthly personal caregiver
8	stipends under subsection (a)(3)(A)(ii)(V) of
9	such section 1720G.
10	"(G) An evaluation of the sufficiency and
11	consistency of the training provided to family
12	caregivers under such program in preparing
13	family caregivers to provide care to veterans
14	under such program.
15	"(H) Such recommendations, including
16	recommendations for legislative or administra-
17	tive action, as the Secretary considers appro-
18	priate in light of carrying out such program.".

1	SEC. 214. AUTHORITY TO TRANSFER ENTITLEMENT TO
2	POST-9/11 EDUCATIONAL ASSISTANCE TO
3	FAMILY MEMBERS BY SERIOUSLY INJURED
4	VETERANS IN NEED OF PERSONAL CARE
5	SERVICES.
6	(a) In General.—Subchapter II of chapter 33 of
7	title 38, United States Code, is amended by adding at the
8	end the following new section:
9	"§ 3319A. Authority to transfer unused education
10	benefits to family members by seriously
11	injured veterans
12	"(a) In General.—Subject to the provisions of this
13	section, the Secretary may permit an individual described
14	in subsection (b) who is entitled to educational assistance
15	under this chapter to elect to transfer to one or more of
16	the dependents specified in subsection (c) a portion of
17	such individual's entitlement to such assistance, subject
18	to the limitation under subsection (d).
19	"(b) Eligible Individuals.—An individual re-
20	ferred to in subsection (a) is any individual who is de-
21	scribed in paragraph (2) of section 1720G(a) of this title
22	and who is participating in the program established under
23	paragraph (1) of such section.
24	"(c) Eligible Dependents.—An individual ap-
25	proved to transfer an entitlement to educational assistance

1	under this section may transfer the individual's entitle-
2	ment as follows:
3	"(1) To the individual's spouse.
4	"(2) To one or more of the individual's chil-
5	dren.
6	"(3) To a combination of the individuals re-
7	ferred to in paragraphs (1) and (2).
8	"(d) Limitation on Months of Transfer.—(1)
9	The total number of months of entitlement transferred by
10	a individual under this section may not exceed 36 months.
11	"(2) The Secretary may prescribe regulations that
12	would limit the months of entitlement that may be trans-
13	ferred under this section to no less than 18 months.
14	"(e) Designation of Transferee.—An individual
15	transferring an entitlement to educational assistance
16	under this section shall—
17	"(1) designate the dependent or dependents to
18	whom such entitlement is being transferred;
19	"(2) designate the number of months of such
20	entitlement to be transferred to each such depend-
21	ent; and
22	"(3) specify the period for which the transfer
23	shall be effective for each dependent designated
24	under paragraph (1).

1	"(f) Time for Transfer; Revocation and Modi-
2	FICATION.—(1) Transfer of entitlement to educational as-
3	sistance under this section shall be subject to the time lim-
4	itation for use of entitlement under section 3321 of this
5	title.
6	"(2)(A) An individual transferring entitlement under
7	this section may modify or revoke at any time the transfer
8	of any unused portion of the entitlement so transferred.
9	"(B) The modification or revocation of the transfer
10	of entitlement under this paragraph shall be made by the
11	submittal of written notice of the action to the Secretary.
12	"(3) Entitlement transferred under this section may
13	not be treated as marital property, or the asset of a mar-
14	ital estate, subject to division in a divorce or other civil
15	proceeding.
16	"(g) Commencement of Use.—A dependent child
17	to whom entitlement to educational assistance is trans-
18	ferred under this section may not commence the use of
19	the transferred entitlement until either—
20	"(1) the completion by the child of the require-
21	ments of a secondary school diploma (or equivalency
22	certificate); or
23	"(2) the attainment by the child of 18 years of
24	aoe

- 1 "(h) Additional Administrative Matters.—(1)
- 2 The use of any entitlement to educational assistance
- 3 transferred under this section shall be charged against the
- 4 entitlement of the individual making the transfer at the
- 5 rate of one month for each month of transferred entitle-
- 6 ment that is used.
- 7 "(2) Except as provided under subsection (e)(2) and
- 8 subject to paragraphs (5) and (6), a dependent to whom
- 9 entitlement is transferred under this section is entitled to
- 10 educational assistance under this chapter in the same
- 11 manner as the individual from whom the entitlement was
- 12 transferred.
- 13 "(3) The monthly rate of educational assistance pay-
- 14 able to a dependent to whom entitlement referred to in
- 15 paragraph (2) is transferred under this section shall be
- 16 payable at the same rate as such entitlement would other-
- 17 wise be payable under this chapter to the individual mak-
- 18 ing the transfer.
- 19 "(4) The death of an individual transferring an enti-
- 20 tlement under this section shall not affect the use of the
- 21 entitlement by the dependent to whom the entitlement is
- 22 transferred.
- 23 "(5)(A) A child to whom entitlement is transferred
- 24 under this section may use the benefits transferred with-
- 25 out regard to the 15-year delimiting date specified in sec-

tion 3321 of this title, but may not, except as provided in subparagraph (B), use any benefits so transferred after 3 attaining the age of 26 years. 4 "(B)(i) Subject to clause (ii), in the case of a child who, before attaining the age of 26 years, is prevented from pursuing a chosen program of education by reason 6 of acting as the primary provider of personal care services 8 for a veteran or member of the Armed Forces under section 1720G(a) of this title, the child may use the benefits 10 beginning on the date specified in clause (iii) for a period whose length is specified in clause (iv). 12 "(ii) Clause (i) shall not apply with respect to the period of an individual as a primary provider of personal 13 care services if the period concludes with the revocation 14 15 of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title. 16 17 "(iii) The date specified in this clause for the beginning of the use of benefits by a child under clause (i) is 18 the later of— 19 20 "(I) the date on which the child ceases acting 21 as the primary provider of personal care services for 22 the veteran or member concerned as described in 23 clause (i); 24 "(II) the date on which it is reasonably feasible,

as determined under regulations prescribed by the

25

1	Secretary, for the child to initiate or resume the use
2	of benefits; or
3	"(III) the date on which the child attains the
4	age of 26 years.
5	"(iv) The length of the period specified in this clause
6	for the use of benefits by a child under clause (i) is the
7	length equal to the length of the period that—
8	"(I) begins on the date on which the child be-
9	gins acting as the primary provider of personal care
10	services for the veteran or member concerned as de-
11	scribed in clause (i); and
12	"(II) ends on the later of—
13	"(aa) the date on which the child ceases
14	acting as the primary provider of personal care
15	services for the veteran or member as described
16	in clause (i); or
17	"(bb) the date on which it is reasonably
18	feasible, as so determined, for the child to ini-
19	tiate or resume the use of benefits.
20	"(6) The purposes for which a dependent to whom
21	entitlement is transferred under this section may use such
22	entitlement shall include the pursuit and completion of the
23	requirements of a secondary school diploma (or equiva-
24	lency certificate).

1	"(7) The administrative provisions of this chapter
2	shall apply to the use of entitlement transferred under this
3	section, except that the dependent to whom the entitle-
4	ment is transferred shall be treated as the eligible indi-
5	vidual for purposes of such provisions.
6	"(i) Overpayment.—In the event of an overpayment
7	of educational assistance with respect to a dependent to
8	whom entitlement is transferred under this section, the de-
9	pendent and the individual making the transfer shall be
10	jointly and severally liable to the United States for the
11	amount of the overpayment for purposes of section 3685
12	of this title.
13	"(j) Regulations.—(1) The Secretary shall pre-
14	scribe regulations to carry out this section.
15	"(2) Such regulations shall specify—
16	"(A) the manner of authorizing the transfer of
17	entitlements under this section;
18	"(B) the eligibility criteria in accordance with
19	subsection (b); and
20	"(C) the manner and effect of an election to
21	modify or revoke a transfer of entitlement under
22	subsection $(f)(2)$.".
23	(b) Conforming Amendments.—
24	(1) Transfers by members of armed
25	FORCES.—The heading of section 3319 of such title

1	is amended by inserting "by members of the
2	Armed Forces" after "family members".
3	(2) Bar to duplication of educational as-
4	SISTANCE BENEFITS.—Section 3322(e) of such title
5	is amended by inserting "or 3319A" after "and
6	3319".
7	(c) Clerical Amendment.—The table of sections
8	at the beginning of chapter 33 of such title is amended
9	by striking the item relating to section 3319 and inserting
10	the following new items:
	"3319. Authority to transfer unused education benefits to family members by members of the Armed Forces.
	"3319A. Authority to transfer unused education benefits to family members by seriously injured veterans.".
11	SEC. 215. ENHANCEMENT OF SPECIAL COMPENSATION FOR
11	
12	MEMBERS OF THE UNIFORMED SERVICES
12	MEMBERS OF THE UNIFORMED SERVICES
12 13	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING
12 13 14	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.
12 13 14 15	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) Expansion of Covered Members.—Sub-
12 13 14 15	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) Expansion of Covered Members.—Subsection (b) of section 439 of title 37, United States Code,
112 113 114 115 116	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) EXPANSION OF COVERED MEMBERS.—Subsection (b) of section 439 of title 37, United States Code, is amended—
12 13 14 15 16 17	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) Expansion of Covered Members.—Subsection (b) of section 439 of title 37, United States Code, is amended— (1) by striking paragraphs (1) through (3) and
12 13 14 15 16 17 18	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) Expansion of Covered Members.—Subsection (b) of section 439 of title 37, United States Code, is amended— (1) by striking paragraphs (1) through (3) and inserting the following new paragraphs:
12 13 14 15 16 17 18 19	MEMBERS OF THE UNIFORMED SERVICES WITH INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING. (a) Expansion of Covered Members.—Subsection (b) of section 439 of title 37, United States Code, is amended— (1) by striking paragraphs (1) through (3) and inserting the following new paragraphs: "(1) has a serious injury or illness that was in-

1	or supervision) as a result of such injury or illness;
2	and"; and
3	(2) by redesignating paragraph (4) as para-
4	graph (3).
5	(b) Nontaxability of Special Compensation.—
6	Such section is further amended—
7	(1) by redesignating subsections (e), (f), (g),
8	and (h) as subsections (g), (h), (i), and (j), respec-
9	tively; and
10	(2) by inserting after subsection (d) the fol-
11	lowing new subsection (e):
12	"(e) Nontaxability of Compensation.—Monthly
13	special compensation paid under subsection (a) shall not
14	be included in income for purposes of the Internal Rev-
15	enue Code of 1986.".
16	(e) Provision of Assistance to Family Care-
17	GIVERS.—Such section is further amended by inserting
18	after subsection (e), as amended by subsection (b) of this
19	section, the following new subsection (f):
20	"(f) Assistance for Family Caregivers.—(1)
21	The Secretary of Veterans Affairs shall provide family
22	caregivers of a member in receipt of monthly special com-
23	pensation under subsection (a) the assistance required to
24	be provided to family caregivers of eligible veterans under
25	section 1720G(a)(3)(A) of title 38 (other than the monthly

personal caregiver stipend provided for in clause (ii)(V) of such section). For purposes of the provision of such 3 assistance under this subsection, the definitions in section 4 1720G(d) of title 38 shall apply, except that any reference 5 in such definitions to a veteran or eligible veteran shall 6 be deemed to be a reference to the member concerned. 7 "(2) The Secretary of Veterans Affairs shall provide 8 assistance under this subsection— 9 "(A) in accordance with a memorandum of un-10 derstanding entered into by the Secretary of Vet-11 erans Affairs and the Secretary of Defense; and 12 "(B) in accordance with a memorandum of un-13 derstanding entered into by the Secretary of Vet-14 erans Affairs and the Secretary of Homeland Secu-15 rity (with respect to members of the Coast Guard).". 16 (d) Expansion of Covered Injuries and Ill-NESSES.—Subsection (i) of such section, as redesignated by subsection (b)(1) of this section, is amended to read 18 19 as follows: 20 "(i) Serious Injury or Illness Defined.—In 21 this section, the term 'serious injury or illness' means an injury, disorder, or illness (including traumatic brain injury, psychological trauma, or other mental disorder)

24 that—

1	"(1) renders the afflicted person unable to
2	carry out one or more activities of daily living;
3	"(2) renders the afflicted person in need of su-
4	pervision or protection due to the manifestation by
5	such person of symptoms or residuals of neurological
6	or other impairment or injury;
7	"(3) renders the afflicted person in need of reg-
8	ular or extensive instruction or supervision in com-
9	pleting two or more instrumental activities of daily
10	living; or
11	"(4) otherwise impairs the afflicted person in
12	such manner as the Secretary of Defense (or the
13	Secretary of Homeland Security, with respect to the
14	Coast Guard) prescribes for purposes of this sec-
15	tion.".
16	(e) CLERICAL AMENDMENTS.—
17	(1) Heading amendment.—The heading for
18	such section is amended to read as follows:
19	"§ 439. Special compensation: members of the uni-
20	formed services with serious injuries or
21	illnesses requiring assistance in everyday
22	living".
23	(2) Table of Sections Amendment.—The
24	table of sections at the beginning of chapter 7 of

1	such title is amended by striking the item relating
2	to section 439 and inserting the following new item:
	"439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.".
3	SEC. 216. FLEXIBLE WORK ARRANGEMENTS FOR CERTAIN
4	FEDERAL EMPLOYEES.
5	(a) Definition of Covered Employee.—In this
6	section, the term "covered employee" means an employee
7	(as defined in section 2105 of title 5, United States Code)
8	who—
9	(1) is a caregiver, as defined in section 1720G
10	of title 38, United States Code; or
11	(2) is a caregiver of an individual who receives
12	compensation under section 439 of title 37, United
13	States Code.
14	(b) Authority To Allow Flexible Work Ar-
15	RANGEMENTS.—The Director of the Office of Personnel
16	Management may promulgate regulations under which a
17	covered employee may—
18	(1) use a flexible schedule or compressed sched-
19	ule in accordance with subchapter II of chapter 61
20	of title 5, United States Code; or
21	(2) telework in accordance with chapter 65 of
22	title 5, United States Code.

1 SEC. 217. LIFESPAN RESPITE CARE. 2 (a) Definitions.—Section 2901 of the Public 3 Health Service Act (42 U.S.C. 300ii) is amended— 4 (1) in paragraph (1)— 5 (A) by redesignating subparagraphs (A) 6 through (C) as clauses (i) through (iii), respec-7 tively, and realigning the margins accordingly; (B) by striking "who requires care or su-8 pervision to—" and inserting "who— 9 "(A) requires care or supervision to—"; 10 (C) by striking the period and inserting "; 11 12 or"; and 13 (D) by adding at the end the following: 14 "(B) is a veteran participating in the pro-15 gram of comprehensive assistance for family caregivers under section 1720G(a) of title 38, 16 17 United States Code."; and 18 (2) in paragraph (5), by striking "or another 19 unpaid adult," and inserting "another unpaid adult, 20 or a family caregiver as defined in section 1720G of 21 title 38, United States Code, who receives compensa-22 tion under such section,". 23 (b) Grants and Cooperative Agreements.—Section 2902(c) of the Public Health Service Act (42 U.S.C. 24 300ii–1(c)) is amended by inserting "and the interagency 25

working group on policies relating to caregivers of vet-

26

1	erans established under section 7 of the Military and Vet-
2	eran Caregiver Services Improvement Act of 2015" after
3	"Human Services".
4	(c) Authorization of Appropriations.—Section
5	2905 of the Public Health Service Act (42 U.S.C. 300ii–
6	4) is amended by striking "There are" and all that follows
7	through "2011." and inserting "There are authorized to
8	be appropriated to carry out this title \$15,000,000 for
9	each of fiscal years 2016 through 2020.".
10	SEC. 218. INTERAGENCY WORKING GROUP ON CAREGIVER
11	POLICY.
12	(a) Establishment.—There shall be established in
13	the executive branch an interagency working group on
14	policies relating to caregivers of veterans and members of
15	the Armed Forces (in this section referred to as the
16	"working group").
17	(b) Composition.—
18	(1) In general.—The working group shall be
19	composed of the following:
20	(A) A chair selected by the President.
21	(B) A representative from each of the fol-
22	lowing agencies or organizations selected by the
23	head of such agency or organization:
24	(i) The Department of Veterans Af-
25	fairs.

1	(ii) The Department of Defense.
2	(iii) The Department of Health and
3	Human Services.
4	(iv) The Department of Labor.
5	(v) The Centers for Medicare and
6	Medicaid Services.
7	(2) Advisors.—The chair may select any of
8	the following individuals that the chair considers ap-
9	propriate to advise the working group in carrying
10	out the duties of the working group:
11	(A) Academic experts in fields relating to
12	caregivers.
13	(B) Clinicians.
14	(C) Caregivers.
15	(D) Individuals in receipt of caregiver serv-
16	ices.
17	(c) Duties.—The duties of the working group are
18	as follows:
19	(1) To regularly review policies relating to care-
20	givers of veterans and members of the Armed
21	Forces.
22	(2) To coordinate and oversee the implementa-
23	tion of policies relating to caregivers of veterans and
24	members of the Armed Forces.

1	(3) To evaluate the effectiveness of policies re-
2	lating to caregivers of veterans and members of the
3	Armed Forces, including programs in each relevant
4	agency, by developing and applying specific goals
5	and performance measures.
6	(4) To develop standards of care for caregiver
7	services and respite care services provided to a care-
8	giver, veteran, or member of the Armed Forces by
9	a non-profit or private sector entity.
10	(5) To ensure the availability of mechanisms for
11	agencies, and entities affiliated with or providing
12	services on behalf of agencies, to enforce the stand-
13	ards described in paragraph (4) and conduct over-
14	sight on the implementation of such standards.
15	(6) To develop recommendations for legislative
16	or administrative action to enhance the provision of
17	services to caregivers, veterans, and members of the
18	Armed Forces, including eliminating gaps in such
19	services and eliminating disparities in eligibility for
20	such services.
21	(7) To coordinate with State and local agencies
22	and relevant non-profit organizations on maximizing
23	the use and effectiveness of resources for caregivers
24	of veterans and members of the Armed Forces.
25	(d) Reports.—

1	(1) IN GENERAL.—Not later than December 31,
2	2015, and annually thereafter, the chair of the work-
3	ing group shall submit to Congress a report on poli-
4	cies and services relating to caregivers of veterans
5	and members of the Armed Forces.
6	(2) Elements.—Each report required by para-
7	graph (1) shall include the following:
8	(A) An assessment of the policies relating
9	to caregivers of veterans and members of the
10	Armed Forces and services provided pursuant
11	to such policies as of the date of submittal of
12	the report.
13	(B) A description of any steps taken by
14	the working group to improve the coordination
15	of services for caregivers of veterans and mem-
16	bers of the Armed Forces among the entities
17	specified in subsection $(b)(1)(B)$ and eliminate
18	barriers to effective use of such services, includ-
19	ing aligning eligibility criteria.
20	(C) An evaluation of the performance of
21	the entities specified in subsection $(b)(1)(B)$ in
22	providing services for caregivers of veterans and
23	members of the Armed Forces.
24	(D) An evaluation of the quality and suffi-
25	ciency of services for caregivers of veterans and

1	members of the Armed Forces available from
2	non-governmental organizations.
3	(E) A description of any gaps in care or
4	services provided by caregivers to veterans or
5	members of the Armed Forces identified by the
6	working group, and steps taken by the entities
7	specified in subsection (b)(1)(B) to eliminate
8	such gaps or recommendations for legislative or
9	administrative action to address such gaps.
10	(F) Such other matters or recommenda-
11	tions as the chair considers appropriate.
12	SEC. 219. STUDIES ON POST-SEPTEMBER 11, 2001, VET-
13	ERANS AND SERIOUSLY INJURED VETERANS.
14	(a) Longitudinal Study on Post-9/11 Vet-
15	ERANS.—
16	(1) In General.—The Secretary of Veterans
17	Affairs shall provide for the conduct of a longitu-
18	dinal study on members of the Armed Forces who
19	commenced service in the Armed Forces after Sep-
20	tember 11, 2001.
21	(2) Grant or contract.—The Secretary shall
22	award a grant to, or enter into a contract with, an
23	appropriate entity unaffiliated with the Department
24	of Veterans Affairs to conduct the study required by
25	paragraph (1).

1	(3) Plan.—Not later than one year after the
2	date of the enactment of this Act, the Secretary
3	shall submit to the Committee on Veterans' Affairs
4	of the Senate and the Committee on Veterans' Af-
5	fairs of the House of Representatives a plan for the
6	conduct of the study required by paragraph (1).
7	(4) Reports.—Not later than October 1, 2019,
8	and not less frequently than once every four years
9	thereafter, the Secretary shall submit to the Com-
10	mittee on Veterans' Affairs of the Senate and the
11	Committee on Veterans' Affairs of the House of
12	Representatives a report on the results of the study
13	required by paragraph (1) as of the date of such re-
14	port.
15	(b) Comprehensive Study on Seriously In-
16	JURED VETERANS AND THEIR CAREGIVERS.—
17	(1) IN GENERAL.—The Secretary of Veterans
18	Affairs shall provide for the conduct of a comprehen-
19	sive study on the following:
20	(A) Veterans who have incurred a serious
21	injury or illness, including a mental health in-
22	jury.
23	(B) Individuals who are acting as care-
24	givers for veterans.

1	(2) Elements.—The comprehensive study re-
2	quired by paragraph (1) shall include the following
3	with respect to each veteran included in such study:
4	(A) The health of the veteran and, if appli-
5	cable, the impact of the caregiver of such vet-
6	eran on the health of such veteran.
7	(B) The employment status of the veteran
8	and, if applicable, the impact of the caregiver of
9	such veteran on the employment status of such
10	veteran.
11	(C) The financial status and needs of the
12	veteran.
13	(D) The use by the veteran of benefits
14	available to such veteran from the Department
15	of Veterans Affairs.
16	(E) Any other information that the Sec-
17	retary considers appropriate.
18	(3) Grant or contract.—The Secretary shall
19	award a grant to, or enter into a contract with, an
20	appropriate entity unaffiliated with the Department
21	of Veterans Affairs to conduct the study required by
22	paragraph (1).
23	(4) Report.—Not later than two years after
24	the date of the enactment of this Act, the Secretary
25	shall submit to the Committee on Veterans' Affairs

1	of the Senate and the Committee on Veterans' Af-
2	fairs of the House of Representatives a report on the
3	results of the study required by paragraph (1).
4	SEC. 220. INCREASE OF MAXIMUM AGE FOR CHILDREN ELI-
5	GIBLE FOR MEDICAL CARE UNDER CHAMPVA
6	PROGRAM.
7	(a) Increase.—Section 1781(c) of title 38, United
8	States Code, is amended—
9	(1) by striking "twenty-three" and inserting
10	"twenty-six"; and
11	(2) by striking "twenty-third birthday" and in-
12	serting "twenty-sixth birthday".
13	(b) Effective Date.—The amendments made by
14	subsection (a) shall apply with respect to medical care pro-
15	vided on or after the date of the enactment of this [title].
16	SEC. 221. EXPANSION OF REIMBURSEMENT OF VETERANS
17	FOR EMERGENCY TREATMENT AND URGENT
18	CARE.
19	(a) In General.—Section 1725 of title 38, United
20	States Code, is amended to read as follows:
21	"§ 1725. Reimbursement for emergency treatment
22	and urgent care
23	"(a) In General.—(1) Subject to the provisions of
24	this section, the Secretary shall reimburse a veteran de-
25	scribed in subsection (b) for the reasonable value of emer-

1	gency treatment or urgent care furnished the veteran in
2	a non-Department facility.
3	"(2) In any case in which reimbursement of a veteran
4	is authorized under paragraph (1), the Secretary may, in
5	lieu of reimbursing the veteran, make payment of the rea-
6	sonable value of the furnished emergency treatment or ur-
7	gent care directly—
8	"(A) to the hospital or other health care pro-
9	vider that furnished the treatment or care; or
10	"(B) to the person or organization that paid for
11	such treatment or care on behalf of the veteran.
12	"(b) Eligibility.—A veteran described in this sub-
13	section is an individual who—
14	"(1) is enrolled in the patient enrollment sys-
15	tem of the Department established and operated
16	under section 1705 of this title; and
17	"(2) has received care under this chapter dur-
18	ing the 24-month period preceding the furnishing of
19	the emergency treatment or urgent care for which
20	reimbursement is sought under this section.
21	"(c) Emergency Transportation.—Notwith-
22	standing section 111 of this title, reimbursement of emer-
23	gency treatment or urgent care under this section shall
24	include reimbursement for the reasonable value of emer-
25	gency transportation.

1	"(d) Responsibility for Payment.—The Sec-
2	retary shall be primarily responsible for reimbursing or
3	otherwise paying the reasonable value of emergency treat-
4	ment or urgent care under this section.
5	"(e) Limitations on Payment.—(1) The Secretary,
6	in accordance with regulations prescribed by the Secretary
7	for purposes of this section, shall—
8	"(A) establish the maximum amount payable
9	under subsection (a); and
10	"(B) delineate the circumstances under which
11	such payments may be made, including such require-
12	ments on requesting reimbursement as the Secretary
13	may establish.
14	"(2)(A) Payment by the Secretary under this section
15	on behalf of a veteran to a provider of emergency treat-
16	ment or urgent care shall, unless rejected and refunded
17	by the provider within 30 days of receipt—
18	"(i) constitute payment in full for the emer-
19	gency treatment or urgent care provided; and
20	"(ii) extinguish any liability on the part of the
21	veteran for that treatment or care.
22	"(B) Neither the absence of a contract or agreement
23	between the Secretary and a provider of emergency treat-
24	ment or urgent care nor any provision of a contract, agree-

1	ment, or assignment to the contrary shall operate to mod-
2	ify, limit, or negate the requirements of subparagraph (A)
3	"(C) A provider of emergency treatment or urgent
4	care may not seek to recover from any third party the
5	cost of emergency treatment or urgent care for which the
6	provider has received payment from the Secretary under
7	this section.
8	"(f) Recovery.—The United States has the right to
9	recover or collect reasonable charges for emergency treat-
10	ment or urgent care furnished under this section in ac-
11	cordance with the provisions of section 1729 of this title
12	"(g) Copayments.—(1) Except as provided in para-
13	graph (2), a veteran shall pay to the Department a copay-
14	ment (in an amount prescribed by the Secretary for pur-
15	poses of this section) for each episode of emergency treat-
16	ment or urgent care for which reimbursement is provided
17	to the veteran under this section.
18	"(2) The requirement under paragraph (1) to pay a
19	copayment does not apply to a veteran who—
20	"(A) would not be required to pay to the De-
21	partment a copayment for emergency treatment or
22	urgent care furnished at facilities of the Depart

23

ment;

1	"(B) meets an exemption specified by the Sec-
2	retary in regulations prescribed by the Secretary for
3	purposes of this section; or
4	"(C) is admitted to a hospital for treatment or
5	observation following, and in connection with, the
6	emergency treatment or urgent care for which the
7	veteran is provided reimbursement under this sec-
8	tion.
9	"(3) The requirement that a veteran pay a copayment
10	under this section shall apply notwithstanding the author-
11	ity of the Secretary to offset such a requirement with
12	amounts recovered from a third party under section 1729
13	of this title.
14	"(h) Definitions.—In this section:
15	"(1) The term 'emergency treatment' means
16	medical care or services furnished, in the judgment
17	of the Secretary—
18	"(A) when such care or services are ren-
19	dered in a medical emergency of such nature
20	that a prudent layperson reasonably expects
21	that delay in seeking immediate medical atten-
22	tion would be hazardous to life or health; and
23	"(B) until—
24	"(i) such time as the veteran can be
25	transferred safely to a Department facility

1	or community care provider authorized by
2	the Secretary and such facility or provider
3	is capable of accepting such transfer; or
4	"(ii) such time as a Department facil-
5	ity or community care provider authorized
6	by the Secretary accepts such transfer if—
7	"(I) at the time the veteran could
8	have been transferred safely to such a
9	facility or provider, no such facility or
10	provider agreed to accept such trans-
11	fer; and
12	"(II) the non-Department facility
13	in which such medical care or services
14	was furnished made and documented
15	reasonable attempts to transfer the
16	veteran to a Department facility or
17	community care provider.
18	"(2) The term 'health-plan contract' includes
19	any of the following:
20	"(A) An insurance policy or contract, med-
21	ical or hospital service agreement, membership
22	or subscription contract, or similar arrangement
23	under which health services for individuals are
24	provided or the expenses of such services are
25	paid.

