

114TH CONGRESS
2D SESSION

S. _____

To amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ISAKSON (for himself, Mr. BLUMENTHAL, Mr. TILLIS, Mr. TESTER, Mr. UDALL, Mr. BENNET, Mr. ROUNDS, Mrs. FEINSTEIN, Mr. BOOZMAN, Mr. HELLER, Mrs. MURRAY, Mr. MANCHIN, Ms. HIRONO, Mr. BROWN, Mr. LEAHY, Mr. DAINES, Mr. SULLIVAN, Mrs. SHAHEEN, Mr. DURBIN, Mr. NELSON, Ms. CANTWELL, Ms. BALDWIN, Mr. CASEY, Mr. KAINE, Mr. BOOKER, Mr. SCHATZ, Mr. MORAN, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, 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 “Veterans First Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—PERSONNEL AND ACCOUNTABILITY MATTERS

Subtitle A—Office of Accountability and Whistleblower Protection

Sec. 101. Office of Accountability and Whistleblower Protection.

Sec. 102. Protection of whistleblowers in Department of Veterans Affairs.

Sec. 103. Treatment of congressional testimony by Department of Veterans Affairs employees as official duty.

Sec. 104. Report on methods used to investigate employees of Department of Veterans Affairs.

Subtitle B—Supervisors and Senior Executives

Sec. 111. Treatment of Medical Center Directors and Directors of Veterans Integrated Service Networks.

Sec. 112. Pay for Medical Center Directors and Directors of Veterans Integrated Service Networks.

Sec. 113. Improved authorities of Secretary of Veterans Affairs to improve accountability of senior executives.

Sec. 114. Reduction of benefits for members of the Senior Executive Service within the Department of Veterans Affairs convicted of certain crimes.

Sec. 115. Independent review and assessment of management training and appraisal at Department of Veterans Affairs.

Sec. 116. Accountability of leaders for managing the Department of Veterans Affairs.

Sec. 117. Accountability of supervisors at Department of Veterans Affairs for hiring well-qualified people.

Sec. 118. Accountability of supervisors at Department of Veterans Affairs for addressing performance of employees.

Sec. 119. Improvement of training for supervisors.

Sec. 120. Assessment and report on effect on senior executives at Department of Veterans Affairs.

Subtitle C—Employees

Sec. 121. Removal of employees of Department of Veterans Affairs based on performance or misconduct.

Sec. 122. Prohibition on award of bonuses to employees of Department of Veterans Affairs under consideration for adverse actions or subject of adverse findings.

Sec. 123. Retention of records of reprimands and admonishments received by employees of the Department of Veterans Affairs.

Sec. 124. Limitation on administrative leave for employees of Department of Veterans Affairs.

Sec. 125. Measurement of Department of Veterans Affairs disciplinary process outcomes and effectiveness.

Subtitle D—Other Personnel and Accountability Matters

- Sec. 131. Written opinion on certain employment restrictions after terminating employment with the Department of Veterans Affairs.
- Sec. 132. Requirement for contractors of the Department employing certain recently separated Department employees.
- Sec. 133. Department of Veterans Affairs program of internal audits.

TITLE II—HEALTH CARE MATTERS

- Sec. 200. Short title.

Subtitle A—Expansion and Improvement of Health Care Benefits

- Sec. 201. Improved access to appropriate immunizations for veterans.
- Sec. 202. Expansion of provision of chiropractic care and services to veterans.
- Sec. 203. Priority of medal of honor recipients in health care system of Department of Veterans Affairs.

Subtitle B—Mental Health Care

- Sec. 211. Veterans Expedited Recovery Commission.
- Sec. 212. Mental health treatment for veterans who served in classified missions.
- Sec. 213. Inclusion of mental health professionals in education and training program for health personnel of the Department of Veterans Affairs.
- Sec. 214. Expansion of qualifications for licensed mental health counselors of the Department of Veterans Affairs to include doctoral degrees.

Subtitle C—Improvement of Medical Workforce

- Sec. 221. Modification of hours of employment for physicians and physician assistants employed by the Department of Veterans Affairs.
- Sec. 222. Requirement that physician assistants employed by the Department of Veterans Affairs receive competitive pay.
- Sec. 223. Extension of period for increase in graduate medical education residency positions at medical facilities of the Department of Veterans Affairs.
- Sec. 224. Additional requirements for hiring of health care providers by Department of Veterans Affairs.
- Sec. 225. Provision of information on health care providers of Department of Veterans Affairs to State medical boards.
- Sec. 226. Report on medical workforce of the Department of Veterans Affairs.
- Sec. 227. Report on compliance by Department of Veterans Affairs with reviews of health care providers leaving the Department or transferring to other facilities.

Subtitle D—Family Caregivers

- Sec. 231. Expansion of family caregiver program of Department of Veterans Affairs.
- Sec. 232. Implementation of information technology system of Department of Veterans Affairs to assess and improve the family caregiver program.
- Sec. 233. Modifications to annual evaluation report on caregiver program of Department of Veterans Affairs.
- Sec. 234. Advisory committee on caregiver policy.

Sec. 235. Comprehensive study on seriously injured veterans and their caregivers.

Subtitle E—Health Care Administration

- Sec. 241. Requirement that Department of Veterans Affairs collect health-plan contract information from veterans.
- Sec. 242. Expansion of availability of prosthetic and orthotic care for veterans.
- Sec. 243. Revival of Intermediate Care Technician Pilot Program of Department of Veterans Affairs.
- Sec. 244. Transfer of health care provider credentialing data from Secretary of Defense to Secretary of Veterans Affairs.
- Sec. 245. Authority to place certain veterans in non-Department of Veterans Affairs medical foster homes upon request.
- Sec. 246. Examination and treatment by Department of Veterans Affairs for emergency medical conditions and women in labor.
- Sec. 247. Comptroller General audit of budget of Veterans Health Administration.
- Sec. 248. Annual report on Veterans Health Administration and furnishing of hospital care, medical services, and nursing home care.

Subtitle F—Opioid Therapy and Pain Management

- Sec. 251. Guidelines on management of opioid therapy by Department of Veterans Affairs and Department of Defense and implementation of such guidelines by Department of