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1	"(B) An insurance program described in
2	section 1811 of the Social Security Act (42
3	U.S.C. 1395c) or established by section 1831 of
4	such Act (42 U.S.C. 1395j).
5	"(C) A State plan for medical assistance
6	approved under title XIX of such Act (42
7	U.S.C. 1396 et seq.).
8	"(D) A workers' compensation law or plan
9	described in section 1729(a)(2)(A) of this title.
10	"(3) The term 'third party' means any of the
11	following:
12	"(A) A Federal entity.
13	"(B) A State or political subdivision of a
14	State.
15	"(C) An employer or an employer's insur-
16	ance carrier.
17	"(D) An automobile accident reparations
18	insurance carrier.
19	"(E) A person or entity obligated to pro-
20	vide, or to pay the expenses of, health services
21	under a health-plan contract.
22	"(4) The term 'urgent care' shall have the
23	meaning given that term by the Secretary in regula-
24	tions prescribed by the Secretary for purposes of
25	this section.".

1	(b) Repeal of Superseded Authority.—Section
2	1728 of such title is repealed.
3	(e) Clerical Amendments.—The table of sections
4	at the beginning of chapter 17 of such title is amended—
5	(1) by striking the item relating to section 1725
6	and inserting the following new item:
	"1725. Reimbursement for emergency treatment and urgent care."; and
7	(2) by striking the item relating to section
8	1728.
9	(d) Conforming Amendments.—
10	(1) Medical care for survivors and de-
11	PENDENTS.—Section 1781(a)(4) of such title is
12	amended by striking "(as defined in section 1725(f)
13	of this title)" and inserting "(as defined in section
14	1725(h) of this title)".
15	(2) Health care of family members of
16	VETERANS STATIONED AT CAMP LEJEUNE, NORTH
17	CAROLINA.—Section 1787(b)(3) of such title is
18	amended by striking "(as defined in section 1725(f)
19	of this title)" and inserting "(as defined in section
20	1725(h) of this title)".
21	(e) Regulations.—Not later than 270 days after
22	the date of the enactment of this Act, the Secretary shall
23	prescribe regulations to carry out the amendments made
24	by this section.

1	(f) Effective Date.—The amendments made by
2	this section shall take effect one year after the date of
3	the enactment of this Act.
4	SEC. 222. PROVISION OF REHABILITATIVE EQUIPMENT AND
5	HUMAN-POWERED VEHICLES TO CERTAIN
6	DISABLED VETERANS.
7	Section 1714(a) of title 38, United States Code, is
8	amended—
9	(1) by striking "Any veteran" and inserting
10	"(1) Any veteran"; and
11	(2) by adding at the end the following new
12	paragraph:
13	"(2)(A) The Secretary may furnish rehabilitative
14	equipment to any veteran who is entitled to a prosthetic
15	appliance.
16	"(B) In carrying out subparagraph (A), the Secretary
17	may modify non-rehabilitative equipment owned by a vet-
18	eran only if the veteran elects for such modification.
19	"(C) The Secretary shall annually submit to the
20	Committees on Veterans' Affairs of the House of Rep-
21	resentatives and the Senate a report on rehabilitative
22	equipment furnished to veterans under subparagraph (A).
23	Each such report shall include, with respect to the year
24	covered by the report—

1	"(i) the number of veterans eligible to receive
2	such rehabilitative equipment;
3	"(ii) the number of veterans who received such
4	rehabilitative equipment;
5	"(iii) the number of veterans who elected to re-
6	ceive modified equipment pursuant to subparagraph
7	(B); and
8	"(iv) any recommendations of the Secretary to
9	improve furnishing veterans with rehabilitative
10	equipment.
11	"(D) In this paragraph, the term rehabilitative
12	equipment' means—
13	"(i) rehabilitative equipment, including rec-
14	reational sports equipment that provide an adaption
15	or accommodation for the veteran, regardless of
16	whether such equipment is intentionally designed to
17	be adaptive equipment; and
18	"(ii) includes hand cycles, recumbent bicycles,
19	medically adapted upright bicycles, and upright bicy-
20	cles.".

Subtitle C—Health Care Quality 1 SEC. 231. ESTABLISHMENT OF OFFICE OF HEALTH CARE 3 QUALITY IN VETERANS HEALTH ADMINISTRA-4 TION. 5 (a) In General.—Subchapter I of chapter 73 of title 38. United States Code, is amended by adding at the end the following new section: 7 8 "§ 7310. Office of Health Care Quality 9 "(a) Establishment.—There is in the Veterans 10 Health Administration an Office of Health Care Quality (hereinafter in this section referred to as the 'Office'). The 11 12 Office shall oversee the implementation and dissemination across all medical facilities of the Department of best 13 practices, quality improvements, corrective actions, and Inspector General recommendations. 15 16 "(b) DIRECTOR.—(1) The head of the Office shall be a Director, who shall report directly to the Under Sec-17 18 retary for Health (without delegation). 19 "(2) Any person appointed as Director shall be— "(A) an established expert in the field of health 20 21 care quality, administration of medical facilities, or 22 similar fields; and 23 "(B) qualified to carry out the duties of the Of-

fice based on demonstrated experience and expertise.

24

1	"(c) Functions.—The functions of the Office are as
2	follows:
3	"(1) To develop and maintain a system to pro-
4	vide notice to all medical facilities of the Department
5	of any applicable best practices, quality improve-
6	ments, corrective actions, and Inspector General rec-
7	ommendations.
8	"(2) To monitor the compliance of such medical
9	facilities with such best practices, quality improve-
10	ments, corrective actions, and Inspector General rec-
11	ommendations.
12	"(d) Resources.—The Secretary shall ensure that
13	the Director has sufficient resources to carry out the re-
14	sponsibilities of the Director in a timely manner.
15	"(e) Report.—The Director shall submit to Con-
16	gress an annual report on the progress of the medical fa-
17	cilities of the Department in implementing applicable best
18	practices, quality improvements, corrective actions, and
19	Inspector General recommendations.".
20	(b) Clerical Amendment.—The table of sections
21	at the beginning of such chapter is amended by inserting
22	after the item relating to section 7309 the following new
23	item:
	"7310. Office of Health Care Quality.".
24	(c) Deadline for Implementation.—Not later

25 than one year after the date of the enactment of this Act,

1	the Director of the Office of Health Care Quality, as es-
2	tablished under section 7310 of title 38, United States
3	Code, as added by subsection (a), shall develop an initial
4	system for proving the notice required under such section
5	7310.
6	Subtitle D—Medical Workforce
7	SEC. 241. DISREGARD OF RESIDENT SLOTS THAT INCLUDE
8	VA TRAINING AGAINST THE MEDICARE GRAD-
9	UATE MEDICAL EDUCATION LIMITATIONS.
10	(a) Direct GME.—Section 1886(h)(4)(F) of the So-
11	cial Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amend-
12	ed by adding at the end the following new clause:
13	"(iii) Disregard of Certain Resi-
14	DENT SLOTS THAT INCLUDE VA TRAIN-
15	ING.—For portions of cost reporting peri-
16	ods beginning on or after July 1, 2016, in
17	applying the limitations regarding the total
18	number of full-time equivalent residents in
19	the field of allopathic or osteopathic medi-
20	cine under clause (i) in a hospital's ap-
21	proved medical residency training program,
22	the Secretary shall not take into account
23	any resident within such program that
24	counts towards meeting the obligation of
25	the Secretary of Veterans Affairs under

1	section 301(b)(2) of the Veterans Access,
2	Choice, and Accountability Act of 2014
3	(Public Law 113–146; 38 U.S.C. 7302
4	note).''.
5	(b) Indirect GME.—Section 1886(d)(5)(B)(v) of
6	the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v))
7	is amended, in the second sentence, by striking "sub-
8	section (h)(4)(F)(ii)" and inserting "clauses (ii) and (iii)
9	of subsection $(h)(4)(F)$ ".
10	SEC. 242. EXTENSION OF PERIOD FOR INCREASE IN GRAD-
11	UATE MEDICAL EDUCATION RESIDENCY PO-
12	SITIONS AT MEDICAL FACILITIES OF THE DE-
13	PARTMENT OF VETERANS AFFAIRS.
14	(a) In General.—Paragraph (2) of section 301(b)
15	of the Veterans Access, Choice, and Accountability Act of
16	2014 (Public Law 113–146; 38 U.S.C. 7302 note) is
17	amended—
18	(1) in the paragraph heading, by striking
19	"FIVE-YEAR" and inserting "TEN-YEAR"; and
20	(2) in subparagraph (A), by striking "5-year
21	period" and inserting "10-year period".
22	
	(b) Report.—Paragraph (3)(A) of such section is

1	SEC. 243. RECRUITMENT OF PHYSICIANS IN DEPARTMENT
2	OF VETERANS AFFAIRS.
3	(a) In General.—Section 7402(b)(1) of title 38,
4	United States Code, is amended—
5	(1) by inserting "or to be offered a contingent
6	appointment to such position," after "position,"; and
7	(2) by striking subparagraph (B) and inserting
8	the following new subparagraph (B):
9	"(B)(i) have completed a residency program
10	satisfactory to the Secretary; or
11	"(ii) with respect to an offer for a contingent
12	appointment upon the completion of a post-graduate
13	training program, complete such a residency pro-
14	gram by not later than two years after the date of
15	such offer; and".
16	(b) Oversight of Graduate Medical Education
17	Programs.—The Secretary shall—
18	(1) ensure that a recruiter or other similar offi-
19	cial of each Veterans Integrated Service Network
20	visits, not less than annually, each allopathic and os-
21	teopathic teaching institution with a graduate med-
22	ical education program within the Network to re-
23	cruit individuals to be appointed to positions in the
24	Veterans Health Administration: and

1	(2) submit to Congress an annual report on the
2	implementation of paragraph (1), including the suc-
3	cess of such recruiting efforts.
4	Subtitle E—Mental Health Care
5	SEC. 251. STANDARD OF PROOF FOR SERVICE-CONNECTION
6	OF MENTAL HEALTH CONDITIONS RELATED
7	TO MILITARY SEXUAL TRAUMA.
8	(a) STANDARD OF PROOF.—Section 1154 of title 38,
9	United States Code, is amended by adding at the end the
10	following new subsection:
11	"(c)(1) In the case of any veteran who claims that
12	a covered mental health condition was incurred in or ag-
13	gravated by military sexual trauma during active military,
14	naval, or air service, the Secretary shall accept as suffi-
15	cient proof of service-connection a diagnosis of such men-
16	tal health condition by a mental health professional to-
17	gether with satisfactory lay or other evidence of such trau-
18	ma and an opinion by the mental health professional that
19	such covered mental health condition is related to such
20	military sexual trauma, if consistent with the cir-
21	cumstances, conditions, or hardships of such service, not-
22	withstanding the fact that there is no official record of
23	such incurrence or aggravation in such service, and, to
24	that end, shall resolve every reasonable doubt in favor of
25	the veteran. Service-connection of such covered mental

1	health condition may be rebutted by clear and convincing
2	evidence to the contrary. The reasons for granting or de-
3	nying service-connection in each case shall be recorded in
4	full.
5	"(2) For purposes of this subsection, in the absence
6	of clear and convincing evidence to the contrary, and pro-
7	vided that the claimed military sexual trauma is consistent
8	with the circumstances, conditions, or hardships of the
9	veteran's service, the veteran's lay testimony alone may
10	establish the occurrence of the claimed military sexual
11	trauma.
12	"(3) In this subsection:
13	"(A) The term 'covered mental health condi-
14	tion' means post-traumatic stress disorder, anxiety,
15	depression, or other mental health diagnosis de-
16	scribed in the current version of the Diagnostic and
17	Statistical Manual of Mental Disorders published by
18	the American Psychiatric Association that the Sec-
19	retary determines to be related to military sexual
20	trauma.
21	"(B) The term 'military sexual trauma' means,
22	with respect to a veteran, psychological trauma,
23	which in the judgment of a mental health profes-
24	sional, resulted from a physical assault of a sexual
25	nature, battery of a sexual nature, or sexual harass-

1	ment which occurred during active military, naval,
2	or air service.".
3	(b) Annual Reports.—
4	(1) In General.—Subchapter VI of chapter 11
5	of title 38, United States Code, is amended by add-
6	ing at the end the following new section:
7	"SEC. 1164. REPORTS ON CLAIMS FOR DISABILITIES IN-
8	CURRED OR AGGRAVATED BY MILITARY SEX-
9	UAL TRAUMA.
10	"(a) Reports.—Not later than December 1, 2016,
11	and each year thereafter through 2020, the Secretary shall
12	submit to Congress a report on covered claims submitted
13	during the previous fiscal year.
14	"(b) Elements.—Each report under subsection (a)
15	shall include the following:
16	"(1) The number of covered claims submitted
17	to or considered by the Secretary during the fiscal
18	year covered by the report.
19	"(2) Of the covered claims listed under para-
20	graph (1), the number and percentage of such
21	claims—
22	"(A) submitted by each sex;
23	"(B) that were approved, including the
24	number and percentage of such approved claims
25	submitted by each sex; and

1	"(C) that were denied, including the num-
2	ber and percentage of such denied claims sub-
3	mitted by each sex.
4	"(3) Of the covered claims listed under para-
5	graph (1) that were approved, the number and per-
6	centage, listed by each sex, of claims assigned to
7	each rating percentage.
8	"(4) Of the covered claims listed under para-
9	graph (1) that were denied—
10	"(A) the three most common reasons given
11	by the Secretary under section 5104(b)(1) of
12	this title for such denials; and
13	"(B) the number of denials that were
14	based on the failure of a veteran to report for
15	a medical examination.
16	"(5) The number of covered claims that, as of
17	the end of the fiscal year covered by the report, are
18	pending and, separately, the number of such claims
19	on appeal.
20	"(6) For the fiscal year covered by the report,
21	the average number of days that covered claims take
22	to complete beginning on the date on which the
23	claim is submitted.
24	"(7) A description of the training that the Sec-
25	retary provides to employees of the Veterans Bene-

1	fits Administration specifically with respect to cov-
2	ered claims, including the frequency, length, and
3	content of such training.
4	"(c) Definitions.—In this section:
5	"(1) The term 'covered claims' means claims
6	for disability compensation submitted to the Sec-
7	retary based on a covered mental health condition
8	alleged to have been incurred or aggravated by mili-
9	tary sexual trauma.
10	"(2) The term 'covered mental health condition'
11	has the meaning given that term in subparagraph
12	(A) of section $1154(c)(3)$ of this title.
13	"(3) The term 'military sexual trauma' has the
14	meaning given that term in subparagraph (B) of
15	such section.".
16	(2) CLERICAL AMENDMENT.—The table of sec-
17	tions at the beginning of such chapter is amended
18	by adding at the end the following new item:
	"1164. Annual reports on claims for disabilities incurred or aggravated by military sexual trauma.".
19	(e) Effective Date.—Subsection (e) of section
20	1154 of title 38, United States Code, as added by sub-
21	section (a), shall apply with respect to any claim for dis-
22	ability compensation under laws administered by the Sec-
23	retary of Veterans Affairs for which no final decision has
24	been made before the date of the enactment of this Act.

Subtitle F—Opioid Therapy and Pain Management

2	Pain Management
3	SEC. 261. FINDINGS; SENSE OF CONGRESS.
4	(a) FINDINGS.—Congress makes the following find-
5	ings:
6	(1) Many veterans and their families have been
7	affected by the national opioid epidemic caused in
8	part by the prescription of opioid medication to
9	manage pain.
10	(2) Prescription opioid overdose rates for vet-
11	erans receiving medical care furnished by the De-
12	partment of Veterans Affairs are twice the national
13	average.
14	(3) More than 50 percent of veterans receiving
15	such care are suffering from chronic pain.
16	(4) Almost one in three veterans receiving such
17	care are prescribed opioids to manage pain.
18	(5) Many veterans prescribed opioids for the
19	management of chronic pain are at risk of devel-
20	oping a dependency on opioids.
21	(6) Many veterans receive health care from both
22	the Department and community providers but the
23	lack of care coordination among the Department and
24	community providers when veterans receive pur-
25	chased care places veterans at risk for poor health

1	outcomes and results in inefficient use of finite
2	health care resources.
3	(7) Veteran-centric care coordination is associ-
4	ated with improved patient outcomes, as Department
5	and non-Department health care teams coordinate
6	and collaborate to provide the best care for veterans.
7	(b) Sense of Congress.—It is the sense of Con-
8	gress that—
9	(1) veterans suffering from opioid dependency
10	should receive timely access to treatment and social
11	services at Department of Veterans Affairs facilities
12	or through qualified community providers and
13	should have care and services managed and coordi-
14	nated by the Department of Veterans Affairs;
15	(2) veterans who are authorized by the Sec-
16	retary of Veterans Affairs to receive opioid addiction
17	treatment in the community must not lose the high
18	quality, safety, care coordination, and other veteran-
19	centric elements that the health care system of the
20	Department of Veterans Affairs provides; and
21	(3) if the Secretary purchases care for veterans
22	from a community provider, such care must be se-
23	cured in a cost-effective manner, in a way that com-
24	plements the larger health care system of the De-

1	partment by using industry standards for care and
2	costs.
3	SEC. 262. PILOT PROGRAM TO IMPROVE TREATMENT FOR
4	VETERANS SUFFERING FROM OPIOID ADDIC-
5	TION AND CHRONIC PAIN.
6	(a) In General.—Beginning not later than 120
7	days after the date of the enactment of this Act, the Sec-
8	retary of Veterans Affairs shall conduct a pilot program
9	under which the Secretary provides health and social serv-
10	ices and coordination of care and case management to cov-
11	ered veterans in need of treatment for opioid addiction and
12	chronic pain through facilities of the Department and
13	through qualified non-Department health care providers.
14	(b) Program Locations.—
15	(1) In general.—The pilot program shall be
16	carried out within at least five areas within different
17	States.
18	(2) Selection.—
19	(A) IN GENERAL.—The Secretary shall se-
20	lect five States with Department medical facili-
21	ties to participate in the pilot program. Each of
22	the five Department facilities selected shall be
23	located in States that demonstrate—
24	(i) the need for additional resources to
25	provide health care services, including

1	mental health, chronic pain management
2	and social services to veterans in need of
3	treatment for opioid abuse based upon the
4	community assessment in subsection (a) of
5	this section;
6	(ii) demographic, population, and cen-
7	sus data showing the highest rates per
8	capita of opioid addiction in the United
9	States or greater demand in the veteran
10	patient population than capacity in facili-
11	ties of the Department for treatment for
12	opioid addiction; and
13	(iii) lack of sufficient Department ca-
14	pacity to meet the demand of all patients
15	in need of treatment for opioid addiction.
16	(B) Other requirements.—In addition
17	to the requirements in subparagraph (A), not
18	fewer than four of the five selected States shall
19	include—
20	(i) at least one highly rural county, as
21	determined by the Secretary upon consid-
22	eration of the most recent decennial census
23	with the highest per capita rate of opioid
24	addiction;

1	(ii) an urban county as determined by
2	the Secretary upon consideration of the
3	most recent decennial census with the larg-
4	est population per capita of opioid addic-
5	tion;
6	(iii) a county as determined by the
7	Secretary in a State with one of the high-
8	est statistically significant drug and opioid
9	overdose death rate increases from 2013 to
10	2014 according to the Centers for Disease
11	Control and Prevention and a low expendi-
12	ture of funding per capita on substance
13	abuse treatment in comparison to other
14	States; and
15	(iv) a county as determined by the
16	Secretary in a State with a high rate per
17	capita of veterans diagnosed with chronic
18	pain and prescribed prescription opioids.
19	(c) Provision of Services Through Con-
20	TRACT.—The Secretary may provide health care services
21	to veterans under the pilot program by entering into con-
22	tracts with non-Department health care providers which
23	are qualified to provide such services, as determined by
24	the Secretary.

1	(d) Exchange of Medical Information.—In con-
2	ducting the pilot program under this section, the Secretary
3	shall develop and use a functional capability to provide for
4	the exchange of appropriate medical information between
5	the Department and any non-Department provider with
6	which the Secretary enters into a contract under sub-
7	section (c).
8	(e) Report.—Not later than the 30 days after the
9	end of each year in which the pilot program under this
10	section is conducted, the Secretary shall submit to the
11	Committee on Veterans' Affairs of the Senate and the
12	Committee on Veterans' Affairs of the House of Rep-
13	resentatives a report which includes—
14	(1) the assessment of the Secretary of the pilot
15	program during the preceding year, including its
16	cost, volume, quality, patient satisfaction, benefit to
17	veterans, and such other findings and conclusions
18	with respect to the pilot program as the Secretary
19	considers appropriate; and
20	(2) such recommendations as the Secretary con-
21	siders appropriate regarding—
22	(A) the continuation of the pilot program;
23	(B) extension of the pilot program to addi-
24	tional Veterans Integrated Service Networks of
25	the Department; and

1	(C) making the pilot program permanent.
2	(f) COVERED VETERAN.—In this section, the term
3	"covered veteran" means a veteran who—
4	(1) is enrolled in the system of patient enroll-
5	ment established under section 1705(a) of title 38,
6	United States Code, as of the date of the commence-
7	ment of the pilot program under subsection $(a)(2)$;
8	(2) is eligible for health care under section
9	1710(e)(3)(C) of title 38, United States Code; or
10	(3) is determined by the Secretary to be in need
11	of treatment for opioid addiction and chronic pain.
12	(g) TERMINATION.—The authority to carry out a
13	pilot program under this section shall terminate on the
14	date that is three years after the date of the commence-
15	ment of the pilot program.
16	SEC. 263. ASSESSMENT OF DEPARTMENT AND NON-DE-
17	PARTMENT CAPABILITIES TO TREAT OPIOID
18	DEPENDENCY AND ENSURE ACCESS TO
19	NEEDED HEALTH CARE SERVICES.
20	(a) Assessment of Department Capabilities.—
21	The Secretary shall conduct an assessment of the capabili-
22	ties of the Department of Veterans Affairs, using such
23	data, including demographic data and patient access data,
24	as the Secretary determines necessary to provide—

1	(1) health care services related to the treatment
2	of opioid dependency and abuse, including mental
3	health, opioid agonist treatment, social services, and
4	non-opioid chronic pain management necessary for
5	treating opioid addiction nationally, regionally, and
6	locally;
7	(2) management of chronic pain without the
8	long-term use of opioids, including alternative thera-
9	pies such as physical therapy, chiropractic care, acu-
10	puncture, massage, exercise programs, and other
11	such evidence-based and experimental treatments;
12	(3) evidence-based methods for safely reducing
13	the dose and duration of the prescription of opioids
14	for patients;
15	(4) methods by which health care services are
16	coordinated by the Department when care is pro-
17	vided by community providers; and
18	(5) the manner by which the Department en-
19	sures placement of veterans in need of treatment for
20	opioid dependency in treatment programs within a
21	clinically sufficient time period according to pub-
22	lished practice guidelines for the treatment of pa-
23	tients with opioid dependency.
24	(b) Assessment of Non-Department Capabili-
25	TIES.—In addition to the assessment required under sub-

- 1 section (a), the Secretary shall concurrently conduct an
- 2 assessment of community providers to provide health care,
- 3 mental health, social services, and alternative chronic pain
- 4 management treatments necessary for the treatment of
- 5 veterans diagnosed with an opioid addiction and for the
- 6 treatment of veterans suffering from chronic pain.
- 7 (c) COMMUNITY PROVIDERS.—In this section, the
- 8 term "community provider" means a non-Department of
- 9 Veterans Affairs health care provider or social services
- 10 provider determined by the Secretary as capable of pro-
- 11 viding health care services related to the treatment of
- 12 opioid dependency and abuse, including mental health,
- 13 opioid agonist treatment, social services, and non-opioid
- 14 chronic pain management.
- 15 (d) Report.—At the conclusion of the assessments
- 16 conducted under this section, and not later than one year
- 17 after the date of the enactment of this Act, the Secretary
- 18 shall submit to the Committees on Veterans' Affairs of
- 19 the Senate and House of Representatives a comprehensive
- 20 summary of the results of the assessments, including any
- 21 implementation plans resulting from such assessments,
- 22 and any recommendations for ways to better enable the
- 23 Department to provide health care services within the pro-
- 24 grams and facilities of the Department and in coordina-

1	tion with community providers to veterans needing treat-
2	ment for pain management and opioid addiction.
3	SEC. 264. INCREASED ACCESS TO NALOXONE AND OTHER
4	TREATMENTS FOR REVERSING OPIOID OVER-
5	DOSE.
6	(a) In General.—The Secretary of Veterans Affairs
7	shall require all appropriate health care facilities of the
8	Department of Veterans Affairs, and all Vet Centers and
9	other Department facilities providing mental health and
10	social services to veterans, to have a supply of naloxone
11	or other medication for reversing opioid overdose.
12	(b) Training on Use of Medication.—The Sec-
13	retary shall ensure that all appropriate employees of the
14	Department who are employed at facilities referred to in
15	subsection (a) receive training on the administration of
16	naloxone or other medication for reversing opioid overdose.
17	Subtitle G—Toxic Exposure
18	SEC. 271. CENTER OF EXCELLENCE IN PREVENTION, DIAG-
19	NOSIS, MITIGATION, TREATMENT, AND REHA-
20	BILITATION OF HEALTH CONDITIONS RELAT-
21	ING TO EXPOSURE TO BURN PITS AND OTHER
22	ENVIRONMENTAL EXPOSURES.
23	(a) Establishment.—The Secretary of Veterans
24	Affairs shall establish within the Department of Veterans
25	Affairs a center of excellence in the prevention, diagnosis,

1	mitigation, treatment, and rehabilitation of health condi-
2	tions relating to exposure to burn pits and other environ-
3	mental exposures to carry out the responsibilities specified
4	in subsection (d). Such center shall be established using—
5	(1) the directives, policies, and Comptroller
6	General and Inspector General recommendations in
7	effect as of the date of the enactment of this Act;
8	and
9	(2) guidance issued pursuant to section 313 of
10	the National Defense Authorization Act for Fiscal
11	Year 2013 (Public Law 112–239; 126 Stat. 1692;
12	10 U.S.C. 1074 note).
13	(b) Selection of Sites.—In selecting the site for
14	the center of excellence established under subsection (a),
15	the Secretary of Veterans Affairs shall consider entities
16	that—
17	(1) are equipped with the specialized equipment
18	needed to study, diagnose, and treat health condi-
19	tions relating to exposure to burn pits and other en-
20	vironmental exposures;
21	(2) have a publication track record of post-de-
22	ployment health exposures among veterans who
23	served in the Armed Forces in support of Operation
24	Iragi Freedom and Operation Enduring Freedom;

1	(3) have collaborated with a geosciences depart-
2	ment that has a medical geology division;
3	(4) have developed animal models and in vitro
4	models of dust immunology and lung injury con-
5	sistent with the injuries of members of the Armed
6	Forces who served in support of Operation Iraqi
7	Freedom and Operation Enduring Freedom; and
8	(5) have expertise in allergy and immunology,
9	pulmonary diseases, and industrial and management
10	engineering.
11	(c) Collaboration.—The Secretary shall ensure
12	that the center of excellence collaborates, to the maximum
13	extent practicable, with the Secretary of Defense, institu-
14	tions of higher education, and other appropriate public
15	and private entities (including international entities) to
16	carry out the responsibilities specified in subsection (d).
17	(d) Responsibilities.—The center of excellence
18	shall have the following responsibilities:
19	(1) To provide for the development, testing, and
20	dissemination within the Department of Veterans
21	Affairs of best practices for the treatment of health
22	conditions relating to exposure to burn pits and
23	other environmental exposures.
24	(2) To provide guidance for the health system
25	of the Department of Veterans Affairs and the De-

1	partment of Defense in determining the personnel
2	required to provide quality health care for members
3	of the Armed Forces and veterans with health condi-
4	tions relating to exposure to burn pits and other en-
5	vironmental exposures.
6	(3) To establish, implement, and oversee a com-
7	prehensive program to train health professionals of
8	the Department of Veterans Affairs and the Depart-
9	ment of Defense in the treatment of health condi-
10	tions relating to exposure to burn pits and other en-
11	vironmental exposures.
12	(4) To facilitate advancements in the study of
13	the short-term and long-term effects of exposure to
14	burn pits and other environmental exposures.
15	(5) To disseminate within the military medical
16	treatment facilities of the Department of Veterans
17	Affairs best practices for training health profes-
18	sionals with respect to health conditions relating to
19	exposure to burn pits and other environmental expo-
20	sures.
21	(6) To conduct basic science and translational
22	research on health conditions relating to exposure to
23	burn pits and other environmental exposures for the
24	purposes of understanding the etiology of such con-

1	ditions and developing preventive interventions and
2	new treatments.
3	(7) To provide medical treatment to all veterans
4	identified as part of the burn pits registry estab-
5	lished under section 201 of the Dignified Burial and
6	Other Veterans' Benefits Improvement Act of 2012
7	(Public Law 112–260; 38 U.S.C. 527 note).
8	(e) Use of Burn Pits Registry Data.—In car-
9	rying out its responsibilities under subsection (d), the cen-
10	ter shall have access to and make use of the data accumu-
11	lated by the burn pits registry established under section
12	201 of the Dignified Burial and Other Veterans' Benefits
13	Improvement Act of 2012 (Public Law 112–260; 38
14	U.S.C. 527 note).
15	(f) Definitions.—In this section:
16	(1) The term "burn pit" means an area of land
17	located in Afghanistan or Iraq that—
18	(A) is designated by the Secretary of De-
19	fense to be used for disposing solid waste by
20	burning in the outdoor air; and
21	(B) does not contain a commercially manu-
22	factured incinerator or other equipment specifi-
23	cally designed and manufactured for the burn-
24	ing of solid waste.

1	(2) The term "other environmental exposures"
2	means exposure to environmental hazards, including
3	burn pits, dust or sand, hazardous materials, and
4	waste at any site in Afghanistan or Iraq that emits
5	smoke containing pollutants present in the environ-
6	ment or smoke from fires or explosions.
7	(g) AUTHORIZATION OF APPROPRIATIONS.—There is
8	authorized to be appropriated to carry out this section
9	\$30,000,000 for each of fiscal years 2016 through 2021.
10	TITLE III—EDUCATION
11	Subtitle A—GI Bill Oversight
12	SEC. 301. DEPARTMENT OF VETERANS AFFAIRS INSPECTOR
13	GENERAL HEIGHTENED SCRUTINY OF PRO-
14	GRAMS OF EDUCATION.
11	
15	(a) In General.—Subchapter II of chapter 36 of
	(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the
15 16	
15 16 17	title 38, United States Code, is amended by adding at the
15 16 17	title 38, United States Code, is amended by adding at the end the following new section:
15 16 17 18	title 38, United States Code, is amended by adding at the end the following new section: "§ 3699. Inspector General heightened scrutiny of
15 16 17 18 19	title 38, United States Code, is amended by adding at the end the following new section: "§ 3699. Inspector General heightened scrutiny of programs of education
15 16 17 18 19 20	title 38, United States Code, is amended by adding at the end the following new section: "§ 3699. Inspector General heightened scrutiny of programs of education "(a) Heightened Scrutiny Required.—The In-
15 16 17 18 19 20 21	title 38, United States Code, is amended by adding at the end the following new section: "§ 3699. Inspector General heightened scrutiny of programs of education "(a) Heightened Scrutiny Required.—The Inspector General of the Department shall apply heightened scrutiny to any program of education if any Federal or

1	leading practices that are potentially in violation of section
2	3696 of this title.
3	"(b) Notice to Students.—(1) Upon commence-
4	ment of heightened scrutiny with respect to a program of
5	education under this section, the Secretary shall provide
6	notice of the heightened scrutiny and the reasons for such
7	heightened scrutiny to any individual who—
8	"(A) is enrolled in a course of education ap-
9	proved under this chapter provided by the program
10	of education; and
11	"(B) is entitled to educational assistance under
12	the laws administered by the Secretary.
13	"(2) The Secretary shall provide to any individual
14	who receives notice under this subsection advice that the
15	individual—
16	"(A) request a copy of the individual's tran-
17	script; and
18	"(B) seek counseling from an appropriate advi-
19	sor about transferring any credits earned at the pro-
20	gram of education.
21	"(c) Monitoring of Allegations.—The Secretary
22	shall monitor allegations of deceptive and misleading prac-
23	tices made against programs of education offering courses
24	of education approved for purposes of this chapter, includ-
25	ing Federal and State investigations. The Secretary shall

- 1 include information about any such allegation on the GI
- 2 Bill Comparison Tool, or any similar Internet website of
- 3 the Department.".
- 4 (b) CLERICAL AMENDMENT.—The table of sections
- 5 at the beginning of such chapter is amended by adding
- 6 at the end of the items relating to subchapter II the fol-
- 7 lowing new item:

"3699. Inspector General heightened scrutiny of programs of education.".

- 8 SEC. 302. DEPARTMENT OF VETERANS AFFAIRS DIS-
- 9 APPROVAL OF COURSES OF EDUCATION OF-
- 10 FERED BY INSTITUTIONS OF HIGHER LEARN-
- 11 ING ACCUSED OF CERTAIN DECEPTIVE OR
- 12 MISLEADING PRACTICES.
- 13 Section 3679 of title 38, United States Code, is
- 14 amended by adding at the end the following new sub-
- 15 section:
- 16 "(d)(1) The Secretary shall disapprove a course of
- 17 education provided by an institution of higher learning if
- 18 the Secretary determines pursuant to heightened scrutiny
- 19 applied by the Inspector General under section 3699 of
- 20 this title that the institution of higher learning has en-
- 21 gaged in practices that are in violation of section 3696
- 22 of this title.
- 23 "(2) The Secretary shall provide counseling services
- 24 to individuals enrolled in a course of education dis-

1	approved under paragraph (1) to assist such individuals
2	in transferring to another institution of higher learning.".
3	SEC. 303. INTERAGENCY WORKING GROUP ON PROGRAMS
4	OF EDUCATION EMPLOYING DECEPTIVE OR
5	MISLEADING PRACTICES.
6	The Secretary of Veterans Affairs, in collaboration
7	with the Secretary of Education, the Secretary of Defense,
8	the Commissioner of the Federal Trade Commission, the
9	Commissioner of the Securities and Exchange Commis-
10	sion, and the Director of the Bureau of Consumer Finan-
11	cial Protection, shall establish an interagency working
12	group to—
13	(1) share information regarding programs of
14	education that employ deceptive or misleading prac-
15	tices; and
16	(2) enter into memorandum of understanding
17	under which the Inspector Generals of each relevant
18	department or agency agree to share information to
19	determine if funds from other Federal programs are
20	affected when one department or agency takes ac-
21	tion to investigate a program of education for decep-
22	tive or misleading practices.

1	SEC. 304. APPROVAL OF COURSES FOR PURPOSES OF EDU-
2	CATIONAL ASSISTANCE PROGRAMS ADMINIS-
3	TERED BY SECRETARY OF VETERANS AF-
4	FAIRS.
5	(a) Approval of Non-Accredited Courses.—
6	Subsection (c) of section 3676 of title 38, United States
7	Code, is amended—
8	(1) by redesignating paragraph (14) as para-
9	graph (16); and
10	(2) by inserting after paragraph (13) the fol-
11	lowing new paragraphs:
12	"(14) In the case of a program designed to pre-
13	pare an individual for licensure or certification in a
14	State, the program meets any instructional cur-
15	riculum licensure or certification requirements of
16	such State.
17	"(15) In the case of a program designed to pre-
18	pare an individual for employment pursuant to
19	standards developed by a board or agency of a State
20	in an occupation that requires approval or licensure,
21	the program is approved or licensed by such board
22	or agency of the State.".
23	(b) Exceptions.—Such section is further amended
24	by adding at the end the following new subsection:
25	"(f)(1) The Secretary may waive the requirements of
26	paragraph (14) or (15) of subsection (c) in the case of

1	a program of education offered by an educational institu-
2	tion if the Secretary determines all of the following:
3	"(A) The educational institution is not accred-
4	ited by an agency or association recognized by the
5	Secretary of Education.
6	"(B) The program did not meet the require-
7	ments of such paragraph at any time during the
8	two-year period preceding the date of the waiver.
9	"(C) The waiver furthers the purposes of the
10	educational assistance programs administered by the
11	Secretary or would further the education interests of
12	individuals eligible for assistance under such pro-
13	grams.
14	"(D) The educational institution does not pro-
15	vide any commission, bonus, or other incentive pay-
16	ment based directly or indirectly on success in secur-
17	ing enrollments or financial aid to any persons or
18	entities engaged in any student recruiting or admis-
19	sion activities or in making decisions regarding the
20	award of student financial assistance, except for the
21	recruitment of foreign students residing in foreign
22	countries who are not eligible to receive Federal stu-
23	dent assistance.
24	"(2) Not later than 30 days after the Secretary issues
25	a waiver under paragraph (1), the Secretary shall submit

- 1 to Congress notice of the waiver and the justification of
- 2 the Secretary for issuing the waiver.".
- 3 (c) Approval of Accredited Programs.—Section
- 4 3675(b)(3) of such title is amended—
- 5 (1) by striking "and (3)" and inserting "(3),
- 6 (14), and (15)"; and
- 7 (2) by inserting before the period at the end the
- 8 following: "(or, with respect to such paragraphs (14)
- 9 and (15), the requirements under such paragraphs
- are waived pursuant to subsection (f) of section
- 11 3676)".
- 12 (d) DISAPPROVAL OF COURSES.—Section 3679 of
- 13 such title is amended by adding at the end the following
- 14 new subsection:
- 15 "(d) Notwithstanding any other provision of this
- 16 chapter, the Secretary shall disapprove a course of edu-
- 17 cation described in section 3676(c)(14) or (15) unless the
- 18 educational institution providing the course of education
- 19 publicly discloses any conditions or additional require-
- 20 ments, including training, experience, or exams, required
- 21 to obtain the license, certification, or approval for which
- 22 the course of education is designed to provide prepara-
- 23 tion.".
- 24 (e) Conforming Amendment.—Section
- 25 3672(b)(2)(A)(i) of such title is amended by striking "An

1	accredited" and inserting "Except as provided in para-
2	graphs (14) and (15) of section 3676(c) of this title, an
3	accredited".
4	(f) Applicability.—If after enrollment in a course
5	of education that is subject to disapproval by reason of
6	an amendment made by this [Act], an individual pursues
7	one or more courses of education at the same educational
8	institution while remaining continuously enrolled (other
9	than during regularly scheduled breaks between courses,
10	semesters or terms) at that institution, any course so pur-
11	sued by the individual at that institution while so continu-
12	ously enrolled shall not be subject to disapproval by reason
13	of such amendment.
13	
14	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR
14	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR
14 15	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER
14151617	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.
14151617	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20)
14 15 16 17 18	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—
141516171819	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended— (1) in subsection (a)(24)—
14 15 16 17 18 19 20	SEC. 305. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended— (1) in subsection (a)(24)— (A) by inserting "that receives funds pro-
14 15 16 17 18 19 20 21	PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended— (1) in subsection (a)(24)— (A) by inserting "that receives funds provided under this title" before ", such institu-
14 15 16 17 18 19 20 21 22	PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION. Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended— (1) in subsection (a)(24)— (A) by inserting "that receives funds provided under this title" before ", such institution"; and

1	than Federal educational assistance, as defined
2	in subsection (d)(5) and calculated in accord-
3	ance with subsection (d)(1)"; and
4	(2) in subsection (d)—
5	(A) in the subsection heading, by striking
6	"Non-Title IV" and inserting "Non-Fed-
7	ERAL EDUCATIONAL";
8	(B) in paragraph (1)—
9	(i) in the matter preceding subpara-
10	graph (A), by inserting "that receives
11	funds provided under this title" before
12	"shall";
13	(ii) in subparagraph (B)—
14	(I) in clause (i), by striking "as-
15	sistance under this title" and insert-
16	ing "Federal educational assistance";
17	and
18	(II) in clause (ii)(I), by inserting
19	", or on a military base if the admin-
20	istering Secretary for a program of
21	Federal educational assistance under
22	clause (ii), (iii), or (iv) of paragraph
23	(5)(B) has authorized such location"
24	before the semicolon;

1	(iii) in subparagraph (C), by striking
2	"program under this title" and inserting
3	"program of Federal educational assist-
4	ance";
5	(iv) in subparagraph (E), by striking
6	"funds received under this title" and in-
7	serting "Federal educational assistance";
8	and
9	(v) in subparagraph (F)—
10	(I) in clause (iii), by striking
11	"under this title" and inserting "of
12	Federal educational assistance"; and
13	(II) in clause (iv), by striking
14	"under this title" and inserting "of
15	Federal educational assistance";
16	(C) in paragraph (2)—
17	(i) by striking subparagraph (A) and
18	inserting the following:
19	"(A) Ineligibility.—
20	"(i) In General.—Notwithstanding
21	any other provision of law, a proprietary
22	institution of higher education receiving
23	funds provided under this title that fails to
24	meet a requirement of subsection (a)(24)
25	for two consecutive institutional fiscal

1	years shall be ineligible to participate in or
2	receive funds under any program of Fed-
3	eral educational assistance for a period of
4	not less than two institutional fiscal years.
5	"(ii) Regaining eligibility.—To re-
6	gain eligibility to participate in or receive
7	funds under any program of Federal edu-
8	cational assistance after being ineligible
9	pursuant to clause (i), a proprietary insti-
10	tution of higher education shall dem-
11	onstrate compliance with all eligibility and
12	certification requirements for the program
13	for a minimum of two consecutive institu-
14	tional fiscal years after the institutional
15	fiscal year in which the institution became
16	ineligible. In order to regain eligibility to
17	participate in any program of Federal edu-
18	cational assistance under this title, such
19	compliance shall include meeting the re-
20	quirements of section 498 for such 2-year
21	period.
22	"(iii) Notification of ineligi-
23	BILITY.—The Secretary of Education shall
24	determine when a proprietary institution of
25	higher education that receives funds under

1	this title is ineligible under clause (i) and
2	shall notify all other administering Secre-
3	taries of the determination.
4	"(iv) Enforcement.—Each admin-
5	istering Secretary for a program of Fed-
6	eral educational assistance shall enforce
7	the requirements of this subparagraph for
8	the program concerned upon receiving no-
9	tification under clause (iii) of a proprietary
10	institution of higher education's ineligi-
11	bility."; and
12	(ii) in subparagraph (B)—
13	(I) in the matter preceding clause
14	(i)—
15	(aa) by striking "In addi-
16	tion" and all that follows through
17	"education fails" and inserting
18	"Notwithstanding any other pro-
19	vision of law, in addition to such
20	other means of enforcing the re-
21	quirements of a program of Fed-
22	eral educational assistance as
23	may be available to the admin-
24	istering Secretary, if a propri-
25	etary institution of higher edu-

1	cation that receives funds pro-
2	vided under this title fails"; and
3	(bb) by striking "the pro-
4	grams authorized by this title"
5	and inserting "all programs of
6	Federal educational assistance";
7	and
8	(II) in clause (i), by inserting
9	"with respect to a program of Federal
10	educational assistance under this
11	title," before "on the expiration date";
12	(D) in paragraph (4)(A), by striking
13	"sources under this title" and inserting "Fed-
14	eral educational assistance"; and
15	(E) by adding at the end the following:
16	"(5) Definitions.—In this subsection:
17	"(A) Administering secretary.—The
18	term 'administering Secretary' means the Sec-
19	retary of Education, the Secretary of Defense,
20	the Secretary of Veterans Affairs, the Secretary
21	of Homeland Security, or the Secretary of a
22	military department responsible for admin-
23	istering the Federal educational assistance con-
24	cerned.

1	"(B) Federal educational assist-
2	ANCE.—The term 'Federal educational assist-
3	ance' means funds provided under any of the
4	following provisions of law:
5	"(i) This title.
6	"(ii) Chapter 30, 31, 32, 33, 34, or
7	35 of title 38, United States Code.
8	"(iii) Chapter 101, 105, 106A, 1606,
9	1607, or 1608 of title 10, United States
10	Code.
11	"(iv) Section 1784a of title 10, United
12	States Code.".
13	SEC. 306. DEPARTMENT OF DEFENSE AND DEPARTMENT OF
14	VETERANS AFFAIRS ACTIONS ON INELIGI-
15	BILITY OF CERTAIN PROPRIETARY INSTITU-
16	TIONS OF HIGHER EDUCATION FOR PARTICI-
17	PATION IN PROGRAMS OF EDUCATIONAL AS-
18	SISTANCE.
19	(a) Department of Defense.—
20	(1) In General.—Chapter 101 of title 10,
21	United States Code, is amended by inserting after
22	section 2008 the following new section:

1	"§ 2008a. Ineligibility of certain proprietary institu-
2	tions of higher education for participa-
3	tion in Department of Defense programs
4	of educational assistance
5	"(a) In General.—Upon receipt of a notice from
6	the Secretary of Education under clause (iii) of section
7	487(d)(2)(A) of the Higher Education Act of 1965 (20
8	U.S.C. 1094(d)(2)(A)) that a proprietary institution of
9	higher education is ineligible for participation in or receipt
10	of funds under any program of Federal educational assist-
11	ance by reason of such section, the Secretary of Defense
12	shall ensure that no educational assistance under the pro-
13	visions of law specified in subsection (b) is available or
14	used for education at the institution for the period of insti-
15	tutional fiscal years covered by such notice.
16	"(b) Covered Assistance.—The provisions of law
17	specified in this subsection are the provisions of law on
18	educational assistance through the Department of Defense
19	as follows:
20	"(1) This chapter.
21	"(2) Chapters 105, 106A, 1606, 1607, and
22	1608 of this title.
23	"(3) Section 1784a of this title.
24	"(c) Notice on Ineligibility.—(1) The Secretary
25	of Defense shall take appropriate actions to notify persons
26	receiving or eligible for educational assistance under the

1	provisions of law specified in subsection (b) of the applica-
2	tion of the limitations in section 487(d)(2) of the Higher
3	Education Act of 1965 to particular proprietary institu-
4	tions of higher education.
5	"(2) The actions taken under this subsection with re-
6	spect to a proprietary institution shall include publication,
7	on the Internet website of the Department of Defense that
8	provides information to persons described in paragraph
9	(1), of the following:
10	"(A) The name of the institution.
11	"(B) The extent to which the institution failed
12	to meet the requirements of section 487(a)(24) of
13	the Higher Education Act of 1965.
14	"(C) The length of time the institution will be
15	ineligible for participation in or receipt of funds
16	under any program of Federal educational assistance
17	by reason of section 487(d)(2)(A) of that Act.
18	"(D) The nonavailability of educational assist-
19	ance through the Department for enrollment, at-
20	tendance, or pursuit of a program of education at
21	the institution by reason of such ineligibility.".
22	(2) CLERICAL AMENDMENT.—The table of sec-
23	tions at the beginning of chapter 101 of such title
24	is amended by inserting after the item relating to
25	section 2008 the following new item:

"2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.".

1	(b) Department of Veterans Affairs.—
2	(1) IN GENERAL.—Subchapter II of chapter 36
3	of title 38, United States Code, is amended by in-
4	serting after section 3681 the following new section:
5	"§ 3681A. Ineligibility of certain proprietary institu-
6	tions of higher education for participa-
7	tion in Department of Veterans Affairs
8	programs of educational assistance
9	"(a) In General.—Upon receipt of a notice from
10	the Secretary of Education under clause (iii) of section
11	487(d)(2)(A) of the Higher Education Act of 1965 (20
12	U.S.C. 1094(d)(2)(A)) that a proprietary institution of
13	higher education is ineligible for participation in or receipt
14	of funds under any program of Federal educational assist-
15	ance by reason of such section, the Secretary of Veterans
16	Affairs shall ensure that no educational assistance under
17	the provisions of law specified in subsection (b) is available
18	or used for education at the institution for the period of
19	institutional fiscal years covered by such notice.
20	"(b) Covered Assistance.—The provisions of law
21	specified in this subsection are the provisions of law on
22	educational assistance through the Department under
23	chapters 30, 31, 32, 33, 34, and 35 of this title.

1	"(c) Notice on Ineligibility.—(1) The Secretary
2	of Veterans Affairs shall take appropriate actions to notify
3	persons receiving or eligible for educational assistance
4	under the provisions of law specified in subsection (b) of
5	the application of the limitations in section 487(d)(2) of
6	the Higher Education Act of 1965 to particular propri-
7	etary institutions of higher education.
8	"(2) The actions taken under this subsection with re-
9	spect to a proprietary institution shall include publication,
10	on the Internet website of the Department that provides
11	information to persons described in paragraph (1), of the
12	following:
13	"(A) The name of the institution.
14	"(B) The extent to which the institution failed
15	to meet the requirements of section 487(a)(24) of
16	the Higher Education Act of 1965.
17	"(C) The length of time the institution will be
18	ineligible for participation in or receipt of funds
19	under any program of Federal educational assistance
20	by reason of section $487(d)(2)(A)$ of that Act.
21	"(D) The nonavailability of educational assist-
22	ance through the Department for enrollment, at-
23	tendance, or pursuit of a program of education at
24	the institution by reason of such ineligibility.".

1	(2) CLERICAL AMENDMENT.—The table of sec-
2	tions at the beginning of chapter 36 of such title is
3	amended by inserting after the item relating to sec-
4	tion 3681 the following new item:
	"3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.".
5	Subtitle B—Supports for Student
6	Veterans
7	SEC. 311. RESTORATION OF ENTITLEMENT TO EDU-
8	CATIONAL ASSISTANCE AND OTHER RELIEF
9	FOR VETERANS AFFECTED BY CLOSURES OF
10	EDUCATIONAL INSTITUTIONS.
11	(a) Educational Assistance.—
12	(1) In general.—Section 3312 of title 38,
13	United States Code, is amended by adding at the
14	end the following new subsection:
15	"(d) Discontinuation of Education Due to
16	CLOSURE OF EDUCATIONAL INSTITUTION.—
17	"(1) In general.—Any payment of edu-
18	cational assistance described in paragraph (2) shall
19	not—
20	"(A) be charged against any entitlement to
21	educational assistance of the individual con-
22	cerned under this chapter; or
23	"(B) be counted against the aggregate pe-
24	riod for which section 3695 of this title limits

1	the individual's receipt of educational assistance
2	under this chapter.
3	"(2) Description of Payment of Edu-
4	CATIONAL ASSISTANCE.—Subject to paragraph (3),
5	the payment of educational assistance described in
6	this paragraph is the payment of such assistance to
7	an individual for pursuit of a course or courses
8	under this chapter if the Secretary finds that the in-
9	dividual—
10	"(A) was forced to discontinue such course
11	pursuit as a result of a permanent closure of an
12	educational institution; and
13	"(B) did not receive credit, or lost training
14	time, toward completion of the program of edu-
15	cation being pursued at the time of such clo-
16	sure.
17	"(3) Period for which payment not
18	CHARGED.—The period for which, by reason of this
19	subsection, educational assistance is not charged
20	against entitlement or counted toward the applicable
21	aggregate period under section 3695 of this title
22	shall not exceed the aggregate of—
23	"(A) the portion of the period of enroll-
24	ment in the course or courses from which the
25	individual failed to receive credit or with respect

1	to which the individual lost training time, as de-
2	termined under paragraph (2)(B), and
3	"(B) the period by which monthly stipend
4	is extended under section 3680(a)(2)(B) of this
5	title.".
6	(2) Applicability.—Subsection (d) of such
7	section, as added by paragraph (1), shall apply with
8	respect to courses and programs of education discon-
9	tinued as described in subparagraph (A) or (B) of
10	paragraph (2) of such subsection in fiscal year 2015
11	or any fiscal year thereafter.
12	(b) Monthly Housing Stipend.—
13	(1) In general.—Section 3680(a) of such title
14	is amended—
15	(A) by striking the matter after paragraph
16	(3)(B);
17	(B) in paragraph (3), by redesignating
18	subparagraphs (A) and (B) as clauses (i) and
19	(ii), respectively;
20	(C) by redesignating paragraphs (1)
21	through (3) as subparagraphs (A) through (C),
22	respectively;
23	(D) in the matter before subparagraph
24	(A), as redesignated, in the first sentence, by
25	striking "Payment of" and inserting "(1) Ex-

1	cept as provided in paragraph (2), payment of";
2	and
3	(E) by adding at the end the following new
4	paragraph (2):
5	"(2) Notwithstanding paragraph (1), the Secretary
6	may, pursuant to such regulations as the Secretary shall
7	prescribe, continue to pay allowances to eligible veterans
8	and eligible persons enrolled in courses set forth in para-
9	graph (1)(A)—
10	"(A) during periods when schools are tempo-
11	rarily closed under an established policy based on an
12	Executive order of the President or due to an emer-
13	gency situation, except that the total number of
14	weeks for which allowances may continue to be so
15	payable in any 12-month period may not exceed four
16	weeks; or
17	"(B) solely for the purpose of awarding a
18	monthly housing stipend described in section 3313
19	of this title, during periods following a permanent
20	school closure, except that payment of such a sti-
21	pend may only be continued until the earlier of—
22	"(i) the date of the end of the term, quar-
23	ter, or semester during which the school closure
24	occurred; and

1	"(ii) the date that is 4 months after the
2	date of the school closure.".
3	(2) Conforming Amendment.—Paragraph
4	(1)(C)(ii) of such section, as redesignated, is amend-
5	ed by striking "described in subclause (A) of this
6	clause" and inserting "described in clause (ii)".
7	SEC. 312. WORK-STUDY ALLOWANCE.
8	Section 3485(a)(4) of title 38, United States Code,
9	is amended by striking "June 30, 2013" each place it ap-
10	pears and inserting "June 30, 2020".
11	SEC. 313. COSTS OF APPLYING TO INSTITUTION OF HIGHER
12	LEARNING.
13	(a) In General.—Chapter 33 of title 38, United
14	States Code, is amended by inserting after section 3315A
15	the following new section:
16	"§3315B. Costs of applying to institution of higher
17	learning
18	"(a) In General.—An individual entitled to edu-
19	cational assistance under this chapter shall also be entitled
20	to educational assistance for the application fee required
21	to apply to an approved program of education at an insti-
22	tution of higher learning.
23	"(b) Amount.—The total amount of educational as-
24	sistance payable under this chapter to an individual for
25	applications described in subsection (a) is the lesser of—

1	"(1) the total application fees charged to the in-
2	dividual by the institutions of higher learning; or
3	"(2) \$750.
4	"(c) Charge Against Entitlement.—The number
5	of months (and any fraction thereof) of entitlement
6	charged an individual under this chapter for an applica-
7	tion described in subsection (a) shall be determined at the
8	rate of one month for each amount that equals the amount
9	determined under section $3315A(c)(2)$ of this title.".
10	(b) CLERICAL AMENDMENT.—The table of sections
11	at the beginning of such chapter is amended by inserting
12	after the item relating to section 3315A the following new
13	item:
	"3315B. Costs of applying to institution of higher learning.".
14	SEC. 314. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND
15	IMPROVE VETERAN STUDENT CENTERS.
16	Title VIII of the Higher Education Act of 1965 is
17	amended by striking part T (20 U.S.C. 1161t) and insert-
18	ing the following:
19	"PART T—GRANTS FOR VETERAN STUDENT
20	CENTERS
21	"SEC. 873. GRANTS FOR VETERAN STUDENT CENTERS.
22	"(a) Grants Authorized.—Subject to the avail-
23	ability of appropriations under subsection (i), the Sec-
24	retary shall award grants to institutions of higher edu-

1	assist in the establishment, maintenance, improvement,
2	and operation of Veteran Student Centers. The Secretary
3	shall award not more than 30 grants under this sub-
4	section.
5	"(b) Eligibility.—
6	"(1) Application.—An institution or consor-
7	tium seeking a grant under subsection (a) shall sub-
8	mit to the Secretary an application at such time, in
9	such manner, and containing such information as
10	the Secretary may require.
11	"(2) Criteria.—The Secretary may award a
12	grant under subsection (a) to an institution or a
13	consortium if the institution or consortium meets
14	each of the following criteria:
15	"(A) The institution or consortium enrolls
16	in undergraduate or graduate courses—
17	"(i) a significant number of veteran
18	students, members of the Armed Forces
19	serving on active duty, and members of a
20	reserve component of the Armed Forces; or
21	"(ii) a significant percentage of vet-
22	eran students,
23	as measured by comparing the overall enrollment of
24	the institution or consortium to the number, for the
25	most recent academic year for which data are avail-

1	able, of veteran students, members of the Armed
2	Forces serving on active duty, and members of a re-
3	serve component of the Armed Forces who are en-
4	rolled in undergraduate or graduate courses at the
5	institution or consortium.
6	"(B) The institution or consortium pre-
7	sents a sustainability plan to demonstrate that
8	its Veteran Student Center will be maintained
9	and will continue to operate after the grant pe-
10	riod of the grant received under subsection (a)
11	has ended.
12	"(3) Additional Criteria.—In awarding
13	grants under subsection (a), the Secretary—
14	"(A) shall consider institutions or con-
15	sortia representing a broad spectrum of sectors
16	and sizes, including institutions or consortia
17	from urban, suburban, and rural regions of the
18	United States; and
19	"(B) may provide consideration to institu-
20	tions or consortia that meet one or more of the
21	following criteria:
22	"(i) The institution or consortium is
23	located in a region or community that has
24	a significant population of veterans.

1	"(ii) The institution or consortium
2	carries out programs or activities that as-
3	sist veterans in the local community and
4	the spouses of veteran students.
5	"(iii) The institution or consortium
6	partners in its veteran-specific program-
7	ming with non-profit veteran service orga-
8	nizations, local workforce development or-
9	ganizations, or institutions of higher edu-
10	cation.
11	"(iv) The institution or consortium
12	commits to hiring a staff at the Veteran
13	Student Center that includes veterans (in-
14	cluding veteran student volunteers and vet-
15	eran students participating in a Federal
16	work-study program under part C of title
17	IV, a work-study program administered by
18	the Secretary of Veteran Affairs, or a
19	State work-study program).
20	"(v) The institution or consortium
21	commits to using a portion of the grant re-
22	ceived under this section to develop an
23	early-warning veteran student retention
24	program carried out by the Veteran Stu-
25	dent Center.

1	"(vi) The institution or consortium
2	commits to providing mental health coun-
3	seling to its veteran students and their
4	spouses.
5	"(c) USE OF FUNDS.—
6	"(1) In general.—An institution or consor-
7	tium that is awarded a grant under subsection (a)
8	shall use such grant to establish, maintain, improve,
9	or operate a Veteran Student Center.
10	"(2) Other allowable uses.—An institution
11	or consortium receiving a grant under subsection (a)
12	may use a portion of such funds to carry out sup-
13	portive instruction services for student veterans, in-
14	cluding—
15	"(A) assistance with special admissions
16	and transfer of credit from previous postsec-
17	ondary education or experience; and
18	"(B) any other support services the insti-
19	tution or consortium determines to be necessary
20	to ensure the success of veterans on campus in
21	achieving education and career goals.
22	"(d) Amounts Awarded.—
23	"(1) Duration.—Each grant awarded under
24	subsection (a) shall be for a 4-year period.

1	"(2) Total amount of grant and sched-
2	ULE.—Each grant awarded under subsection (a)
3	may not exceed a total of \$500,000. The Secretary
4	shall disburse to an institution or consortium the
5	amounts awarded under the grant in such amounts
6	and at such times during the grant period as the
7	Secretary determines appropriate.
8	"(e) Report.—From the amounts appropriated to
9	carry out this section, and not later than 3 years after
10	the date on which the first grant is awarded under sub-
11	section (a), the Secretary shall submit to Congress a re-
12	port on the grant program established under subsection
13	(a), including—
14	"(1) the number of grants awarded;
15	"(2) the institutions of higher education and
16	consortia that have received grants;
17	"(3) with respect to each such institution of
18	higher education and consortium—
19	"(A) the amounts awarded;
20	"(B) how such institution or consortium
21	used such amounts;
22	"(C) a description of the students to whom
23	services were offered as a result of the award;
24	and

1	"(D) data enumerating whether the use of
2	the amounts awarded helped veteran students
3	at the institution or consortium toward comple-
4	tion of a degree, certificate, or credential;
5	"(4) best practices for veteran student success,
6	identified by reviewing data provided by institutions
7	and consortia that received a grant under this sec-
8	tion; and
9	"(5) a determination by the Secretary with re-
10	spect to whether the grant program under this sec-
11	tion should be extended or expanded.
12	"(f) Termination.—The authority of the Secretary
13	to carry out the grant program established under sub-
14	section (a) shall terminate on the date that is 4 years after
15	the date on which the first grant is awarded under sub-
16	section (a).
17	"(g) Department of Education Best Practices
18	Website.—Subject to the availability of appropriations
19	under subsection (i) and not later than 3 years after the
20	date on which the first grant is awarded under subsection
21	(a), the Secretary shall develop and implement a website
22	for veteran student services at institutions of higher edu-
23	cation, which details best practices for serving veteran stu-
24	dents at institutions of higher education.
25	"(h) DEFINITIONS —In this section:

1	"(1) Institution of higher education.—
2	The term 'institution of higher education' has the
3	meaning given the term in section 101.
4	"(2) Veteran student center.—The term
5	'Veteran Student Center' means a dedicated space
6	on a campus of an institution of higher education
7	that provides students who are veterans or members
8	of the Armed Forces with the following:
9	"(A) A lounge or meeting space for such
10	veteran students, their spouses or partners, and
11	veterans in the community.
12	"(B) A centralized office for veteran serv-
13	ices that—
14	"(i) is a single point of contact to co-
15	ordinate comprehensive support services
16	for veteran students;
17	"(ii) is staffed by trained employees
18	and volunteers, which includes veterans
19	and at least one full-time employee or vol-
20	unteer who is trained as a veterans' bene-
21	fits counselor;
22	"(iii) provides veteran students with
23	assistance relating to—
24	"(I) transitioning from the mili-
25	tary to student life;

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1	"(II) transitioning from the mili-
2	tary to the civilian workforce;
3	"(III) networking with other vet-
4	eran students and veterans in the
5	community;
6	"(IV) understanding and obtain-
7	ing benefits provided by the institu-
8	tion of higher education, Federal Gov-
9	ernment, and State for which such
10	students may be eligible;
11	"(V) understanding how to suc-
12	ceed in the institution of higher edu-
13	cation, including by understanding
14	academic policies, the course selection
15	process, and institutional policies and
16	practices related to the transfer of
17	academic credits; and
18	"(VI) understanding their dis-
19	ability-related rights and protections
20	under the Americans with Disabilities
21	Act of 1990 (42 U.S.C. 12101 et seq.)
22	and section 504 of the Rehabilitation
23	Act of 1973 (29 U.S.C. 794); and
24	"(iv) provides comprehensive academic
25	and tutoring services for veteran students,

1	including peer-to-peer tutoring and aca-
2	demic mentorship.
3	"(i) AUTHORIZATION OF APPROPRIATIONS.—There
4	are authorized to be appropriated to carry out this part
5	such sums as may be necessary for fiscal year 2016 and
6	each of the 3 succeeding fiscal years.".
7	SEC. 315. CONTINUATION OF AWARDS.
8	An institution of higher education that received a
9	grant under section 873 of the Higher Education Act of
10	1965 (20 U.S.C. 1161t) before the date of enactment of
11	this Act, as such section 873 (20 U.S.C. 1161t) was in
12	effect on the day before the date of enactment of this Act,
13	shall continue to receive funds in accordance with the
14	terms and conditions of such grant.
15	SEC. 316. DEPARTMENT OF VETERANS AFFAIRS GRANTS TO
16	EDUCATIONAL INSTITUTIONS FOR PROVI-
17	SION OF CHILD CARE SERVICES.
18	(a) In General.—Subchapter II of chapter 36 of
19	title 38, United States Code, is amended by adding at the
20	end the following new section:
21	"§ 3699. Grants to educational institutions for provi-
22	sion of child care services
23	"(a) In General.—The Secretary may make a grant
24	to an eligible educational institution for the purpose of
25	providing child care services on the campus of the edu-

1	cational institution to students enrolled in courses of edu-
2	cation offered by the educational institution.
3	"(b) ELIGIBLE EDUCATIONAL INSTITUTION.—To be
4	eligible for a grant under this section, an educational insti-
5	tution shall—
6	"(1) offer a course of education that is ap-
7	proved as provided in this chapter and chapters 34
8	and 35 of this title by the State approving agency
9	where the educational institution is located; and
10	"(2) submit to the Secretary an application
11	containing such information and assurances as the
12	Secretary may require.
13	"(c) Use of Funds.—(1) An educational institution
14	that receives a grant under this section shall use the grant
15	to—
16	"(A) establish or expand a child care center on
17	the campus of the educational institution; or
18	"(B) pay the costs of providing child care serv-
19	ices to students enrolled in courses of education of-
20	fered by the educational institution at a child care
21	center located on the campus of the educational in-
22	stitution.
23	"(2) The Secretary shall require, as a condition of
24	a grant under this section, that the educational institution
25	that receives the grant provides at least 75 percent of the

1	new child care services funded by the grant to students
2	who are veterans.
3	"(d) Limitation.—The Secretary may not make
4	more than 50 grants under this section for fiscal year
5	2016.
6	"(e) Authorization of Appropriations.—There
7	is authorized to be appropriated such sums as may be nec-
8	essary to carry out this section.".
9	(b) CLERICAL AMENDMENT.—The table of sections
10	at the beginning of such chapter is amended by inserting
11	at the end of the items relating to subchapter II the fol-
12	lowing new item:
	"3699. Grants to educational institutions for provision of child care services.".
13	SEC. 317. PILOT PROGRAM TO PROVIDE EDUCATIONAL AS-
13 14	SEC. 317. PILOT PROGRAM TO PROVIDE EDUCATIONAL AS- SISTANCE TO PHYSICIAN ASSISTANTS TO BE
14	SISTANCE TO PHYSICIAN ASSISTANTS TO BE
14 15	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VET-
14 15 16	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VETERANS AFFAIRS.
14 15 16 17	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VET- ERANS AFFAIRS. (a) PILOT PROGRAM.—
14 15 16 17	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VET- ERANS AFFAIRS. (a) PILOT PROGRAM.— (1) IN GENERAL.—The Secretary of Veterans
114 115 116 117 118	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VET- ERANS AFFAIRS. (a) PILOT PROGRAM.— (1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to be known
14 15 16 17 18 19 20	SISTANCE TO PHYSICIAN ASSISTANTS TO BE EMPLOYED AT THE DEPARTMENT OF VET- ERANS AFFAIRS. (a) PILOT PROGRAM.— (1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to be known as the "Grow Our Own Directive" or "G.O.O.D."
14 15 16 17 18 19 20 21	EMPLOYED AT THE DEPARTMENT OF VETERANS AFFAIRS. (a) PILOT PROGRAM.— (1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to be known as the "Grow Our Own Directive" or "G.O.O.D." pilot program (in this section referred to as the
14 15 16 17 18 19 20 21	EMPLOYED AT THE DEPARTMENT OF VETERANS AFFAIRS. (a) PILOT PROGRAM.— (1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to be known as the "Grow Our Own Directive" or "G.O.O.D." pilot program (in this section referred to as the "pilot program") to provide educational assistance

1	(2) Information on Pilot Program.—The
2	Secretary shall provide information on the pilot pro-
3	gram to eligible individuals under subsection (b), in-
4	cluding information on application requirements and
5	a list of entities with which the Secretary has
6	partnered under subsection (g).
7	(b) ELIGIBLE INDIVIDUALS.—An individual is eligi-
8	ble to participate in the pilot program if the individual—
9	(1) has medical or military health experience
10	gained while serving as a member of the Armed
11	Forces;
12	(2) has received a certificate, associate degree,
13	baccalaureate degree, master's degree, or
14	postbaccalaureate training in a science relating to
15	health care;
16	(3) has participated in the delivery of health
17	care services or related medical services, including
18	participation in military training relating to the
19	identification, evaluation, treatment, and prevention
20	of diseases and disorders; and
21	(4) does not have a degree of doctor of medi-
22	cine, doctor of osteopathy, or doctor of dentistry.
23	(c) Duration.—The pilot program shall be carried
24	out during the five-year period beginning on the date that
25	is 180 days after the date of the enactment of this Act.

1	(d) Selection.—
2	(1) In General.—The Secretary shall select
3	not less than 250 eligible individuals under sub-
4	section (b) to participate in the pilot program.
5	(2) Priority for Selection.—In selecting in-
6	dividuals to participate in the pilot program under
7	paragraph (1), the Secretary shall give priority to
8	the following individuals:
9	(A) Individuals who participated in the In-
10	termediate Care Technician Pilot Program of
11	the Department that was carried out by the
12	Secretary between January 2011 and February
13	2015.
14	(B) Individuals who agree to be employed
15	as a physician assistant for the Veterans Health
16	Administration at a medical facility of the De-
17	partment located in a community that—
18	(i) is designated as a medically under-
19	served population under section
20	330(b)(3)(A) of the Public Health Service
21	Act $(42 \text{ U.S.C. } 254b(b)(3)(A))$; and
22	(ii) is in a State with a per capita
23	population of veterans of more than 9 per-
24	cent according to the National Center for

1	Veterans Analysis and Statistics and the
2	United States Census Bureau.
3	(e) EDUCATIONAL ASSISTANCE.—
4	(1) In general.—In carrying out the pilot
5	program, the Secretary shall provide educational as-
6	sistance to individuals participating in the pilot pro-
7	gram, including through the use of scholarships, to
8	cover the costs to such individuals of obtaining a
9	master's degree in physician assistant studies or a
10	similar master's degree.
11	(2) Use of existing programs.—In pro-
12	viding educational assistance under paragraph (1),
13	the Secretary shall use the Department of Veterans
14	Affairs Health Professionals Educational Assistance
15	Program under chapter 76 of title 38, United States
16	Code, and such other educational assistance pro-
17	grams of the Department as the Secretary considers
18	appropriate.
19	(3) Use of scholarships.—The Secretary
20	shall provide not less than 35 scholarships under the
21	pilot program to individuals participating in the pilot
22	program during each year in which the pilot pro-
23	gram is carried out.
24	(f) Period of Obligated Service.—

1	(1) IN GENERAL.—The Secretary shall enter
2	into an agreement with each individual participating
3	in the pilot program in which such individual agrees
4	to be employed as a physician assistant for the Vet-
5	erans Health Administration for a period of obli-
6	gated service specified in paragraph (2).
7	(2) Period specified.—With respect to each
8	individual participating in the pilot program, the pe-
9	riod of obligated service specified in this paragraph
10	for the individual is—
11	(A) if the individual is participating in the
12	pilot program through a program described in
13	subsection (e)(2) that specifies a period of obli-
14	gated service, the period specified with respect
15	to such program; or
16	(B) if the individual is participating in the
17	pilot program other than through a program
18	described in such subsection, or if such program
19	does not specify a period of obligated service, a
20	period of three years or such other period as
21	the Secretary considers appropriate for pur-
22	poses of the pilot program.
23	(g) Breach.—
24	(1) Liability.—Except as provided in para-
25	graph (2), an individual who participates in the pilot

- 1 program and fails to satisfy the period of obligated 2 service under subsection (f) shall be liable to the 3 United States, in lieu of such obligated service, for the amount that has been paid or is payable to or 5 on behalf of the individual under the pilot program, 6 reduced by the proportion that the number of days 7 served for completion of the period of obligated serv-8 ice bears to the total number of days in the period 9 of obligated service of such individual. 10 (2) Exception.—If an individual is partici-11 pating in the pilot program through a program de-12 scribed in subsection (e)(2) that specifies a period of 13 obligated service, the liability of the individual for 14 failing to satisfy the period of obligated service 15 under subsection (f) shall be determined as specified 16 with respect to such program. 17 (h) Mentors.—The Secretary shall ensure that a 18 physician assistant mentor or mentors are available for in-19 dividuals participating in the pilot program at each facility
- 21 pant in the pilot program is employed.
- 22 (i) Partnerships.—In carrying out the pilot pro-

of the Veterans Health Administration at which a partici-

- 23 gram, the Secretary shall seek to partner with the fol-
- 24 lowing:

20

1	(1) Not less than 15 institutions of higher edu-
2	cation that—
3	(A) offer a master's degree program in
4	physician assistant studies or a similar area of
5	study that is accredited by the Accreditation
6	Review Commission on Education for the Phy-
7	sician Assistant; and
8	(B) agree—
9	(i) to guarantee seats in such master's
10	degree program for individuals partici-
11	pating in the pilot program who meet the
12	entrance requirements for such master's
13	degree program; and
14	(ii) to provide individuals partici-
15	pating in the pilot program with informa-
16	tion on admissions criteria and the admis-
17	sions process.
18	(2) Other institutions of higher education that
19	offer programs in physician assistant studies or
20	other similar areas of studies that are accredited by
21	the Accreditation Review Commission on Education
22	for the Physician Assistant.
23	(3) The Transition Assistance Program of the
24	Department of Defense.

1	(4) The Veterans' Employment and Training
2	Service of the Department of Labor.
3	(5) Programs carried out under chapter 41 of
4	title 38, United States Code, for the purpose of mar-
5	keting and advertising the pilot program to veterans
6	and members of the Armed Forces who may be in-
7	terested in the pilot program.
8	(j) Administration of Pilot Program.—For pur-
9	poses of carrying out the pilot program, the Secretary
10	shall appoint or select within the Office of Physician As-
11	sistant Services of the Veterans Health Administration the
12	following:
13	(1) A Deputy Director for Education and Ca-
14	reer Development of Physician Assistants who—
15	(A) is a physician assistant, a veteran, and
16	employed by the Department as of the date of
17	the enactment of this Act;
18	(B) is responsible for—
19	(i) overseeing the pilot program;
20	(ii) recruiting candidates to partici-
21	pate in the pilot program;
22	(iii) coordinating with individuals par-
23	ticipating in the pilot program and assist-
24	ing those individuals in applying and being

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1	admitted to a master's degree program
2	under the pilot program; and
3	(iv) providing information to eligible
4	individuals under subsection (b) with re-
5	spect to the pilot program; and
6	(C) may be employed in the field at a med-
7	ical center of the Department.
8	(2) A Deputy Director of Recruitment and Re-
9	tention who—
10	(A) is a physician assistant, a veteran, and
11	employed by the Department as of the date of
12	the enactment of this Act;
13	(B) is responsible for—
14	(i) identifying and coordinating the
15	needs of the pilot program and assist the
16	Secretary in providing mentors under sub-
17	section (h) to participants in the pilot pro-
18	gram; and
19	(ii) coordinating the staff of facilities
20	of the Veterans Health Administration
21	with respect to identifying employment po-
22	sitions and mentors under subsection (h)
23	for participants in the pilot program; and
24	(C) may be employed in the field at a med-
25	ical center of the Department.

1	(3) A recruiter who—
2	(A) reports directly to the Deputy Director
3	of Recruitment and Retention; and
4	(B) works with the Workforce Manage-
5	ment and Consulting Office and the Healthcare
6	Talent Management Office of the Veterans
7	Health Administration to develop and imple-
8	ment national recruiting strategic plans for the
9	recruitment and retention of physician assist-
10	ants within the Department.
11	(4) An administrative assistant, compensated at
12	a rate not less than level GS-6 of the General
13	Schedule, or equivalent, who assists with administra-
14	tive duties relating to the pilot program in the Office
15	of Physician Assistant Services and such other du-
16	ties as determined by the Secretary to ensure that
17	the Office runs effectively and efficiently.
18	(k) Report.—
19	(1) In general.—Not later than one year
20	after the date of the enactment of this Act, the Sec-
21	retary of Veterans Affairs, in collaboration with the
22	Secretary of Labor, the Secretary of Defense, and
23	the Secretary of Health and Human Services, shall
24	submit to Congress a report on the pilot program.

1	(2) Elements.—The report required by para-
2	graph (1) shall include the following:
3	(A) The extent to which the pilot program
4	is effective in improving the ability of eligible
5	individuals under subsection (b) to become phy-
6	sician assistants;
7	(B) An examination of whether the pilot
8	program is achieving the goals of—
9	(i) enabling individuals to build on
10	medical skills gained as members of the
11	Armed Forces by entering into the physi-
12	cian assistant workforce of the Depart-
13	ment; and
14	(ii) helping to meet the shortage of
15	physician assistants employed by the De-
16	partment.
17	(C) An identification of such modifications
18	to the pilot program as the Secretary of Vet-
19	erans Affairs, the Secretary of Labor, the Sec-
20	retary of Defense, and the Secretary of Health
21	and Human Services consider necessary to meet
22	the goals described in subparagraph (B).
23	(D) An assessment of whether the pilot
24	program could serve as a model for other pro-
25	grams of the Department to assist individuals

1	in obtaining certification and employment in
2	other health care fields.
3	(l) Source of Amounts.—Not less than \$8,000,000
4	of the amount necessary to carry out the pilot program
5	shall be derived from amounts appropriated to the Depart-
6	ment of Veterans Affairs before the date of the enactment
7	of this Act.
8	SEC. 318. ESTABLISHMENT OF STANDARDS FOR THE DE-
9	PARTMENT OF VETERANS AFFAIRS FOR
10	USING EDUCATIONAL ASSISTANCE PRO-
11	GRAMS TO EDUCATE AND HIRE PHYSICIAN
12	ASSISTANTS.
13	(a) In General.—The Secretary of Veterans Affairs
14	shall establish standards described in subsection (b) to im-
15	prove the use by the Department of Veterans Affairs of
16	the Department of Veterans Affairs Health Professionals
17	Educational Assistance Program under chapter 76 of title
18	38, United States Code, and other educational assistance
19	programs of the Department, including the pilot program
20	under section 2, to educate and hire physician assistants
21	of the Department.
22	(b) STANDARDS.—The standards described in this
23	subsection are the following:
24	(1) Holding directors of medical centers of the
25	Department accountable for failure to use the edu-

1	cational assistance programs described in subsection
2	(a) and other incentives—
3	(A) to advance employees of the Depart-
4	ment in their education as physician assistants;
5	and
6	(B) to improve recruitment and retention
7	of physician assistants.
8	(2) Ensuring that the Department of Veterans
9	Affairs Education Debt Reduction Program under
10	subchapter VII of chapter 76 of such title is avail-
11	able for participants in the pilot program under sec-
12	tion 2 to fill vacant physician assistant positions at
13	the Department, including by—
14	(A) including in all vacancy announce-
15	ments for physician assistant positions the
16	availability of the Education Debt Reduction
17	Program; and
18	(B) informing applicants to physician as-
19	sistant positions of their eligibility for the Edu-
20	cation Debt Reduction Program.
21	(3) Monitoring compliance with the application
22	process for educational assistance programs de-
23	scribed in subsection (a) to ensure that such pro-
24	grams are being fully utilized to carry out this sec-
25	tion.

1	(4) Creating programs, including through the
2	use of the Department of Veterans Affairs Employee
3	Incentive Scholarship Program under subchapter VI
4	of chapter 76 of such title, to encourage employees
5	of the Department to apply to accredited physician
6	assistant programs.
7	(c) Regulations.—The Secretary shall prescribe
8	such regulations as the Secretary considers appropriate to
9	carry out this section.
10	SEC. 319. ESTABLISHMENT OF PAY GRADES FOR PHYSICIAN
11	ASSISTANTS OF THE DEPARTMENT OF VET-
12	ERANS AFFAIRS AND REQUIREMENT TO PRO-
13	VIDE COMPETITIVE PAY.
	(a) Establishment of Pay Grades.—Section
14	
15	7404(b) of title 38, United States Code, is amended by
15	7404(b) of title 38, United States Code, is amended by
15	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant III.
15 16	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant II. "Physician Assistant II."
15 16	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant II. "Physician Assistant II. "Physician Assistant I.". (b) COMPETITIVE PAY.—Section 7451(a)(2) of such
15 16 17	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant II. "Physician Assistant I.". (b) COMPETITIVE PAY.—Section 7451(a)(2) of such title is amended—
15 16 17 18	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant II. "Physician Assistant I.". (b) COMPETITIVE PAY.—Section 7451(a)(2) of such title is amended— (1) by redesignating subparagraph (B) as sub-
15 16 17 18 19 20	7404(b) of title 38, United States Code, is amended by adding at the end the following: "PHYSICIAN ASSISTANT SCHEDULE "Physician Assistant IV. "Physician Assistant III. "Physician Assistant II. "Physician Assistant I.". (b) Competitive Pay.—Section 7451(a)(2) of such title is amended— (1) by redesignating subparagraph (B) as subparagraph (C);

1	(3) in subparagraph (C), as redesignated by
2	paragraph (1), by striking "and registered nurse"
3	and inserting "registered nurse, and physician as-
4	sistant''.
5	(c) National Strategic Plan.—
6	(1) In General.—The Secretary of Veterans
7	Affairs shall implement a national strategic plan for
8	the retention and recruitment of physician assistants
9	of the Department of Veterans Affairs that includes
10	the establishment and adoption of standards for the
11	provision of competitive pay to physician assistants
12	of the Department in comparison to the pay of phy-
13	sician assistants in the private sector.
14	(2) Report.—Not later than one year after the
15	date of the enactment of this Act, the Secretary
16	shall submit to the Committee on Veterans' Affairs
17	of the Senate and the Committee on Veterans' Af-
18	fairs of the House of Representatives a report on the
19	implementation of the national strategic plan under
20	paragraph (1).

1	Subtitle C—Eligibility
2	SEC. 321. CONSIDERATION OF ELIGIBILITY FOR POST-9/11
3	EDUCATIONAL ASSISTANCE FOR CERTAIN
4	TIME ON ACTIVE DUTY IN RESERVE COMPO
5	NENTS OF ARMED FORCES.
6	(a) In General.—Section 3301(1)(B) of title 38
7	United States Code, is amended by striking "12302, or
8	12304" and inserting "12301(h), 12302, 12304, 12304a
9	or 12304b".
10	(b) Effective Date and Applicability.—The
11	amendment made by subsection (a) shall—
12	(1) take effect on the date that is one year after
13	the date of the enactment of this Act;
14	(2) apply with respect to assistance provided
15	under chapter 33 of such title on and after the date
16	that is one year after the date of the enactment of
17	this Act; and
18	(3) apply with respect to any member of a re-
19	serve component of the Armed Forces who serves or
20	has served on active duty under section 12301(h).
21	12304a, or 12304b of title 10, United States Code
22	before, on, or after the date of the enactment of this
23	Act.

1	SEC. 322. CLARIFICATION OF ELIGIBILITY FOR MARINE
2	GUNNERY SERGEANT JOHN DAVID FRY
3	SCHOLARSHIP.
4	(a) In General.—Section 701(d) of the Veterans
5	Access, Choice, and Accountability Act of 2014 (Public
6	Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is
7	amended to read as follows:
8	"(d) Applicability.—
9	"(1) IN GENERAL.—The amendments made by
10	this section shall apply with respect to a quarter, se-
11	mester, or term, as applicable, commencing on or
12	after January 1, 2015.
13	"(2) Deaths that occurred between sep-
14	TEMBER 11, 2001, AND DECEMBER 31, 2005.—For
15	purposes of section 3311(f)(2) of title 38, United
16	States Code, any member of the Armed Forces who
17	died during the period beginning on September 11,
18	2001, and ending on December 31, 2005, is deemed
19	to have died on January 1, 2006.".
20	(b) Election on Receipt of Certain Bene-
21	FITS.—Section 3311(f) of title 38, United States Code,
22	is amended—
23	(1) in paragraph (3), by striking "A surviving
24	spouse" and inserting "Except as provided in para-
25	graph (4), a surviving spouse";

1	(2) by redesignating paragraph (4) as para-
2	graph (5); and
3	(3) by inserting after paragraph (3) the fol-
4	lowing new paragraph (4):
5	"(4) Exception for certain elections.—
6	"(A) IN GENERAL.—An election made
7	under paragraph (3) by a spouse described in
8	subparagraph (B) may not be treated as irrev-
9	ocable if such election occurred before the date
10	of the enactment of this paragraph.
11	"(B) Eligible surviving spouse.—A
12	spouse described in this subparagraph is an in-
13	dividual—
14	"(i) who is entitled to assistance
15	under subsection (a) pursuant to para-
16	graph (9) of subsection (b); and
17	"(ii) who was the spouse of a member
18	of the Armed Forces who died during the
19	period beginning on September 11, 2001,
20	and ending on December 31, 2005.".
21	(c) Technical Amendment.—Paragraph (5) of
22	subsection (f) of section 3311 of title 38, United States
23	Code, as redesignated by subsection (b)(2), is amended by
24	striking "that paragraph" and inserting "paragraph (9)
25	of subsection (b)".

1	(d) Yellow Ribbon G.I. Education Enhance-
2	MENT PROGRAM.—Section 3317(a) of such title is amend-
3	ed by striking "paragraphs (1) and (2) of section
4	3311(b)" and inserting "paragraphs (1), (2), and (9) of
5	section 3311(b) of this title".
6	SEC. 323. CONSIDERATION OF ELIGIBILITY FOR POST-9/11
7	EDUCATIONAL ASSISTANCE FOR CERTAIN
8	TIME ON ACTIVE DUTY IN RESERVE COMPO-
9	NENTS OF ARMED FORCES.
10	(a) In General.—Section 3301(1)(B) of title 38,
11	United States Code, is amended by striking "12302, or
12	12304" and inserting "12301(h), 12302, 12304, 12304a,
13	or 12304b".
14	(b) EFFECTIVE DATE AND APPLICABILITY.—The
15	amendment made by subsection (a) shall—
16	(1) take effect on the date that is one year after
17	the date of the enactment of this Act;
18	(2) apply with respect to assistance provided
19	under chapter 33 of such title on and after the date
20	that is one year after the date of the enactment of
21	this Act; and
22	(3) apply with respect to any member of a re-
23	serve component of the Armed Forces who serves or
24	has served on active duty under section 12301(h),
25	12304a, or 12304b of title 10, United States Code,

1	before, on, or after the date of the enactment of this
2	Act.
3	SEC. 324. ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-
4	SISTANCE FOR CERTAIN MEMBERS OF RE-
5	SERVE COMPONENTS OF ARMED FORCES
6	WHO LOST ENTITLEMENT TO EDUCATIONAL
7	ASSISTANCE UNDER RESERVE EDUCATIONAL
8	ASSISTANCE PROGRAM.
9	(a) Election.—Section 16167 of title 10, United
10	States Code, is amended by adding at the end the fol-
11	lowing new subsection:
12	"(c) Eligibility for Post-9/11 Educational As-
13	SISTANCE.—A member who loses eligibility for benefits
14	under this chapter pursuant to subsection (b) shall be al-
15	lowed to elect (in such form and manner as the Secretary
16	of Veterans Affairs may prescribe) to have such service
17	previously credited toward this chapter credited towards
18	establishing eligibility for educational assistance under
19	chapter 33 of title 38, United States Code, notwith-
20	standing the provisions of section 16163(e) of this title
21	or section $3322(h)(1)$ of title 38 .".
22	(b) Qualification of Service.—Section 3301(1)
23	of title 38, United States Code, shall be construed to in-
24	clude, in the case of a member of a reserve component
25	of the Armed Forces who, before November 25, 2015, es-

- 1 tablished eligibility for educational assistance under chap-
- 2 ter 1607 of title 10, United States Code, pursuant to sec-
- 3 tion 16163(a)(1) of such title, but lost eligibility for such
- 4 educational assistance pursuant to section 16167(b) of
- 5 such title, service on active duty (as defined in section 101
- 6 of such title) that satisfies the requirements of section
- 7 16163(a)(1) of such title.
- 8 (c) Entitlement.—Section 3311(b)(8) of title 38,
- 9 United States Code, shall be construed to include an indi-
- 10 vidual who, before November 25, 2015, established eligi-
- 11 bility for educational assistance under chapter 1607 of
- 12 title 10, United States Code, pursuant to section 16163(b)
- 13 of such title, but lost such eligibility pursuant to section
- 14 16167(b) of such title.
- 15 (d) Duration.—Notwithstanding section 3312 of
- 16 title 38, United States Code, an individual who establishes
- 17 eligibility for educational assistance under chapter 33 of
- 18 such title by crediting towards such chapter service pre-
- 19 viously credited towards chapter 1607 of title 10, United
- 20 States Code, is only entitled to a number of months of
- 21 educational assistance under section 3313 of title 38,
- 22 United States Code, equal to the number of months of
- 23 entitlement remaining under chapter 1607 of title 10,
- 24 United States Code, at the time of conversion to chapter
- 25 33 of title 38, United States Code.

1 TITLE IV—DISABILITY 2 COMPENSATION AND PENSION

3	SEC. 401. APPEALS REFORM.
4	(a) Definitions.—Section 101 of title 38, United
5	States Code, is amended by adding at the end the fol-
6	lowing new paragraphs:
7	"(34) The term 'Agency of Original Jurisdic-
8	tion' means the activity which entered the original
9	determination with regard to a claim for benefits
10	under this title.
11	"(35) The term 'relevant evidence' means evi-
12	dence that tends to prove or disprove a matter in
13	issue.".
14	(b) Notice of Supplemental Claims.—Section
15	5103 of title 38, United States Code, is amended—
16	(1) in subsection (a)(2)(B)(i) by striking ", a
17	claim for reopening a prior decision on a claim, or
18	a claim for an increase in benefits;" and inserting
19	"or a supplemental claim;"; and
20	(2) in subsection (b) by adding at the end the
21	following new paragraph:
22	"(6) Nothing in this section shall require notice
23	to be sent for a supplemental claim that is filed
24	within the timeframe set forth in subsections

- 1 (a)(2)(B) and (a)(2)(D) of section 5110 of this
- 2 title.".
- 3 (c) DISALLOWED CLAIMS.—Subsection (f) of section
- 4 5103A of title 38, United States Code, is amended to read
- 5 as follows:
- 6 "(f) Rule With Respect to Disallowed
- 7 Claims.—Nothing in this section shall be construed to re-
- 8 quire the Secretary to readjudicate a claim that has been
- 9 disallowed except when new and relevant evidence is pre-
- 10 sented or secured, as described in section 5108 of this
- 11 title.".
- 12 (d) DUTY TO ASSIST.—Chapter 51 of title 38, United
- 13 States Code, is amended by adding the following new sec-
- 14 tions:

15 "§ 5103B. Applicability of duty to assist

- 16 "(a) The Secretary's duty to assist under section
- 17 5103A of this title shall apply only to a claim, or supple-
- 18 mental claim, for a benefit under a law administered by
- 19 the Secretary until the time that a claimant is provided
- 20 notice of the Agency of Original Jurisdiction's decision
- 21 with respect to such claim, or supplemental claim, under
- 22 section 5104 of this title.
- 23 "(b) The Secretary's duty to assist under section
- 24 5103A of this title shall not apply to higher-level review
- 25 by the Agency of Original Jurisdiction, pursuant to section

5104B of this title, or to review on appeal by the Board 2 of Veterans' Appeals. 3 "(c) Correction of Duty To Assist Errors.— 4 "(1) Higher-Level Review.—If, during re-5 view of the Agency of Original Jurisdiction's deci-6 sion under section 5104B of this title, the higher-7 level reviewer identifies an error on the part of the 8 Agency of Original Jurisdiction to satisfy its duties 9 under section 5103A of this title, and that error oc-10 curred prior to the Agency of Original Jurisdiction's 11 decision being reviewed, unless the claim can be 12 granted in full, the higher-level reviewer shall return 13 the claim for correction of such error and readjudi-14 cation. 15 "(2) Board of Veterans' appeals.—If the 16 Board, during review on appeal of an Agency of 17 Original Jurisdiction decision, identifies an error on 18 the part of the Agency of Original Jurisdiction to 19 satisfy its duties under section 5103A of this title, 20 and that error occurred prior to the Agency of Origi-21 nal Jurisdiction decision on appeal, unless the claim 22 can be granted in full, the Board shall remand the 23 claim to the Agency of Original Jurisdiction for cor-24 rection of such error and readjudication. Remand for 25 correction of such error may include directing the

1	Agency of Original Jurisdiction to obtain an advi-
2	sory medical opinion under section 5109 of this title.
3	"§ 5104A. Binding nature of favorable findings
4	"Any finding favorable to the claimant as described
5	in section 5104(b)(4) of this title shall be binding on all
6	subsequent adjudicators within the department, unless
7	clear and convincing evidence is shown to the contrary to
8	rebut such favorable finding.
9	\$5104B. Higher-level review by the Agency of Origi-
10	nal Jurisdiction
11	"(a) In General.—The claimant may request a re-
12	view of the decision of the Agency of Original Jurisdiction
13	by a higher-level adjudicator within the Agency of Original
14	Jurisdiction.
15	"(b) Time and Manner of Request.—A request
16	for higher-level review by the Agency of Original Jurisdic-
17	tion must be in writing in the form prescribed by the Sec-
18	retary and made within one year of the notice of the Agen-
19	cy of Original Jurisdiction's decision. Such request may
20	specifically indicate whether such review is requested by
21	a higher-level adjudicator at the same office within the
22	Agency of Original Jurisdiction or by an adjudicator at
23	a different office of the Agency of Original Jurisdiction.
24	"(c) Decision.—Notice of a higher-level review deci-
25	sion under this section shall be provided in writing.

1	"(d) Evidentiary Record for Review.—The evi-
2	dentiary record before the higher-level reviewer shall be
3	limited to the evidence of record in the Agency of Original
4	Jurisdiction's decision being reviewed.
5	"(e) DE Novo Review.—Higher-level review under
6	this section shall be de novo.".
7	(e) Denial of Benefits Sought.—Section
8	5104(b) of title 38, United States Code, is amended to
9	read as follows:
10	"(b) In any case where the Secretary denies a benefit
11	sought, the notice required by subsection (a) shall also in-
12	clude—
13	"(1) identification of the issues adjudicated;
14	"(2) a summary of the evidence considered by
15	the Secretary;
16	"(3) a summary of the applicable laws and reg-
17	ulations;
18	"(4) identification of findings favorable to the
19	claimant;
20	"(5) identification of elements not satisfied
21	leading to the denial;
22	"(6) an explanation of how to obtain or access
23	evidence used in making the decision; and

1	"(7) if applicable, identification of the criteria
2	that must be satisfied to grant service connection or
3	the next higher level of compensation.".
4	(f) Supplemental Claims.—Section 5108 of title
5	38, United States Code, is amended to read as follows:
6	"§ 5108. Supplemental claims
7	"If new and relevant evidence is presented or secured
8	with respect to a supplemental claim, the Secretary shall
9	readjudicate the claim taking into consideration any evi-
10	dence added to the record prior to the former disposition
11	of the claim.".
12	(g) Section 5109 of title 38, United States Code, is
13	amended by adding at the end the following new sub-
14	section:
15	"(d) The Board of Veterans' Appeals may remand
16	a claim to direct the Agency of Original Jurisdiction to
17	obtain an advisory medical opinion under this section to
18	correct an error on the part of the Agency of Original Ju-
19	risdiction to satisfy its duties under section 5103A of this
20	title when such error occurred prior to the Agency of
21	Original Jurisdiction's decision on appeal. The Board's re-
22	mand instructions shall include the questions to be posed
23	to the independent medical expert providing the advisory
24	medical opinion.".

1	(h) Effective Dates of Awards.—Section 5110
2	of title 38, United States Code, is amended—
3	(1) by amending subsection (a) to read as fol-
4	lows:
5	"(a)(1) In General.—Unless specifically provided
6	otherwise in this chapter, the effective date of an award
7	based on an initial claim, or a supplemental claim, of com-
8	pensation, dependency and indemnity compensation, or
9	pension, shall be fixed in accordance with the facts found,
10	but shall not be earlier than the date of receipt of applica-
11	tion therefor.
12	"(2) Effect of Continuous Pursuit of a Claim
13	ON EFFECTIVE DATE OF AWARD.—For purposes of ap-
14	plying the effective date rules in this section, the date of
15	application shall be considered the date of the filing of
16	the initial application for a benefit provided that the claim
17	is continuously pursued by filing any of the following ei-
18	ther alone or in succession—
19	"(A) a request for higher-level review under sec-
20	tion 5104B of this title within one year of an Agen-
21	cy of Original Jurisdiction decision;
22	"(B) a supplemental claim under section 5108
23	of this title within one year of an Agency of Original
24	Jurisdiction decision;

1	"(C) a notice of disagreement within one year
2	of an Agency of Original Jurisdiction decision; or
3	"(D) a supplemental claim under section 5108
4	of this title within one year of a decision of the
5	Board of Veterans' Appeals.
6	"(3) Supplemental Claims Received More
7	THAN ONE YEAR AFTER AN AGENCY OF ORIGINAL JU-
8	RISDICTION DECISION OR DECISION BY THE BOARD OF
9	VETERANS' APPEALS.—Except as otherwise provided in
10	this section, for supplemental claims received more than
11	one year after an Agency of Original Jurisdiction decision
12	or a decision by the Board of Veterans' Appeals, the effec-
13	tive date shall be fixed in accordance with the facts found,
14	but shall not be earlier than the date of receipt of the
15	supplemental claim."; and
16	(2) in subsection (i) by—
17	(A) striking "reopened" and replacing it
18	with "readjudicated";
19	(B) striking "material" and replacing it
20	with "relevant"; and
21	(C) striking "reopening" and replacing it
22	with "readjudication".
23	(i) Commencement of Period of Payment.—Sec-
24	tion 5111(d)(1) of title 38. United States Code, is amend-

1	ed by striking "or reopened award;" and replacing it with
2	"award or award based on a supplemental claim;".
3	(j) Recognition of Agents and Attorneys.—
4	Section 5904 of title 38, United States Code, is amend-
5	ed—
6	(1) in subsection (c)(1) by striking "notice of
7	disagreement is filed" and replacing it with "claim-
8	ant is provided notice of the Agency of Original Ju-
9	risdiction's initial decision under section 5104 of this
10	title"; and
11	(2) in subsection (c)(2) by striking "notice of
12	disagreement is filed" and replacing it with "claim-
13	ant is provided notice of the Agency of Original Ju-
14	risdiction's initial decision under section 5104 of this
15	title".
16	(k) Reconsideration; Correction of Obvious
17	Errors.—Section 7103(b)(1) of title 38, United States
18	Code, is amended—
19	(1) in subparagraph (A) by striking "heard"
20	and replacing it with "decided"; and
21	(2) in subparagraph (B) by striking "heard"
22	and replacing it with "decided".
23	(l) Prohibition on Readjudication of Dis-
24	ALLOWED CLAIMS BY BOARD.—Section 7104(b) of title

1	38, United States Code, is amended by striking "re-
2	opened" and replacing it with "readjudicated".
3	(m) Appellate Review Forms.—Section 7105 of
4	title 38, United States Code, is amended—
5	(1) in subsection (a)—
6	(A) by striking the first sentence and re-
7	placing it with "Appellate review will be initi-
8	ated by the filing of a notice of disagreement in
9	the form prescribed by the Secretary."; and
10	(B) by striking "hearing and";
11	(2) by amending subsection (b) to read as fol-
12	lows:
13	"(b)(1) Except in the case of simultaneously con-
14	tested claims, notice of disagreement shall be filed within
15	one year from the date of the mailing of notice of the
16	Agency of Original Jurisdiction's decision under section
17	5104, 5104B, or 5108. A notice of disagreement post-
18	marked before the expiration of the one-year period will
19	be accepted as timely filed. A question as to timeliness
20	or adequacy of the notice of disagreement shall be decided
21	by the Board.
22	"(2) Notices of disagreement must be in writing,
23	must set out specific allegations of error of fact or law,
24	and may be filed by the claimant, the claimant's legal
25	guardian, or such accredited representative, attorney, or

- 1 authorized agent as may be selected by the claimant or
- 2 legal guardian. Not more than one recognized organiza-
- 3 tion, attorney, or agent will be recognized at any one time
- 4 in the prosecution of a claim. Notices of disagreement
- 5 must be filed with the Board.
- 6 "(3) The notice of disagreement shall indicate wheth-
- 7 er the claimant requests a hearing before the Board, re-
- 8 quests an opportunity to submit additional evidence with-
- 9 out a Board hearing, or requests review by the Board
- 10 without a hearing or submission of additional evidence. If
- 11 the claimant does not expressly request a Board hearing
- 12 in the notice of disagreement, no Board hearing will be
- 13 held.";
- 14 (3) by amending subsection (c) to read as fol-
- lows:
- 16 "(c) If no notice of disagreement is filed in accord-
- 17 ance with this chapter within the prescribed period, the
- 18 Agency of Original Jurisdiction's action or decision shall
- 19 become final and the claim will not thereafter be readjudi-
- 20 cated or allowed, except as may otherwise be provided by
- 21 section 5104B or 5108 of this title or regulations not in-
- 22 consistent with this title.";
- 23 (4) by striking subsections (d)(1) through
- (d)(5);

1	(5) by adding a new subsection (d) to read as
2	follows:
3	"(d) The Board of Veterans' Appeals may dismiss
4	any appeal which fails to allege specific error of fact or
5	law in the decision being appealed."; and
6	(6) by striking subsection (e).
7	(n) Notice of Disagreement in Simultaneously
8	Contested Claims.—Section 7105A(b) of title 38,
9	United States Code, is amended to read as follows:
10	"(b) The substance of the notice of disagreement will
11	be communicated to the other party or parties in interest
12	and a period of thirty days will be allowed for filing a brief
13	or argument in response thereto. Such notice shall be for-
14	warded to the last known address of record of the parties
15	concerned, and such action shall constitute sufficient evi-
16	dence of notice.".
17	(o) Administrative Appeals.—Strike section 7106
18	of title 38, United States Code.
19	(p) Appeals, Dockets; Hearings.—Section 7107
20	of title 38, United States Code, is amended—
21	(1) by amending subsection (a) to read as fol-
22	lows:
23	"(a) The Board shall maintain two separate dockets.
24	A non-hearing option docket shall be maintained for cases
25	in which no Board hearing is requested and no additional

1	evidence will be submitted. A separate and distinct hearing
2	option docket shall be maintained for cases in which a
3	Board hearing is requested in the notice of disagreement
4	or in which no Board hearing is requested, but the appel-
5	lant requests, in the notice of disagreement, an oppor-
6	tunity to submit additional evidence. Except as provided
7	in subsection (b), each case before the Board will be de-
8	cided in regular order according to its respective place on
9	the Board's non-hearing option docket or the hearing op-
10	tion docket.";
11	(2) by amending subsection (b) to read as fol-
12	lows:
13	"(b) Advancement on the Docket.—A case on ei-
14	ther the Board's non-hearing option docket or hearing op-
15	tion docket, may, for cause shown, be advanced on motion
16	for earlier consideration and determination. Any such mo-
17	tion shall set forth succinctly the grounds upon which the
18	motion is based. Such a motion may be granted only—
19	"(1) if the case involves interpretation of law of
20	general application affecting other claims;
21	"(2) if the appellant is seriously ill or is under
22	severe financial hardship; or
23	"(3) for other sufficient cause shown.";
24	(3) by amending subsection (c) to read as fol-
25	lows

1	"(c) Manner and Scheduling of Hearings for
2	Cases on Board Hearing Option Docket.—(1) For
3	cases on the Board hearing option docket in which a hear-
4	ing is requested in the notice of disagreement, the Board
5	shall notify the appellant whether a Board hearing will
6	be held—
7	"(A) at its principal location, or
8	"(B) by picture and voice transmission at a fa-
9	cility of the Department where the Secretary has
10	provided suitable facilities and equipment to conduct
11	such hearings.
12	"(2)(A) Upon notification of a Board hearing at the
13	Board's principal location as described in subsection
14	(c)(1)(A) of this section, the appellant may alternatively
15	request a hearing as described in subsection $(c)(1)(B)$ of
16	this section. If so requested, the Board shall grant such
17	request.
18	"(B) Upon notification of a Board hearing by picture
19	and voice transmission as described in subsection
20	(c)(1)(B) of this section, the appellant may alternatively
21	request a hearing as described in subsection $(c)(1)(A)$ of
22	this section. If so requested, the Board shall grant such
23	request."; and
24	(4) by striking subsections (d) and (e) and re-
25	designating subsection (f) as subsection (d).

- 1 (q) Independent Medical Opinions.—Strike sec-
- 2 tion 7109 of title 38, United States Code.
- 3 (r) Submittal of Certain Requrests to
- 4 Board.—Section 7111(e) of title 38, United States Code,
- 5 is amended by striking "merits, without referral to any
- 6 adjudicative or hearing official acting on behalf of the Sec-
- 7 retary." and replacing it with "merits.".
- 8 (s) Evidentiary Record Before Board.—Chap-
- 9 ter 71 of title 38, United States Code, is amended by add-
- 10 ing the following new section:

11 "§ 7113. Evidentiary record before the Board

- 12 "(a) Non-Hearing Option Docket.—For cases in
- 13 which a Board hearing is not requested in the notice of
- 14 disagreement, the evidentiary record before the Board
- 15 shall be limited to the evidence of record at the time of
- 16 the Agency of Original Jurisdiction decision on appeal.
- 17 "(b) Hearing Option Docket.—(1) Hearing Re-
- 18 QUESTED.—Except as provided in paragraph (2) of this
- 19 subsection, for cases on the hearing option docket in which
- 20 a hearing is requested in the notice of disagreement, the
- 21 evidentiary record before the Board shall be limited to the
- 22 evidence of record at the time of the Agency of Original
- 23 Jurisdiction decision on appeal.
- 24 "(2) Exceptions.—The evidentiary record before
- 25 the Board for cases on the hearing option docket in which

1	a hearing is requested, shall include each of the following,
2	which the Board shall consider in the first instance—
3	"(A) evidence submitted by the appellant and
4	his or her representative, if any, at the Board hear-
5	ing; and
6	"(B) evidence submitted by the appellant and
7	his or her representative, if any, within 90 days fol-
8	lowing the Board hearing.
9	"(3) Hearing Not Requested.—(A) Except as
10	provided in subparagraph (B) of this paragraph, for cases
11	on the hearing option docket in which a hearing is not
12	requested in the notice of disagreement, the evidentiary
13	record before the Board shall be limited to the evidence
14	considered by the Agency of Original Jurisdiction in the
15	decision on appeal.
16	"(B) The evidentiary record before the Board for
17	cases on the hearing option docket in which a hearing is
18	not requested, shall include each of the following, which
19	the Board shall consider in the first instance—
20	"(i) evidence submitted by the appellant and his
21	or her representative, if any, with the notice of dis-
22	agreement; and
23	"(ii) evidence submitted by the appellant and
24	his or her representative, if any, within 90 days fol-
25	lowing receipt of the notice of disagreement.".

1	(t) Conforming Amendment.—The heading of sec-
2	tion 7105 is amended by striking "notice of disagreement
3	and".
4	(u) CLERICAL AMENDMENTS.—
5	(1) CHAPTER 51.—The table of sections at the
6	beginning of chapter 51 of title 38, United States
7	Code, is amended—
8	(A) by inserting after the item relating to
9	section 5103A the following new item:
	"5103B. Applicability of duty to assist.";
10	(B) by inserting after the item relating to
11	section 5104 the following new items:
	"5104A. Binding nature of favorable findings. "5104B. Higher-level review by the Agency of Original Jurisdiction."; and
12	(C) in the item relating to section 5108, by
13	striking "Reopening disallowed claims." and in-
14	serting "Supplemental claims.".
15	(2) CHAPTER 71.—The table of sections at the
16	beginning of chapter 71 of title 38, United States
17	Code, is amended—
18	(A) by striking the item relating to section
19	7106;
20	(B) by striking the item relating to section
21	7109.

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1	(C) by adding at the end the following new
2	item:
	"7113. The evidentiary record before the Board."; and
3	(D) in tem relating to section 7105, by
4	striking "notice of disagreement and".
5	SEC. 402. TREATMENT OF MEDICAL EVIDENCE PROVIDED
6	BY NON-DEPARTMENT OF VETERANS AF-
7	FAIRS MEDICAL PROFESSIONALS IN SUP-
8	PORT OF CLAIMS FOR DISABILITY COM-
9	PENSATION.
10	(a) Acceptance of Reports of Private Physi-
11	CIAN EXAMINATIONS.—Section 5125 of such title is
12	amended—
13	(1) by striking "For purposes" and inserting
14	"(a) In General.—";
15	(2) by striking "may" and inserting "shall";
16	and
17	(3) by adding at the end the following new sub-
18	section:
19	"(b) Sufficiently Complete Defined.—For pur-
20	poses of a report described in subsection (a), the term 'suf-
21	ficiently complete' means competent, credible, probative,
22	and containing such information as may be required to
23	make a decision on the claim for which the report is pro-
	vided.".

1	(b) Effective Date.—The amendment made by
2	subsection (a) shall apply with respect to medical evidence
3	submitted after the date that is 90 days after the date
4	of the enactment of this Act.
5	SEC. 403. REPORT ON PROGRESS OF ACCEPTABLE CLIN-
6	ICAL EVIDENCE INITIATIVE.
7	(a) In General.—Not later than 180 days after the
8	date of the enactment of this Act, the Secretary shall sub-
9	mit to the Committee on Veterans' Affairs of the Senate
10	and the Committee on Veterans' Affairs of the House of
11	Representatives a report on the progress of the Acceptable
12	Clinical Evidence initiative of the Department of Veterans
13	Affairs in reducing the necessity for in-person disability
14	examinations and other efforts to comply with the provi-
15	sions of section 5125 of title 38, United States Code, as
16	amended by section 2.
17	(b) Contents of Report.—The report required by
18	subsection (a) shall include the following:
19	(1) The number of claims eligible for the Ac-
20	ceptable Clinical Evidence initiative during the pe-
21	riod beginning on the date of the commencement of
22	the initiative and ending on the date of the sub-
23	mittal of the report, disaggregated by fiscal year.
24	(2) The total number of claims eligible for the
25	Acceptable Clinical Evidence initiative that required

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1	a medical examiner of the Department to supple-
2	ment the evidence with information obtained during
3	a telephone interview with a claimant.
4	(3) Information on any other initiatives or ef-
5	forts of the Department to further encourage the
6	use of private medical evidence and reliance upon re-
7	ports of a medical examination administered by a
8	private physician if the report is sufficiently com-
9	plete to be adequate for the purposes of adjudicating
10	a claim.
11	(4) The anticipated impact on the timeline and
12	accuracy of a decision on a claim for benefits under
13	chapter 11 or 15 of title 38, United States Code, if
14	the Secretary were prohibited from requesting a
15	medical examination in the case of a claim in sup-
16	port of which a claimant submits medical evidence
17	and a medical opinion provided by a private physi-
18	cian that is competent, credible, probative, and oth-
19	erwise adequate for the purpose of making a deci-
20	sion on that claim.
21	(5) Recommendations on how the Department
22	can measure, track, and prevent the ordering of un-
23	necessary medical examinations when the provision
24	by a claimant of a medical examination administered

by a private physician in support of a claim for ben-

25

1	efits under chapter 11 or 15 of title 38, United
2	States Code, is adequate for the purpose of making
3	a decision on that claim.
4	SEC. 404. ANNUAL REPORT.
5	Not later than March 1 of each year, the Secretary
6	of Veterans Affairs shall submit to Congress a report that
7	includes, for the calendar year preceding the year in which
8	the report is submitted, the following for each regional of-
9	fice of the Department of Veterans Affairs:
10	(1) The number of times a veteran who sub-
11	mitted private medical evidence in support of a claim
12	for compensation or pension under the laws adminis-
13	tered by the Secretary was scheduled for an exam-
14	ination performed by Department personnel because
15	the private medical evidence submitted was deter-
16	mined to be unacceptable.
17	(2) The most common reasons why private
18	medical evidence submitted in support of claims for
19	benefits under the laws administered by the Sec-
20	retary was determined to be unacceptable.
21	(3) The types of disabilities for which claims for
22	benefits under the laws administered by the Sec-
23	retary were mostly commonly denied when private
24	medical evidence was submitted.

1	SEC. 405. BOARD OF VETERANS' APPEALS VIDEO HEAR-
2	INGS.
3	Section 7107 of title 38, United States Code, is
4	amended—
5	(1) in subsection (d), by amending paragraph
6	(1) to read as follows:
7	"(1)(A) Upon request for a hearing, the Board shall
8	determine, for purposes of scheduling the hearing for the
9	earliest possible date, whether a hearing before the Board
10	will be held at its principal location or at a facility of the
11	Department or other appropriate Federal facility located
12	within the area served by a regional office of the Depart-
13	ment. The Board shall also determine whether to provide
14	a hearing through the use of the facilities and equipment
15	described in subsection $(e)(1)$ or by the appellant person-
16	ally appearing before a Board member or panel.
17	"(B) The Board shall notify the appellant of the de-
18	terminations of the location and type of hearing made
19	under subparagraph (A). Upon notification, the appellant
20	may request a different location or type of hearing as de-
21	scribed in such subparagraph. If so requested, the Board
22	shall grant such request and ensure that the hearing is
23	scheduled at the earliest possible date without any undue
24	delay or other prejudice to the appellant."; and
25	(2) in subsection (e), by amending paragraph
26	(2) to read as follows:

1	"(2) Any hearing provided through the use of the fa-
2	cilities and equipment described in paragraph (1) shall be
3	conducted in the same manner as, and shall be considered
4	the equivalent of, a personal hearing.".
5	SEC. 406. EXPEDITED PAYMENT OF SURVIVOR'S BENEFITS.
6	(a) In General.—Section 5101(a)(1) of title 38,
7	United States Code, is amended—
8	(1) by striking "A specific" and inserting "(A)
9	Except as provided in subparagraph (B), a specific";
10	and
11	(2) by adding at the end the following new sub-
12	paragraph:
13	"(B)(i) The Secretary may pay benefits under chap-
14	ters 13 and 15 and sections 2302, 2307, and 5121 of this
15	title to a survivor of a veteran who has not filed a formal
16	claim if the Secretary determines that the record contains
17	sufficient evidence to establish the entitlement of the sur-
18	vivor to such benefits.
19	"(ii) For purposes of this subparagraph and section
20	5110 of this title, the date on which a survivor of a veteran
21	notifies the Secretary of the death of the veteran shall be
22	treated as the date of the receipt of the survivor's applica-
23	tion for benefits described in clause (i).".
24	(b) Effective Date.—The amendments made by
25	subsection (a) shall apply with respect to claims for bene-

1	fits based on a death occurring on or after the date of
2	the enactment of this Act.
3	SEC. 407. DEFINITION OF SPOUSE FOR PURPOSES OF VET-
4	ERAN BENEFITS TO REFLECT NEW STATE
5	DEFINITIONS OF SPOUSE.
6	(a) Definitions.—Section 101 of title 38, United
7	States Code is amended—
8	(1) in paragraph (3), by striking "of the oppo-
9	site sex"; and
10	(2) in paragraph (31), by striking "of the oppo-
11	site sex who is a wife or husband" and inserting "in
12	a marriage recognized under section 103 of this
13	title".
14	(b) Determination.—Subsection (c) of section 103
15	of such title is amended to read as follows:
16	"(c)(1) For the purposes of all laws administered by
17	the Secretary, the Secretary shall recognize a marriage
18	based on the law of the State where the marriage oc-
19	curred. In the case of a marriage that occurred outside
20	a State, the Secretary shall recognize the marriage if the
21	marriage was lawful in the place where it occurred and
22	could have been entered into under the laws of any State.
23	Except in the case of a purported marriage deemed valid
24	under subsection (a), the Secretary may not recognize
25	more than one marriage for any person at the same time.

1	"(2) In this subsection, the term 'State' has the
2	meaning given that the term in section 101(20) of this
3	title, except that such term also includes the Common-
4	wealth of the Northern Mariana Islands.".
5	SEC. 408. CONCURRENT RECEIPT OF BOTH RETIRED PAY
6	AND VETERANS' DISABILITY COMPENSATION
7	FOR MILITARY RETIREES WITH COMPEN-
8	SABLE SERVICE-CONNECTED DISABILITIES.
9	(a) Inclusion of Retirees With Service-Con-
10	NECTED DISABILITIES RATED LESS THAN 50 PER-
11	CENT.—Subsection (a) of section 1414 of title 10, United
12	States Code, is amended—
13	(1) by striking "Compensation" in the sub-
14	section heading and all that follows through "Sub-
15	ject" and inserting "Compensation.—Subject";
16	(2) by striking "qualifying service-connected
17	disability" and inserting "service-connected dis-
18	ability"; and
19	(3) by striking paragraph (2).
20	(b) Inclusion of Disability Retirees With
21	Less Than 20 Years of Service.—Subsection (b) of
22	such section is amended—
23	(1) in paragraph (1), by striking "member re-
24	tired" and inserting "qualified retiree who is re-
25	tired"; and

1	(2) by striking paragraph (2) and inserting the
2	following new paragraph:
3	"(2) DISABILITY RETIREES WITH LESS THAN 20
4	YEARS OF SERVICE.—The retired pay of a qualified
5	retiree who is retired under chapter 61 of this title
6	with fewer than 20 years of creditable service is sub-
7	ject to reduction under sections 5304 and 5305 of
8	title 38, but only by the amount (if any) by which
9	the amount of the member's retired pay under such
10	chapter exceeds the amount equal to $2\frac{1}{2}$ percent of
11	the member's years of creditable service multiplied
12	by the member's retired pay base under section
13	1406(b)(1) or 1407 of this title, whichever is appli-
14	cable to the member.".
15	(c) Conforming Amendments Reflecting End
16	OF CONCURRENT RECEIPT PHASE-IN PERIOD.—Such sec-
17	tion is further amended—
18	(1) in subsection (a), as amended by subsection
19	(a) of this section, by striking the final sentence;
20	(2) by striking subsection (c) and redesignating
21	subsections (d) and (e) as subsections (e) and (d),
22	respectively; and
23	(3) in subsection (d), as so redesignated, by
24	striking paragraphs (3) and (4).
25	(d) Clerical Amendments.—

1	(1) Section Heading.—The heading for such
2	section is amended to read as follows:
3	"§ 1414. Members eligible for retired pay who are also
4	eligible for veterans' disability compensa-
5	tion: concurrent payment of retired pay
6	and disability compensation".
7	(2) Table of Sections.—The item relating to
8	such section in the table of sections at the beginning
9	of chapter 71 of such title is amended to read as fol-
10	lows:
	"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.".
11	(e) Conforming Amendment Reflecting Sub-
12	SECTION REDESIGNATION.—Section 1413a(f) of such title
13	is amended by striking "Subsection (d)" and inserting
14	"Subsection (c)".
15	(f) Effective Date.—The amendments made by
16	this section shall take effect on the first day of the first
17	month beginning after the date of the enactment of this
18	Act and shall apply to payments for months beginning on
19	or after that date.

1	SEC. 409. EXTENSION OF CERTAIN AUTHORITIES OF SEC-
2	RETARY OF VETERANS AFFAIRS REGARDING
3	ASSOCIATIONS BETWEEN DISEASES AND EX-
4	POSURE TO DIOXIN AND OTHER CHEMICAL
5	COMPOUNDS IN HERBICIDES.
6	(a) Use of Information To Provide for Pre-
7	SUMPTION OF SERVICE CONNECTION.—Section 1116(e) of
8	title 38, United States Code, is amended by striking "Sep-
9	tember 30, 2015" and inserting "September 30, 2017".
10	(b) AGREEMENT WITH NATIONAL ACADEMY OF
11	Sciences.—Section 3(i) of the Agent Orange Act of 1991
12	(Public Law 102–4; 38 U.S.C. 1116 note) is amended by
13	striking "December 31, 2015" and inserting "December
14	31, 2017".
15	TITLE V—HOUSING AND
16	HOMELESSNESS
17	SEC. 501. FIVE-YEAR EXTENSION OF HOMELESS VETERANS
18	REINTEGRATION PROGRAMS.
19	Section 2021(e)(1)(F) of title 38, United States
20	Code, is amended by striking "2015" and inserting
21	"2020".
22	SEC. 502. CLARIFICATION OF ELIGIBILITY FOR SERVICES
23	UNDER HOMELESS VETERANS REINTEGRA-
24	TION PROGRAMS.
25	Subsection (a) of section 2021 of title 38, United
26	States Code, is amended by striking "reintegration of

1	homeless veterans into the labor force." and inserting the
2	following:
3	"reintegration into the labor force of—
4	"(1) homeless veterans;
5	"(2) veterans participating in the Department
6	of Veterans Affairs supported housing program for
7	which rental assistance provided pursuant to section
8	8(o)(19) of the United States Housing Act of 1937
9	(42 U.S.C. 1437f(0)(19)); and
10	"(3) veterans who are transitioning from being
11	incarcerated.".
12	SEC. 503. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN
13	THE DEPARTMENT OF HOUSING AND URBAN
13 14	THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
14	
	DEVELOPMENT.
141516	DEVELOPMENT. (a) Transfer of Position to Office of the Sec-
14 15 16 17	DEVELOPMENT. (a) Transfer of Position to Office of the Secretary.—Section 4 of the Department of Housing and
14 15 16 17	DEVELOPMENT. (a) Transfer of Position to Office of the Sec- Retary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by
14 15 16 17 18	DEVELOPMENT. (a) Transfer of Position to Office of the Sec- Retary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:
14 15 16 17 18	DEVELOPMENT. (a) Transfer of Position to Office of the Secretary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection: "(h) Special Assistant for Veterans Af-
14 15 16 17 18 19 20	DEVELOPMENT. (a) Transfer of Position to Office of the Secretary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection: "(h) Special Assistant for Veterans Affairs.—
14 15 16 17 18 19 20 21	(a) Transfer of Position to Office of the Secretary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection: "(h) Special Assistant for Veterans Affairs.— "(1) Position.—There shall be in the Office of
14 15 16 17 18 19 20 21	DEVELOPMENT. (a) Transfer of Position to Office of the Secretary.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection: "(h) Special Assistant for Veterans Affairs.— "(1) Position.—There shall be in the Office of the Secretary a Special Assistant for Veterans Affairs.—

1	merit and shall be covered under the provisions of
2	title 5, United States Code, governing appointments
3	in the competitive service.
4	"(3) Responsibilities.—The Special Assist-
5	ant for Veterans Affairs shall be responsible for—
6	"(A) ensuring veterans have fair access to
7	housing and homeless assistance under each
8	program of the Department providing either
9	such assistance;
10	"(B) coordinating all programs and activi-
11	ties of the Department relating to veterans;
12	"(C) serving as a liaison for the Depart-
13	ment with the Department of Veterans Affairs,
14	including establishing and maintaining relation-
15	ships with the Secretary of Veterans Affairs;
16	"(D) serving as a liaison for the Depart-
17	ment, and establishing and maintaining rela-
18	tionships with the United States Interagency
19	Council on Homelessness and officials of State,
20	local, regional, and nongovernmental organiza-
21	tions concerned with veterans;
22	"(E) providing information and advice re-
23	garding—

1	"(i) sponsoring housing projects for
2	veterans assisted under programs adminis-
3	tered by the Department; or
4	"(ii) assisting veterans in obtaining
5	housing or homeless assistance under pro-
6	grams administered by the Department;
7	"(F) coordinating with the Secretary of
8	Housing and Urban Development and the Sec-
9	retary of Veterans Affairs in carrying out sec-
10	tion 3 of the Homes for Heroes Act of 2015;
11	and
12	"(G) carrying out such other duties as may
13	be assigned to the Special Assistant by the Sec-
14	retary or by law.".
15	(b) Transfer of Position in Office of Deputy
16	Assistant Secretary for Special Needs.—On the
17	date that the initial Special Assistant for Veterans Affairs
18	is appointed pursuant to section $4(h)(2)$ of the Depart-
19	ment of Housing and Urban Development Act, as added
20	by subsection (a) of this section, the position of Special
21	Assistant for Veterans Programs in the Office of the Dep-
22	uty Assistant Secretary for Special Needs of the Depart-
23	ment of Housing and Urban Development shall be termi-
24	nated.

1	SEC. 504. ANNUAL SUPPLEMENTAL REPORT ON VETERANS
2	HOMELESSNESS.
3	(a) In General.—The Secretary of Housing and
4	Urban Development and the Secretary of Veterans Af-
5	fairs, in coordination with the United States Interagency
6	Council on Homelessness, shall submit annually to the
7	Committees of the Congress specified in subsection (b),
8	together with the annual reports required by such Secre-
9	taries under section 203(c)(1) of the McKinney-Vento
10	Homeless Assistance Act (42 U.S.C. 11313(c)(1)), a sup-
11	plemental report that includes the following information
12	with respect to the preceding year:
13	(1) The same information, for such preceding
14	year, that was included with respect to 2010 in the
15	report by the Secretary of Housing and Urban De-
16	velopment and the Secretary of Veterans Affairs en-
17	titled "Veterans Homelessness: A Supplemental Re-
18	port to the 2010 Annual Homeless Assessment Re-
19	port to Congress".
20	(2) Information regarding the activities of the
21	Department of Housing and Urban Development re-
22	lating to veterans during such preceding year, as fol-
23	lows:
24	(A) The number of veterans provided as-
25	sistance under the housing choice voucher pro-
26	gram for Veterans Affairs supported housing

1	(VASH) under section 8(o)(19) of the United
2	States Housing Act of 1937 (42 U.S.C.
3	1437f(o)(19)), the socioeconomic characteristics
4	of such homeless veterans, and the number,
5	types, and locations of entities contracted under
6	such section to administer the vouchers.
7	(B) A summary description of the special
8	considerations made for veterans under public
9	housing agency plans submitted pursuant to
10	section 5A of the United States Housing Act of
11	1937 (42 U.S.C. 1437c-1) and under com-
12	prehensive housing affordability strategies sub-
13	mitted pursuant to section 105 of the Cranston-
14	Gonzalez National Affordable Housing Act (42
15	U.S.C. 12705).
16	(C) A description of the activities of the
17	Special Assistant for Veterans Affairs of the
18	Department of Housing and Urban Develop-
19	ment.
20	(D) A description of the efforts of the De-
21	partment of Housing and Urban Development
22	and the other members of the United States
23	Interagency Council on Homelessness to coordi-
24	nate the delivery of housing and services to vet-
25	erans.

1	(E) The cost to the Department of Hous-
2	ing and Urban Development of administering
3	the programs and activities relating to veterans.
4	(F) Any other information that the Sec-
5	retary of Housing and Urban Development and
6	the Secretary of Veterans Affairs consider rel-
7	evant in assessing the programs and activities
8	of the Department of Housing and Urban De-
9	velopment relating to veterans.
10	(b) Committees.—The Committees of the Congress
11	specified in this subsection are as follows:
12	(1) The Committee on Banking, Housing, and
13	Urban Affairs of the Senate.
14	(2) The Committee on Veterans' Affairs of the
15	Senate.
16	(3) The Committee on Appropriations of the
17	Senate.
18	(4) The Committee on Financial Services of the
19	House of Representatives.
20	(5) The Committee on Veterans' Affairs of the
21	House of Representatives.
22	(6) The Committee on Appropriations of the
23	House of Representatives.

1	SEC. 505. ESTABLISHMENT OF PILOT GRANT PROGRAM
2	FOR HOMELESS VETERANS.
3	(a) Establishment.—In addition to any other pro-
4	grams carried out by the Secretary of Veterans Affairs
5	regarding providing housing to homeless veterans, not
6	later than one year after the date of the enactment of this
7	Act, the Secretary shall commence a pilot grant program
8	to assess the feasibility and advisability of awarding
9	grants to eligible entities to purchase and renovate aban-
10	doned homes for homeless veterans.
11	(b) Grants.—
12	(1) AWARD.—In carrying out the pilot program
13	under subsection (a), the Secretary shall award
14	grants to eligible entities to purchase and renovate
15	abandoned homes for homeless veterans.
16	(2) MAXIMUM AMOUNT.—The amount of a sin-
17	gle grant awarded under paragraph (1) shall not ex-
18	eed \$1,000,000.
19	(3) Number.—The Secretary may award to an
20	eligible entity more than one grant under paragraph
21	(1).
22	(c) Eligible Entities.—The Secretary may award
23	a grant under subsection $(b)(1)$ to any of the following:
24	(1) A veterans service agency.
25	(2) A veterans service organization.
26	(3) Homeless organizations.

1	(4) Any other nongovernmental organization.
2	(d) Selection of Grant Recipients.—
3	(1) Application.—Any eligible entity seeking
4	a grant under subsection (b)(1) shall submit to the
5	Secretary an application therefore in such form and
6	in such manner as the Secretary considers appro-
7	priate.
8	(2) Selection priority.—
9	(A) Communities with greatest
10	NEED.—Subject to subparagraph (B), in ac-
11	cordance with regulations the Secretary shall
12	prescribe, the Secretary shall give priority in
13	the awarding of grants under subsection (b)(1)
14	to eligible entities who serve communities that
15	the Secretary determines have the greatest need
16	of homeless services.
17	(B) Geographic distribution.—The
18	Secretary may give priority in the awarding of
19	grants under subsection (b)(1) to achieve a fair
20	distribution, as determined by the Secretary,
21	among homeless veterans in different geo-
22	graphical regions.
23	(C) Other agreements.—In awarding a
24	grant under subsection (b)(1) to an eligible en-
25	tity in a location determined pursuant to sub-

1	paragraphs (A) and (B), the Secretary shall
2	give preference to eligible entities that are en-
3	tered into an agreement with the Secretary
4	under section 2041 of title 38, United States
5	Code.
6	(D) Other authorities.—Except as pro-
7	vided by subsection (C), the Secretary shall
8	award a grant under subsection (b)(1) without
9	regard to whether the eligible entity has re-
10	ceived any other grant or benefit from the Fed-
11	eral Government relating to providing housing
12	to homeless veterans.
13	(e) USE OF GRANT FUNDS.—
14	(1) Purposes.—A grantee may use amounts of
15	a grant awarded to the grantee under subsection
16	(b)(1) to purchase or renovate abandoned homes, in-
17	cluding homes that have been foreclosed.
18	(2) Maximum purchase amount.—Not more
19	than \$300,000 of the amount of a grant awarded
20	under subsection $(b)(1)$ may be used for the pur-
21	chase of a single home.
22	(3) Payment program.—
23	(A) The United States shall not have any
24	ownership interest in a home that is purchased

1	by a grantee using amounts of a grant awarded
2	under subsection $(b)(1)$.
3	(B) Each grantee shall ensure that, begin-
4	ning one year after the date on which a veteran
5	begins to reside in a home purchased or ren-
6	ovated by the grantee using a grant awarded
7	under subsection (b)(1), the veteran makes
8	monthly payments to the grantee in an amount
9	determined appropriate by the grantee that is
10	not less than 85 percent of the fair market rent
11	for such home.
12	(C) Each grantee shall determine whether
13	payments made by a veteran under subpara-
14	graph (B) shall be treated as rent or as a mort-
15	gage for the home for which the veteran is mak-
16	ing such payments. The Secretary, in coordina-
17	tion with the Secretary of Housing and Urban
18	Development, shall determine the requirements
19	for such payments.
20	(D) Each grantee shall pay to the Sec-
21	retary of Veterans Affairs not less than 80 per-
22	cent of each payment received under subpara-
23	graph (B).

1	(E) The Secretary may conduct an audit of
2	any grantee to ensure that the grantee carries
3	out this paragraph.
4	(4) Veterans homelessness grant fund.—
5	(A) There is established in the Treasury a
6	fund to be known as the "Veterans Homeless-
7	ness Grant Fund" (in this paragraph referred
8	to as the "Fund").
9	(B) The Secretary shall deposit into the
10	Fund the payments collected by the Secretary
11	under paragraph (3)(D).
12	(C) Amounts deposited into the Fund pur-
13	suant to subparagraph (B) shall be available to
14	the Secretary to carry out the pilot program
15	under subsection (a) without further appropria-
16	tion and such amounts shall remain available
17	until expended. The Secretary may not use such
18	amounts from the Fund for any other purpose
19	unless pursuant to a specific provision of law.
20	(f) Responsibilities of Secretary.—In carrying
21	out the pilot program under subsection (a), the Secretary
22	shall ensure the following:
23	(1) Proper oversight.
24	(2) The protection of veterans from returning
25	to homelessness.

1	(3) The ability of the Secretary to respond to
2	disputes.
3	(g) Duration.—The Secretary shall carry out the
4	pilot program under subsection (a) during the three-year
5	period beginning on the date of the commencement of the
6	pilot program.
7	(h) Annual Reports.—During each year in which
8	the Secretary carries out the pilot program under sub-
9	section (a), the Secretary shall submit to Congress a re-
10	port that details, with respect to the year covered by the
11	report, the number of grants awarded, the amounts so
12	awarded, the progress of home purchase and renovation
13	made by eligible entities using such grants, and the num-
14	ber of tenants currently paying rent towards such homes.
15	(i) AUTHORIZATION OF APPROPRIATIONS.—There is
16	authorized to be appropriated to the Secretary a total of
17	\$25,000,000 to carry out the pilot program under sub-
18	section (a) and any such amounts appropriated shall re-
19	main available until expended.
20	(j) Homeless Veteran Defined.—In this section,
21	the term "homeless veteran" has the meaning given that
22	term in section 2002 of title 38, United States Code.

1	SEC. 506. EXPANSION OF DEFINITION OF HOMELESS VET-
2	ERAN FOR PURPOSES OF BENEFITS UNDER
3	THE LAWS ADMINISTERED BY THE SEC-
4	RETARY OF VETERANS AFFAIRS.
5	Section 2002(1) of title 38, United States Code, is
6	amended by inserting "or (b)" after "section 103(a)".
7	TITLE VI—EMPLOYMENT AND
8	TRAINING
9	SEC. 601. DIRECT EMPLOYMENT PILOT PROGRAM FOR
10	MEMBERS OF THE NATIONAL GUARD AND RE-
11	SERVE AND VETERANS OF THE ARMED
12	FORCES.
13	(a) Program Authority.—The Secretary of De-
14	fense may carry out a pilot program to enhance the efforts
15	of the Department of Defense to provide job placement
16	assistance and related employment services directly to
17	members of the National Guard and Reserves and vet-
18	erans of the Armed Forces.
19	(b) ADMINISTRATION.—The pilot program shall be
20	offered to, and administered by, the adjutants general ap-
21	pointed under section 314 of title 32, United States Code.
22	(c) Cost-Sharing Requirement.—As a condition
23	on the provision of funds under this section to a State
24	to support the operation of the pilot program in the State,
25	the State must agree to contribute an amount, derived
26	from non-Federal sources, equal to at least 30 percent of

1	the funds provided by the Secretary of Defense to the
2	State under this section.
3	(d) DIRECT EMPLOYMENT PROGRAM MODEL.—The
4	pilot program should follow a job placement program
5	model that focuses on working one-on-one with a member
6	of a reserve component to cost-effectively provide job
7	placement services, including services such as identifying
8	unemployed and underemployed members and veterans,
9	job matching services, resume editing, interview prepara-
10	tion, and post-employment follow up. Development of the
11	pilot program should be informed by State direct employ-
12	ment programs for members and veterans, such as the
13	programs conducted in California and South Carolina.
14	(e) EVALUATION.—The Secretary of Defense shall
15	develop outcome measurements to evaluate the success of
16	the pilot program.
17	(f) Reporting Requirements.—
18	(1) REPORT REQUIRED.—Not later than March
19	1, 2019, the Secretary of Defense shall submit to
20	the congressional defense committees a report de-
21	scribing the results of the pilot program. The Sec-
22	retary shall prepare the report in coordination with
23	the Chief of the National Guard Bureau.
24	(2) Elements of Report.—A report under
25	paragraph (1) shall include the following:

1	(A) A description and assessment of the ef-
2	fectiveness and achievements of the pilot pro-
3	gram, including the number of members of the
4	reserve components and veterans of the Armed
5	Forces hired and the cost-per-placement of par-
6	ticipating members and veterans.
7	(B) An assessment of the impact of the
8	pilot program and increased reserve component
9	employment levels on the readiness of members
10	of the reserve components.
11	(C) A comparison of the pilot program to
12	other programs conducted by the Department
13	of Defense and Department of Veterans Affairs
14	to provide unemployment and underemployment
15	support to members of the reserve components
16	and veterans of the Armed Forces.
17	(D) Any other matters considered appro-
18	priate by the Secretary.
19	(g) Limitation on Total Fiscal-Year Obliga-
20	TIONS.—The total amount obligated by the Secretary of
21	Defense to carry out the pilot program for any fiscal year
22	may not exceed \$20,000,000.
23	(h) Duration of Authority.—The authority to
24	carry out the pilot program expires on September 30,

- 1 2018, except that the Secretary may extend the pilot pro-
- 2 gram for not more than two additional fiscal years.
- 3 SEC. 602. PREFERENCE FOR OFFERORS EMPLOYING VET-
- 4 ERANS.
- 5 (a) In General.—Subchapter II of chapter 81 of
- 6 title 38, United States Code, is amended by adding after
- 7 section 8128 the following new section:
- 8 "§ 8129. Preference for offerors employing veterans
- 9 "(a) Preference.—In awarding a contract (or task
- 10 order) for the procurement of goods or services, the Sec-
- 11 retary may give a preference to offerors that employ vet-
- 12 erans on a full-time basis. The Secretary shall determine
- 13 such preference based on the percentage of the full-time
- 14 employees of the offeror who are veterans.
- 15 "(b) Enforcement Penalties for Misrepresen-
- 16 TATION.—(1) Any offeror that is determined by the Sec-
- 17 retary to have willfully and intentionally misrepresented
- 18 the veteran status of the employees of the offeror for pur-
- 19 poses of subsection (a) shall be debarred from contracting
- 20 with the Department for a period of not less than 5 years.
- 21 "(2) In the case of a debarment under paragraph (1),
- 22 the Secretary shall commence debarment action against
- 23 the offeror by not later than 30 days after determining
- 24 that the offeror willfully and intentionally misrepresented
- 25 the veteran status of the employees of the offeror as de-

- 1 scribed in paragraph (1) and shall complete debarment ac-
- 2 tions against such offeror by not later than 90 days after
- 3 such determination.
- 4 "(3) The debarment of an offeror under paragraph
- 5 (1) includes the debarment of all principals in the offeror
- 6 for a period of not less than 5 years.".
- 7 (b) CLERICAL AMENDMENT.—The table of sections
- 8 at the beginning of such chapter is amended by inserting
- 9 after the item relating to section 8128 the following new
- 10 item:

"8129. Preference for offerors employing veterans.".

11 SEC. 603. VETERANS MANUFACTURING EMPLOYMENT PRO-

- GRAM.
- 13 (a) Establishment of Pilot Program.—To en-
- 14 courage the employment of eligible veterans in manufac-
- 15 turing, the Secretary of Labor, as part of the Veteran's
- 16 Workforce Investment Program, shall carry out a pilot
- 17 program to be known as the "Veterans Manufacturing
- 18 Employment Program". Under the pilot program, the Sec-
- 19 retary shall award competitive grants to three States for
- 20 the establishment and administration of a State program
- 21 to make grants to manufacturing employers and labor-
- 22 management organizations that provide covered training,
- 23 on-job training, apprenticeships, and certification classes
- 24 to eligible veterans. Such a program shall be known as
- 25 a "State Manufacturing Employment Program".

1	(b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
2	ceive a grant under the pilot program, a State shall submit
3	to the Secretary an application that includes each of the
4	following:
5	(1) A proposal for the expenditure of grant
6	funds to establish and administer a public-private
7	partnership program designed to provide covered
8	training, on-job training, apprenticeships, and cer-
9	tification classes to a significant number of eligible
10	veterans and ensure lasting and sustainable employ-
11	ment in well-paying jobs in manufacturing.
12	(2) Evidence that the State has—
13	(A) a population of eligible veterans of an
14	appropriate size to carry out the State program;
15	(B) a robust and diverse manufacturing in-
16	dustry; and
17	(C) the ability to carry out the State pro-
18	gram described in the proposal under para-
19	graph (1).
20	(3) Such other information and assurances as
21	the Secretary may require.
22	(e) Use of Funds.—A State that is the recipient
23	of a grant under this section shall use the grant for the
24	following purposes:

1	(1) Making grants to manufacturing employers
2	and labor-management organizations to reimburse
3	such employers and organizations for the cost of
4	providing covered training, on-job training, appren-
5	ticeships, and certification classes to eligible vet-
6	erans.
7	(2) Conducting outreach to inform manufac-
8	turing employers, labor-management organizations,
9	and veterans, including veterans in rural areas, of
10	their eligibility or potential eligibility for participa-
11	tion in the State program.
12	(d) Conditions.—Under the pilot program, each
13	grant to a State shall be subject to the following condi-
14	tions:
15	(1) The State shall repay to the Secretary, on
16	such date as shall be determined by the Secretary,
17	any amount received under the pilot program that is
18	not used for the purposes described in subsection
19	(e).
20	(2) The State shall submit to the Secretary, at
21	such times and containing such information as the
22	Secretary shall require, reports on the use of grant
23	funds.

1	(e) EMPLOYER REQUIREMENTS.—In order to receive
2	a grant made by a State under the pilot program, a manu-
3	facturing employer shall—
4	(1) submit to the administrator of the State
5	Manufacturing Employment Program an application
6	that includes—
7	(A) the rate of pay for each eligible vet-
8	eran proposed to be trained using grant funds;
9	(B) the average rate of pay for an indi-
10	vidual employed by the manufacturing employer
11	in a similar position who is not an eligible vet-
12	eran; and
13	(C) such other information and assurances
14	as the administrator may require; and
15	(2) agree to submit to the administrator, for
16	each quarter, a report containing such information
17	as the Secretary may specify.
18	(f) Limitation.—None of the funds made available
19	to a manufacturing employer through a grant under the
20	pilot program may be used to provide training of any kind
21	to a person who is not an eligible veteran.
22	(g) REPORT TO CONGRESS.—Together with the re-
23	port required to be submitted annually under section
24	4107(c) of title 38, United States Code, the Secretary
25	shall submit to Congress a report on the pilot program

1	for the year covered by such report. The report on the
2	pilot program shall include a detailed description of activi-
3	ties carried out under this section and an evaluation of
4	the program.
5	(h) Administrative and Reporting Costs.—Of
6	the amounts appropriated pursuant to the authorization
7	of appropriations under subsection (j), 2 percent shall be
8	made available to the Secretary for administrative costs
9	associated with implementing and evaluating the pilot pro-
10	gram under this section and for preparing and submitting
11	the report required under subsection (f). The Secretary
12	shall determine the appropriate maximum amount of each
13	grant awarded under this section that may be used by the
14	recipient for administrative and reporting costs.
15	(i) Definitions.—For purposes of this section:
16	(1) The term "covered training, on-job training,
17	apprenticeships, and certification classes" means
18	training, on-job training, apprenticeships, and cer-
19	tification classes that are—
20	(A) designed to provide the veteran with
21	skills that are particular to manufacturing and
22	not directly transferable to employment in an-
23	other industry; and

1	(B) approved as provided in paragraph (1)
2	or (2), as appropriate, of subsection (a) of sec-
3	tion 3687 of title 38, United States Code.
4	(2) The term "eligible veteran" means a vet-
5	eran, as that term is defined in section 101(3) of
6	title 38, United States Code, who is employed by a
7	manufacturing employer and enrolled or partici-
8	pating in a covered training, on-job training, appren-
9	ticeship, or certification class.
10	(3) The term "manufacturing employer" means
11	a business concern—
12	(A) that employs individuals in a trade or
13	business in manufacturing;
14	(B) the production facilities of which are
15	located in the United States; and
16	(C) the primary business of which is classi-
17	fied in sector 31, 32, or 33 of the North Amer-
18	ican Industrial Classification System.
19	(j) APPROPRIATIONS.—There is authorized to be ap-
20	propriated to the Secretary \$10,000,000 for each of fiscal
21	years 2016 through 2020, for the purpose of carrying out
22	the pilot program.

1	SEC. 604. MODIFICATION OF TREATMENT UNDER CON-
2	TRACTING GOALS AND PREFERENCES OF DE-
3	PARTMENT OF VETERANS AFFAIRS.
4	(a) In General.—Section 8127(h) of title 38,
5	United States Code, is amended—
6	(1) in paragraph (3), by striking "rated as"
7	and all that follows through "disability." and insert-
8	ing a period; and
9	(2) in paragraph (2), by amending subpara-
10	graph (C) to read as follows:
11	"(C) The date that—
12	"(i) in the case of a surviving spouse of a
13	veteran with a service-connected disability rated
14	as 100 percent disabling or who dies as a result
15	of a service-connected disability, is 10 years
16	after the date of the veteran's death; or
17	"(ii) in the case of a surviving spouse of a
18	veteran with a service-connected disability rated
19	as less than 100 percent disabling who does not
20	die as a result of a service-connected disability,
21	is 3 years after the date of the veteran's
22	death.".
23	(b) Effective Date.—The amendments made by
24	subsection (a) shall take effect on the date that is 180
25	days after the date of the enactment of this Act and shall

1	apply with respect to contracts awarded on or after such
2	date.
3	SEC. 605. ACCESS TO EXCESS OR SURPLUS PROPERTY FOR
4	VETERAN-OWNED SMALL BUSINESSES.
5	Subparagraph (B) of section 32(c)(3) of the Small
6	Business Act (15 U.S.C. 657b(c)(3)(B)) is amended—
7	(1) in clause (v), by striking "; and" and insert-
8	ing a semicolon;
9	(2) in clause (vi), by striking the period at the
10	end and inserting "; and"; and
11	(3) by inserting at the end the following new
12	clause:
13	"(vii) providing access to and man-
14	aging the distribution of excess or surplus
15	property owned by the United States to
16	small business concerns owned and con-
17	trolled by veterans, pursuant to a memo-
18	randum of understanding between the task
19	force and the head of the appropriate State
20	agency for surplus property.".

TITLE VII—CONSTRUCTION AND 1 **LEASES** 2 SEC. 701. CONGRESSIONAL APPROVAL OF DEPARTMENT OF 4 VETERANS AFFAIRS MAJOR MEDICAL FACIL-5 ITY LEASES. 6 (a) In General.—Section 8104(a)(2) of title 38, 7 United States Code, is amended— (1) by striking "No funds" and inserting "(A) 8 9 No funds"; 10 (2) by striking "or any major medical facility 11 lease"; 12 (3) by striking "or lease"; and 13 (4) by adding at the end the following new sub-14 paragraph: "(B) No funds may be appropriated for any fiscal 15 year for any major medical facility lease unless the Committees on Veterans' Affairs of the Senate and House of 17 Representatives adopt resolutions approving the lease.". 18

(b) APPLICABILITY.—The amendments made by sub-

section (a) shall apply with respect to a lease entered into

after the date of the enactment of this [Act].

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1	SEC. 702. PROGRAM FOR THE CONSTRUCTION OF DEPART-
2	MENT OF VETERANS AFFAIRS MAJOR MED-
3	ICAL FACILITY PROJECTS BY NON-FEDERAL
4	ENTITIES UNDER PARTNERSHIP AGREE-
5	MENTS.
6	(a) In General.—The Secretary of Veterans Affairs
7	shall carry out a program under which the Secretary shall
8	enter into partnership agreements on a competitive basis
9	with appropriate non-Federal entities for the construction
10	of major construction projects authorized by law.
11	(b) Selection of Projects.—The Secretary shall
12	select major construction projects for completion by non-
13	Federal entities under the program. Each project selected
14	shall be a major medical facility project authorized by law
15	for the construction of a new facility for which—
16	(1) Congress has appropriated any funds;
17	(2) the design and development phase is com-
18	plete; and
19	(3) construction has not begun, as of the date
20	of the enactment of this Act.
21	(c) AGREEMENTS.—Each partnership agreement for
22	a construction project under the program shall provide
23	that—
24	(1) the non-Federal entity shall obtain any per-
25	mits required pursuant to Federal and State laws
26	before beginning to carry out construction; and

1	(2) if requested by the non-Federal entity, the
2	Secretary shall provide technical assistance for ob-
3	taining any necessary permits for the construction
4	project.
5	(d) APPLICATION.—To be eligible to participate in
6	the program established under subsection (a), a non-Fed-
7	eral entity shall submit to the Secretary an application
8	at such time, in such manner, and containing such infor-
9	mation as the Secretary may require, including the fol-
10	lowing:
11	(1) A description of the project manager of
12	each major construction project for which the Sec-
13	retary enters into a partnership agreement under
14	the program.
15	(2) A description of the non-Federal contribu-
16	tions to the project and how future funding will be
17	secured.
18	(3) A description of the project management
19	plan that the non-Federal entity will use to ensure
20	concise and consistent communication of all parties
21	involved in the project.
22	(4) A description of metrics to monitor change
23	order process times, with the intent of expediting
24	any change order.
25	(5) Expected costs associated with the project.

1	(6) A description of construction timelines and
2	milestones association with the project.
3	(7) Such other information as the Secretary
4	may require.
5	(e) Matching Funds.—The Department of Vet-
6	erans Affairs shall provide matching funds under this pro-
7	gram—
8	(1) In General.—For any fiscal year, the Sec-
9	retary shall provide to a non-Federal entity that en-
10	ters into a partnership agreement with the Secretary
11	under the program established under subsection (a)
12	matching funds in an amount that does not exceed
13	50 percent of the amount expended by the non-Fed-
14	eral entity.
15	(2) Rule of construction.—[Paragraph
16	one] shall not be construed as a limitation on the
17	amount that may be expended by a non-Federal en-
18	tity for a fiscal year for a construction project cov-
19	ered by a partnership agreement under the program.
20	(f) COMPTROLLER GENERAL REPORT.—The Comp-
21	troller General of the United States shall submit to Con-
22	gress a biennial report on the partnership agreements en-
23	tered into under the program.
24	(g) Deadline for Implementation.—The Sec-
25	retary shall begin implementing the program under this

1	section by not later than 180 days after the date of the
2	enactment of this Act.
3	SEC. 703. PILOT PROGRAM TO ACCEPT MEDICAL FACILI-
4	TIES AND RELATED PROPERTY.
5	(a) PILOT PROGRAM.—The Secretary of Veterans Af-
6	fairs shall carry out a pilot program under which the Sec-
7	retary may accept the donation by a covered person of any
8	of the following properties:
9	(1) Real property that includes a constructed
10	medical facility (including structures and equipment
11	associated therewith).
12	(2) Real property (including structures and
13	equipment associated therewith) to be used as the
14	site of a medical facility constructed by the Sec-
15	retary pursuant to chapter 81 of title 38, United
16	States Code.
17	(3) A medical facility constructed by the cov-
18	ered person on real property of the Department of
19	Veterans Affairs.
20	(b) Location.—The Secretary shall carry out the
21	pilot program at one location selected in accordance with
22	subsection (c).
23	(c) REQUIREMENTS.—The Secretary shall only ac-
24	cept donated property under subsection (a) if the Sec-

1	retary determines that the donation meets the following
2	requirements:
3	(1) With respect to the location of the donated
4	property, either—
5	(A) a major medical facility project has
6	been authorized for such location pursuant to
7	section 8104 of title 38, United States Code
8	and funds have been appropriated for such
9	project; or
10	(B) a proposed medical facility project at
11	such location is listed on the Major Construc-
12	tion Strategic Capital Investment Planning pri-
13	ority list of the Department, as submitted in
14	the materials submitted to Congress in support
15	of the budget of the Department for the fiscal
16	year in which the donation will occur.
17	(2) Each medical facility and other structure
18	included in the donation meets the applicable struc-
19	tural requirements of the Secretary, including pursu-
20	ant to section 8105 of title 38, United States Code
21	(3) The donation is made without condition or
22	restriction.
23	(4) Except as provided by subsection (e), the
24	donation is made at no cost to the United States

1	(d) Prohibition on Lease-Back.—The Secretary
2	may not enter into any lease of property donated under
3	subsection (a), including as described in appendix B of
4	Office of Management and Budget Circular A–11.
5	(e) USE OF CERTAIN FUNDS.—
6	(1) Prior funds.—With respect to the dona-
7	tion of real property under subsection (a) that is re-
8	lated to a major medical facility project authorized
9	pursuant to section 8104 of title 38, United States
10	Code, the Secretary may use funds that have been
11	appropriated for such project before the date of the
12	donation for activities required to carry out such do-
13	nation. The Secretary may enter into an agreement
14	with the covered person to define the requirements
15	for the use of such funds for such activities.
16	(2) No authorization of appropriations.—
17	Nothing in this section shall be construed to author-
18	ize the appropriation of additional funds to carry out
19	a major medical facility project.
20	(f) APPLICATION.—A covered person who seeks to
21	make a donation under subsection (a) shall submit to the
22	Secretary an application at such time, in such manner,
23	and containing such information as the Secretary may re-
24	onire.

- 1 (g) Information.—The Secretary shall ensure that
- 2 a covered person who seeks to make a donation under sub-
- 3 section (a) is informed of the requirements of subsection
- 4 (c), including with respect to the locations described in
- 5 subparagraphs (A) and (B) of paragraph (1) of such sub-
- 6 section.
- 7 (h) Report.—The Secretary shall submit to the
- 8 Committees on Veterans Affairs' of the House of Rep-
- 9 resentatives and the Senate a report on the pilot program,
- 10 including a description of the donations made under the
- 11 pilot program and whether such pilot program should be
- 12 expanded.
- 13 (i) COVERED PERSON DEFINED.—In this section, the
- 14 term "covered person" means any person or entity that
- 15 is not an element of the Federal Government, including
- 16 a State or local government, a nonprofit organization ex-
- 17 empt from taxation under section 501(c)(3) of the Inter-
- 18 nal Revenue Code of 1986, or a private corporation.
- 19 (j) Rule of Construction.—Nothing in this sec-
- 20 tion shall be construed to limit the application of title VII
- 21 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),
- 22 subchapter IV of chapter 31 of title 40, United States
- 23 Code (commonly referred to as the "Davis-Bacon Act"),
- 24 or laws relating to the environment or historic preserva-
- 25 tion.

1	SEC. 704. AUTHORITY TO ENTER INTO CERTAIN LEASES AT
2	THE DEPARTMENT OF VETERANS AFFAIRS
3	WEST LOS ANGELES CAMPUS.
4	(a) In General.—The Secretary of Veterans Affairs
5	may carry out leases described in subsection (b) at the
6	Department of Veterans Affairs West Los Angeles Cam-
7	pus in Los Angeles, California (hereinafter in this section
8	referred to as the "Campus").
9	(b) Leases Described.—Leases described in this
10	subsection are the following:
11	(1) Any enhanced-use lease of real property
12	under subchapter V of chapter 81 of title 38, United
13	States Code, for purposes of providing supportive
14	housing, as that term is defined in section 8161(3)
15	of such title, that principally benefit veterans and
16	their families.
17	(2) Any lease of real property for a term not to
18	exceed 50 years to a third party to provide services
19	that principally benefit veterans and their families
20	and that are limited to one or more of the following
21	purposes:
22	(A) The promotion of health and wellness,
23	including nutrition and spiritual wellness.
24	(B) Education.
25	(C) Vocational training, skills building, or
26	other training related to employment.

1	(D) Peer activities, socialization, or phys-
2	ical recreation.
3	(E) Assistance with legal issues and Fed-
4	eral benefits.
5	(F) Volunteerism.
6	(G) Family support services, including
7	child care.
8	(H) Transportation.
9	(I) Services in support of one or more of
10	the purposes specified in subparagraphs (A)
11	through (H).
12	(3) A lease of real property for a term not to
13	exceed 10 years to The Regents of the University of
14	California, a corporation organized under the laws of
15	the State of California, on behalf of its University of
16	California, Los Angeles (UCLA) campus (herein-
17	after in this section referred to as "The Regents"),
18	if—
19	(A) the lease is consistent with the master
20	plan described in subsection (g);
21	(B) the provision of services to veterans is
22	the predominant focus of the activities of The
23	Regents at the Campus during the term of the
24	lease;

1	(C) The Regents expressly agrees to pro-
2	vide, during the term of the lease and to an ex-
3	tent and in a manner that the Secretary con-
4	siders appropriate, additional services and sup-
5	port (for which The Regents is either not com-
6	pensated by the Secretary or is compensated
7	through an existing medical affiliation agree-
8	ment) that—
9	(i) principally benefit veterans and
10	their families, including veterans that are
11	severely disabled, women, aging, or home-
12	less; and
13	(ii) may consist of activities relating
14	to the medical, clinical, therapeutic, die-
15	tary, rehabilitative, legal, mental, spiritual,
16	physical, recreational, research, and coun-
17	seling needs of veterans and their families
18	or any of the purposes specified in any of
19	subparagraphs (A) through (I) of para-
20	graph (1); and
21	(D) The Regents maintains records docu-
22	menting the value of the additional services and
23	support that The Regents provides pursuant to
24	subparagraph (C) for the duration of the lease

1	and makes such records available to the Sec-
2	retary.
3	(c) Limitation on Land-Sharing Agreements.—
4	The Secretary may not carry out any land-sharing agree-
5	ment pursuant to section 8153 of title 38, United States
6	Code, at the Campus unless such agreement—
7	(1) provides additional health-care resources to
8	the Campus; and
9	(2) benefits veterans and their families other
10	than from the generation of revenue for the Depart-
11	ment of Veterans Affairs.
12	(d) Revenues From Leases at the Campus.—
13	Any funds received by the Secretary under a lease de-
14	scribed in subsection (b) shall be credited to the applicable
15	Department medical facilities account and shall be avail-
16	able, without fiscal year limitation and without further ap-
17	propriation, exclusively for the renovation and mainte-
18	nance of the land and facilities at the Campus.
19	(e) Easements.—
20	(1) IN GENERAL.—Notwithstanding any other
21	provision of law (other than Federal laws relating to
22	environmental and historic preservation), pursuant
23	to section 8124 of title 38, United States Code, the
24	Secretary may grant easements or rights-of-way on,
25	above, or under lands at the Campus to—

1	(A) any local or regional public transpor-
2	tation authority to access, construct, use, oper-
3	ate, maintain, repair, or reconstruct public
4	mass transit facilities, including, fixed guideway
5	facilities and transportation centers; and
6	(B) the State of California, County of Los
7	Angeles, City of Los Angeles, or any agency or
8	political subdivision thereof, or any public util-
9	ity company (including any company providing
10	electricity, gas, water, sewage, or telecommuni-
11	cation services to the public) for the purpose of
12	providing such public utilities.
13	(2) Improvements.—Any improvements pro-
14	posed pursuant to an easement or right-of-way au-
15	thorized under paragraph (1) shall be subject to
16	such terms and conditions as the Secretary considers
17	appropriate.
18	(3) TERMINATION.—Any easement or right-of-
19	way authorized under paragraph (1) shall be termi-
20	nated upon the abandonment or nonuse of the ease-
21	ment or right-of-way and all right, title, and interest
22	in the land covered by the easement or right-of-way
23	shall revert to the United States.
24	(f) Prohibition on Sale of Property.—Notwith-
25	standing section 8164 of title 38. United States Code, the

- Secretary may not sell or otherwise convey to a third party
- fee simple title to any real property or improvements to
- 3 real property made at the Campus.
- 4 (g) Consistency With Master Plan.—The Sec-
- retary shall ensure that each lease carried out under this
- section is consistent with the draft master plan approved 6
- by the Secretary on January 28, 2016, or successor mas-
- 8 ter plans.

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- (h) Compliance With Certain Laws.—
- 10 (1) Laws relating to leases and land 11 USE.—If the Inspector General of the Department of
- 12 Veterans Affairs determines, as part of an audit re-
- port or evaluation conducted by the Inspector Gen-14 eral, that the Department is not in compliance with
- 15 all Federal laws relating to leases and land use at

the Campus, or that significant mismanagement has

- 17 occurred with respect to leases or land use at the
- 18 Campus, the Secretary may not enter into any lease
- 19 or land-sharing agreement at the Campus, or renew
- 20 any such lease or land-sharing agreement that is not
- 21 in compliance with such laws, until the Secretary
- 22 certifies to the Committee on Veterans' Affairs of
- 23 the Senate, the Committee on Veterans' Affairs of
- 24 the House of Representatives, and each Member of
- 25 the Senate and the House of Representatives who

1	represents the area in which the Campus is located
2	that all recommendations included in the audit re-
3	port or evaluation have been implemented.
4	(2) Compliance of Particular Leases.—
5	Except as otherwise expressly provided by this sec-
6	tion, no lease may be entered into or renewed under
7	this section unless the lease complies with chapter
8	33 of title 41, United States Code, and all Federal
9	laws relating to environmental and historic preserva-
10	tion.
11	(i) Community Veterans Engagement Board.—
12	(1) In general.—Not later than 180 days
13	after the date of the enactment of this Act, the Sec-
14	retary shall establish a Community Veterans En-
15	gagement Board (in this subsection referred to as
16	the "Board") for the Campus to coordinate locally
17	with the Department of Veterans Affairs to—
18	(A) identify the goals of the community;
19	and
20	(B) provide advice and recommendations
21	to the Secretary to improve services and out-
22	comes for veterans, members of the Armed
23	Forces, and the families of such veterans and
24	members.

1	(2) Members.—The Board shall be comprised
2	of a number of members that the Secretary deter-
3	mines appropriate, of which not less than 50 percent
4	shall be veterans. The nonveteran members shall be
5	family members of veterans, veteran advocates, serv-
6	ice providers, or stakeholders.
7	(3) Community input.—In carrying out sub-
8	paragraphs (A) and (B) of paragraph (1), the Board
9	shall—
10	(A) provide the community opportunities to
11	collaborate and communicate with the Board,
12	including by conducting public forums on the
13	Campus; and
14	(B) focus on local issues regarding the De-
15	partment that are identified by the community,
16	including with respect to health care, benefits,
17	and memorial services at the Campus.
18	(j) Notification and Reports.—
19	(1) Congressional notification.—With re-
20	spect to each lease or land-sharing agreement in-
21	tended to be entered into or renewed at the Campus,
22	the Secretary shall notify the Committee on Vet-
23	erans' Affairs of the Senate, the Committee on Vet-
24	erans' Affairs of the House of Representatives, and
25	each Member of the Senate and the House of Rep-

1	resentatives who represents the area in which the
2	Campus is located of the intent of the Secretary to
3	enter into or renew the lease or land-sharing agree-
4	ment not later than 45 days before entering into or
5	renewing the lease or land-sharing agreement.
6	(2) Annual report.—Not later than one year
7	after the date of the enactment of this Act, and not
8	less frequently than annually thereafter, the Sec-
9	retary shall submit to the Committee on Veterans'
10	Affairs of the Senate, the Committee on Veterans'
11	Affairs of the House of Representatives, and each
12	Member of the Senate and the House of Representa-
13	tives who represents the area in which the Campus
14	is located an annual report evaluating all leases and
15	land-sharing agreements carried out at the Campus,
16	including—
17	(A) an evaluation of the management of
18	the revenue generated by the leases; and
19	(B) the records described in subsection
20	(b)(3)(D).
21	(3) Inspector general report.—
22	(A) IN GENERAL.—Not later than each of
23	two years and five years after the date of the
24	enactment of this Act, and as determined nec-
25	essary by the Inspector General of the Depart-

1	ment of Veterans Affairs thereafter, the Inspec-
2	tor General shall submit to the Committee on
3	Veterans' Affairs of the Senate, the Committee
4	on Veterans' Affairs of the House of Represent-
5	atives, and each Member of the Senate and the
6	House of Representatives who represents the
7	area in which the Campus is located a report on
8	all leases carried out at the Campus and the
9	management by the Department of the use of
10	land at the Campus, including an assessment of
11	the efforts of the Department to implement the
12	master plan described in subsection (g) with re-
13	spect to the Campus.
14	(B) Consideration of annual re-
15	PORT.—In preparing each report required by
16	subparagraph (A), the Inspector General shall
17	take into account the most recent report sub-
18	mitted to Congress by the Secretary under
19	paragraph (2).
20	(k) Rule of Construction.—Nothing in this sec-
21	tion shall be construed as a limitation on the authority
22	of the Secretary to enter into other agreements regarding
23	the Campus that are authorized by law and not incon-
24	sistent with this section.

1	(l) Principally Benefit Veterans and Their
2	Families Defined.—In this section the term "prin-
3	cipally benefit veterans and their families", with respect
4	to services provided by a person or entity under a lease
5	of property or land-sharing agreement—
6	(1) means services—
7	(A) provided exclusively to veterans and
8	their families; or
9	(B) that are designed for the particular
10	needs of veterans and their families, as opposed
11	to the general public, and any benefit of those
12	services to the general public is ancillary to the
13	intended benefit to veterans and their families;
14	and
15	(2) excludes services in which the only benefit
16	to veterans and their families is the generation of
17	revenue for the Department of Veterans Affairs.
18	(m) Conforming Amendments.—
19	(1) Prohibition on disposal of prop-
20	ERTY.—Section 224(a) of the Military Construction
21	and Veterans Affairs and Related Agencies Appro-
22	priations Act, 2008 (Public Law 110–161; 121 Stat.
23	2272) is amended by striking "The Secretary of
24	Veterans Affairs" and inserting "Except as author-
25	ized under the Los Angeles Homeless Veterans

1	Leasing Act of 2016, the Secretary of Veterans Af-
2	fairs".
3	(2) Enhanced-use leases.—Section 8162(c)
4	of title 38, United States Code, is amended by in-
5	serting ", other than an enhanced-use lease under
6	the Los Angeles Homeless Veterans Leasing Act of
7	2016," before "shall be considered".
8	SEC. 705. AUTHORIZATION OF MAJOR MEDICAL FACILITY
9	LEASE IN OXNARD, CALIFORNIA.
10	The Secretary of Veterans Affairs may carry out a
11	major medical facility lease for an outpatient clinic,
12	Oxnard, California, in an amount not to exceed
13	\$6,297,000 (not including any estimated cancellation
14	costs).
15	TITLE VIII—OTHER MATTERS
16	SEC. 801. PROVISION OF STATUS UNDER LAW BY HON-
17	ORING CERTAIN MEMBERS OF THE RESERVE
18	COMPONENTS AS VETERANS.
19	(a) Veteran Status.—
20	(1) In general.—Chapter 1 of title 38, United
21	States Code, is amended by inserting after section
22	107 the following new section:

1	"§ 107A. Honoring as veterans certain persons who
2	performed service in the reserve compo-
3	nents
4	"Any person who is entitled under chapter 1223 of
5	title 10 to retired pay for nonregular service or, but for
6	age, would be entitled under such chapter to retired pay
7	for nonregular service shall be honored as a veteran but
8	shall not be entitled to any benefit by reason of this sec-
9	tion.".
10	(2) CLERICAL AMENDMENT.—The table of sec-
11	tions at the beginning of such chapter is amended
12	by inserting after the item relating to section 107
13	the following new item:
	"107A. Honoring as veterans certain persons who performed service in the reserve components.".
14	(b) Clarification Regarding Benefits.—No
15	person may receive any benefit under the laws adminis-
16	tered by the Secretary of Veterans Affairs solely by reason
17	of section 107A of title 38, United States Code, as added
18	by subsection (a).
19	SEC. 802. RETURN OF NONCITIZEN VETERANS REMOVED
20	FROM THE UNITED STATES; STATUS FOR
21	NONCITIZEN VETERANS IN THE UNITED
22	STATES.
23	(a) In General.—

1	(1) Duties of Secretary.—Not later than
2	180 days after the date of the enactment of this Act,
3	the Secretary shall—
4	(A) establish a program and application
5	procedure to permit—
6	(i) deported veterans who meet the re-
7	quirements of subsection (b) to enter the
8	United States as a noncitizen lawfully ad-
9	mitted for permanent residence; and
10	(ii) noncitizen veterans in the United
11	States who meet the requirements of sub-
12	section (b) to adjust status to that of a
13	noncitizen lawfully admitted for permanent
14	residence; and
15	(B) cancel the removal of noncitizen vet-
16	erans ordered removed who meet the require-
17	ments of subsection (b) and allow them to ad-
18	just status to that of a noncitizen lawfully ad-
19	mitted for permanent residence.
20	(2) No numerical limitations.—Nothing in
21	this section or in any other law shall be construed
22	to apply a numerical limitation on the number of
23	veterans who may be eligible to receive benefits
24	under paragraph (1).
25	(b) Eligibility.—

1	(1) In general.—Notwithstanding any other
2	provision of law, including sections 212 and 237 of
3	the Immigration and Nationality Act (8 U.S.C.1182;
4	1227), a veteran shall be eligible for the program es-
5	tablished under subsection (a)(1)(A), or cancellation
6	of removal under subsection (a)(1)(B), if the Sec-
7	retary determines that the veteran—
8	(A) was not ordered removed, or removed,
9	from the United States due to a criminal con-
10	viction for—
11	(i) a crime of violence; or
12	(ii) a crime that endangers the na-
13	tional security of the United States for
14	which the noncitizen has served a term of
15	imprisonment of at least 5 years; and
16	(B) is not inadmissible to, or deportable
17	from, the United States due to such a convic-
18	tion.
19	(2) Waiver.—The Secretary may waive para-
20	graph (1) for humanitarian purposes, to assure fam-
21	ily unity, due to exceptional service in the United
22	States Armed Forces, or if such waiver otherwise is
23	in the public interest.
24	(e) Protecting Veterans and Service Members
25	FROM REMOVAL.—Notwithstanding any other provision

1	of law, including section 237 of the Immigration and Na-
2	tionality Act (8 U.S.C. 1227), a noncitizen who is a vet-
3	eran or service member shall not be removed from the
4	United States unless the noncitizen has a criminal convic-
5	tion for a crime of violence.
6	(d) Naturalization Through Service in the
7	ARMED FORCES OF THE UNITED STATES.—Notwith-
8	standing any other provision of law, a noncitizen who has
9	obtained the status of a noncitizen lawfully admitted for
10	permanent residence pursuant to subsection (b) shall be
11	eligible for naturalization through service in the Armed
12	Forces of the United States under sections 328 and 329
13	of the Immigration and Nationality Act (8 U.S.C. 1439;
14	1440), except that—
15	(1) the ground or grounds on which the noncit-
16	izen was ordered removed, or removed, from the
17	United States, or was rendered inadmissible to, or
18	deportable from, the United States, shall be dis-
19	regarded when determining whether the noncitizen is
20	a person of good moral character; and
21	(2) any period of absence from the United
22	States due to the noncitizen having been removed, or
23	being inadmissible, shall be disregarded when deter-
24	mining if the noncitizen satisfies any requirement re-
25	lating to continuous residence or physical presence.

1	(e) Access to Military Benefits.—A noncitizen
2	who has obtained the status of a noncitizen lawfully admit-
3	ted for permanent residence pursuant to subsection (b)
4	shall be eligible for all military and veterans benefits for
5	which the noncitizen would have been eligible if the noncit-
6	izen had never been ordered removed, been removed, or
7	voluntarily departed, from the United States.
8	(f) Implementation.—
9	(1) IDENTIFICATION.—The Secretary of Home-
10	land Security shall identify cases involving service
11	members and veterans at risk of removal from the
12	United States by—
13	(A) inquiring of every noncitizen processed
14	prior to initiating removal proceedings whether
15	the noncitizen is serving, or has served, as a
16	member of a regular or reserve component of
17	the Armed Forces of the United States on ac-
18	tive duty or as a member of a reserve compo-
19	nent of the Armed Forces in an active status;
20	(B) requiring personnel to seek supervisory
21	approval prior to initiating removal proceedings
22	against a service member or veteran; and
23	(C) keeping records of service members
24	and veterans who have had removal proceedings

1	against them initiated, been detained, or been
2	removed.
3	(2) RECORD ANNOTATION.—When the Sec-
4	retary has identified a case under paragraph (1), the
5	Secretary shall annotate all immigration and natu-
6	ralization records of the Department of Homeland
7	Security relating to the noncitizen involved so as to
8	reflect that identification and afford an opportunity
9	to track the outcomes for the noncitizen. Such anno-
10	tation shall include—
11	(A) the individual's branch of military
12	service;
13	(B) whether or not the individual is serv-
14	ing, or has served, during a period of military
15	hostilities described in section 329 of the Immi-
16	gration and Nationality Act (8 U.S.C. 1440);
17	(C) the individual's immigration status at
18	the time of enlistment;
19	(D) whether the individual is serving hon-
20	orably or was separated under honorable condi-
21	tions; and
22	(E) the basis for which removal was
23	sought; and, if the basis for removal was a
24	criminal conviction, the crime or crimes for
25	which conviction was obtained.

1	(g) Regulations.—Not later than 90 days after the
2	date of the enactment of this Act, the Secretary shall pro-
3	mulgate regulations to implement this section.
4	(h) Definitions.—In this section:
5	(1) The term "crime of violence" means an of-
6	fense defined in section 16 of title 18, United States
7	Code, excluding a purely political offense, for which
8	the noncitizen has served a term of imprisonment of
9	at least 5 years.
10	(2) The term "deported veteran" means a vet-
11	eran who is a noncitizen and who—
12	(A) was removed from the United States;
13	or
14	(B) is abroad and is inadmissible under
15	section 212(a) of the Immigration and Nation-
16	ality Act (8 U.S.C. 1182(a)).
17	(3) The term "noncitizen" means an individual
18	who is not a national of the United States (as de-
19	fined in section 101(a)(22) of the Immigration and
20	Nationality Act (8 U.S.C. 1101(a)(22))).
21	(4) The term "Secretary" means the Secretary
22	of Homeland Security.
23	(5) The term "service member" means an indi-
24	vidual who is serving as a member of a regular or
25	reserve component of the Armed Forces of the

1	United States on active duty or as a member of a
2	reserve component of the Armed Forces in an active
3	status.
4	(6) The term "veteran" has the meaning given
5	such term under section 101(2) of title 38, United
6	States Code.
7	SEC. 803. REVIEW OF DISCHARGE CHARACTERIZATION.
8	(a) In General.—In accordance with this section,
9	the appropriate discharge boards—
10	(1) shall review the discharge characterization
11	of covered members at the request of the covered
12	member; and
13	(2) if such characterization is any characteriza-
14	tion except honorable, may change such character-
15	ization to honorable.
16	(b) Criteria.—In changing the discharge character-
17	ization of a covered member to honorable under subsection
18	(a)(2), the Secretary of Defense shall ensure that such
19	changes are carried out consistently and uniformly across
20	the military departments using the following criteria:
21	(1) The original discharge must be based on
22	Don't Ask Don't Tell (in this Act referred to as
23	"DADT") or a similar policy in place prior to the
24	enactment of DADT.

1	(2) Such discharge characterization shall be so
2	changed if, with respect to the original discharge,
3	there were no aggravating circumstances, such as
4	misconduct, that would have independently led to a
5	discharge characterization that was any character-
6	ization except honorable. For purposes of this para-
7	graph, such aggravating circumstances may not in-
8	clude—
9	(A) an offense under section 925 of title
10	10, United States Code (article 125 of the Uni-
11	form Code of Military Justice), committed by a
12	covered member against a person of the same
13	sex with the consent of such person; or
14	(B) statements, consensual sexual conduct,
15	or consensual acts relating to sexual orientation
16	or identity, or the disclosure of such state-
17	ments, conduct, or acts, that were prohibited at
18	the time of discharge but after the date of such
19	discharge became permitted.
20	(3) When requesting a review, a covered mem-
21	ber, or their representative, shall be required to pro-
22	vide either—
23	(A) documents consisting of—
24	(i) a copy of the DD-214 form of the
25	member;

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1	(ii) a personal affidavit of the cir-
2	cumstances surrounding the discharge; and
3	(iii) any relevant records pertaining to
4	the discharge; or
5	(B) an affidavit certifying that the mem-
6	ber, or their representative, does not have the
7	documents specified in subparagraph (A).
8	(4) If a covered member provides an affidavit
9	described in subparagraph (B) of paragraph (3)—
10	(A) the appropriate discharge board shall
11	make every effort to locate the documents speci-
12	fied in subparagraph (A) of such paragraph
13	within the records of the Department of De-
14	fense; and
15	(B) the absence of such documents may
16	not be considered a reason to deny a change of
17	the discharge characterization under subsection
18	(a)(2).
19	(e) Request for Review.—The appropriate dis-
20	charge board shall ensure the mechanism by which covered
21	members, or their representative, may request to have the
22	discharge characterization of the covered member reviewed
23	under this section is simple and straightforward.
24	(d) Review.—

1	(1) In general.—After a request has been
2	made under subsection (c), the appropriate dis-
3	charge board shall review all relevant laws, records
4	of oral testimony previously taken, service records,
5	or any other relevant information regarding the dis-
6	charge characterization of the covered member.
7	(2) Additional materials.—If additional
8	materials are necessary for the review, the appro-
9	priate discharge board—
10	(A) may request additional information
11	from the covered member or their representa-
12	tive, in writing, and specifically detailing what
13	is being requested; and
14	(B) shall be responsible for obtaining a
15	copy of the necessary files of the covered mem-
16	ber from the member, or when applicable, from
17	the Department of Defense.
18	(e) Change of Characterization.—The appro-
19	priate discharge board shall change the discharge charac-
20	terization of a covered member to honorable if such change
21	is determined to be appropriate after a review is conducted
22	under subsection (d) pursuant to the criteria under sub-
23	section (b). A covered member, or the representative of
24	the member, may appeal a decision by the appropriate dis-

1	charge board to not change the discharge characterization
2	by using the regular appeals process of the board.
3	(f) CHANGE OF RECORDS.—For each covered mem-
4	ber whose discharge characterization is changed under
5	subsection (e), or for each covered member who was hon-
6	orably discharged but whose DD–214 form reflects the
7	sexual orientation of the member, the Secretary of Defense
8	shall reissue to the member or their representative a re-
9	vised DD–214 form that reflects the following:
10	(1) For each covered member discharged, the
11	Separation Code, Reentry Code, Narrative Code, and
12	Separation Authority shall not reflect the sexual ori-
13	entation of the member and shall be placed under
14	secretarial authority. Any other similar indication of
15	the sexual orientation or reason for discharge shall
16	be removed or changed accordingly to be consistent
17	with this paragraph.
18	(2) For each covered member whose discharge
19	occurred prior to the creation of general secretarial
20	authority, the sections of the DD–214 form referred
21	to paragraph (1) shall be changed to similarly reflect
22	a universal authority with codes, authorities, and
23	language applicable at the time of discharge.
24	(9) Status.—

1	(1) IN GENERAL.—Each covered member whose
2	discharge characterization is changed under sub-
3	section (e) shall be treated without regard to the
4	original discharge characterization of the member,
5	including for purposes of—
6	(A) benefits provided by the Federal Gov-
7	ernment to an individual by reason of service in
8	the Armed Forces; and
9	(B) all recognitions and honors that the
10	Secretary of Defense provides to members of
11	the Armed Forces.
12	(2) Reinstatement.—In carrying out para-
13	graph (1)(B), the Secretary shall reinstate all rec-
14	ognitions and honors of a covered member whose
15	discharge characterization is changed under sub-
16	section (e) that the Secretary withheld because of
17	the original discharge characterization of the mem-
18	ber.
19	(h) Definitions.—In this section:
20	(1) The term "appropriate discharge board"
21	means the boards for correction of military records
22	under section 1552 of title 10, United States Code,
23	or the discharge review boards under section 1553
24	of such title, as the case may be.

1	(2) The term "covered member" means any
2	former member of the Armed Forces who was dis-
3	charged from the Armed Forces because of the sex-
4	ual orientation of the member.
5	(3) The term "discharge characterization"
6	means the characterization under which a member
7	of the Armed Forces is discharged or released, in-
8	cluding "dishonorable", "general", "other than hon-
9	orable", and "honorable".
10	(4) The term "Don't Ask Don't Tell" means
11	section 654 of title 10, United States Code, as in ef-
12	fect before such section was repealed pursuant to the
13	Don't Ask, Don't Tell Repeal Act of 2010 (Public
14	Law 111–321).
15	(5) The term "representative" means the sur-
16	viving spouse, next of kin, or legal representative of
17	a covered member.
18	(i) Reports.—
19	(1) Review.—The Secretary of Defense shall
20	conduct a review of the consistency and uniformity
21	of the reviews conducted under this section.
22	(2) Reports.—Not later than 270 days after
23	the date of the enactment of this Act, and each year
24	thereafter for a 4-year period, the Secretary shall
25	submit to Congress a report on the reviews under

1	subsection (a). Such reports shall include any com-
2	ments or recommendations for continued actions.
3	SEC. 804. HISTORICAL REVIEW OF DISCHARGES FROM THE
4	ARMED FORCES DUE TO SEXUAL ORIENTA-
5	TION.
6	The Secretary of each military department shall en-
7	sure that oral historians of the department—
8	(1) review the facts and circumstances sur-
9	rounding the estimated 100,000 members of the
10	Armed Forces discharged from the Armed Forces
11	between World War II and September 2011 because
12	of the sexual orientation of the member; and
13	(2) receive oral testimony of individuals who
14	personally experienced discrimination and discharge
15	because of the actual or perceived sexual orientation
16	of the individual so that such testimony may serve
17	as an official record of these discriminatory policies
18	and their impact on American lives.
19	SEC. 805. MODIFICATION OF ARTICLE 125 OF THE UNIFORM
20	CODE OF MILITARY JUSTICE.
21	Section 925(a) of title 10, United States Code (article
22	125 of the Uniform Code of Military Justice), is amended
23	by striking "with another person of the same or opposite
24	sex''.

1	SEC. 806. EXEMPTION FROM IMMIGRANT VISA LIMIT.
2	Section 201(b)(1) of the Immigration and Nationality
3	Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
4	end the following:
5	"(F) Aliens who—
6	"(i) are eligible for a visa under paragraph
7	(1) or (3) of section 203(a); and
8	"(ii) have a parent (regardless of whether
9	the parent is living or dead) who was natural-
10	ized pursuant to—
11	"(I) section 405 of the Immigration
12	Act of 1990 (Public Law 101–649; 8
13	U.S.C. 1440 note); or
14	"(II) title III of the Act of October
15	14, 1940 (54 Stat. 1137, chapter 876), as
16	added by section 1001 of the Second War
17	Powers Act, 1942 (56 Stat. 182, chapter
18	199).".
19	SEC. 807. CERTAIN SERVICE IN THE ORGANIZED MILITARY
20	FORCES OF THE PHILIPPINES AND THE PHIL-
21	IPPINE SCOUTS DEEMED TO BE ACTIVE
22	SERVICE.
23	(a) In General.—Section 107 of title 38, United
24	States Code, is amended—
25	(1) in subsection (a)—

1	(A) by striking "not" after "Army of the
2	United States, shall"; and
3	(B) by striking ", except benefits under—
4	" and all that follows in that subsection and in-
5	serting a period;
6	(2) in subsection (b)—
7	(A) by striking "not" after "Armed Forces
8	Voluntary Recruitment Act of 1945 shall"; and
9	(B) by striking "except—" and all that fol-
10	lows in that subsection and inserting a period;
11	(3) by amending subsection (c) to read as fol-
12	lows:
13	"(c) Determination of Eligibility.—(1) In de-
14	termining the eligibility of the service of an individual
15	under this section, the Secretary shall take into account
16	any alternative documentation regarding such service, in-
17	cluding documentation other than the Missouri List, that
18	the Secretary determines relevant.
19	"(2) Not later than March 1 of each year, the Sec-
20	retary shall submit to the Committees on Veterans' Affairs
21	of the Senate and House of Representatives a report that
22	includes—
23	"(A) the number of individuals applying for
24	benefits pursuant to this section during the previous
25	year; and

1	"(B) the number of such individuals that the
2	Secretary approved for benefits."; and
3	(4) by amending subsection (d) to read as fol-
4	lows:
5	"(d) Relation to Filipino Veterans Equity
6	Compensation Fund.—Section 1002(h) of the American
7	Recovery and Reinvestment Act of 2009 (title X of divi-
8	sion A of Public Law 111–5; 123 Stat. 200; 38 U.S.C.
9	107 note) shall not apply to an individual described in sub-
10	section (a) or (b) of this section.".
11	(b) Conforming Amendments.—(1) The heading
12	of such section is amended to read as follows:
13	"§ 107. Certain service deemed to be active service:
	"§ 107. Certain service deemed to be active service: service in organized military forces of the
14	
13 14 15 16	service in organized military forces of the
14 15	service in organized military forces of the Philippines and in the Philippine
14 15 16 17	service in organized military forces of the Philippines and in the Philippine Scouts".
14 15 16 17	service in organized military forces of the Philippines and in the Philippine Scouts". (2) The item relating to such section in the table of
14 15 16 17 18	service in organized military forces of the Philippines and in the Philippine Scouts". (2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is
14 15 16 17 18	service in organized military forces of the Philippines and in the Philippine Scouts". (2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows: "107. Certain service deemed to be active service: service in organized military
14 15 16 17 18	service in organized military forces of the Philippines and in the Philippine Scouts". (2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows: "107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".
14 15 16 17 18 19	service in organized military forces of the Philippines and in the Philippine Scouts". (2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows: "107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.". (c) Effective Date.—

1	(2) Applicability.—No benefits shall accrue
2	to any person for any period before the effective date
3	of this section by reason of the amendments made
4	by this section.
5	SEC. 808. ELIGIBILITY FOR INTERMENT IN NATIONAL
6	CEMETERIES.
7	(a) In General.—Section 2402(a) of title 38,
8	United States Code, is amended by adding at the end the
9	following new paragraph:
10	"(10) Any individual—
11	"(A) who—
12	"(i) was naturalized pursuant to sec-
13	tion 2(1) of the Hmong Veterans' Natu-
14	ralization Act of 2000 (Public Law 106–
15	207; 8 U.S.C. 1423 note); and
16	"(ii) at the time of the individual's
17	death resided in the United States; or
18	"(B) who—
19	"(i) the Secretary determines served
20	with a special guerrilla unit or irregular
21	forces operating from a base in Laos in
22	support of the Armed Forces of the United
23	States at any time during the period begin-
24	ning February 28, 1961, and ending May
25	7, 1975; and

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1	"(ii) at the time of the individual's
2	death—
3	"(I) was a citizen of the United
4	States or an alien lawfully admitted
5	for permanent residence in the United
6	States; and
7	"(II) resided in the United
8	States.".
9	(b) Effective Date.—The amendment made by
10	this section shall apply with respect to an individual dying
11	on or after the date of the enactment of this Act.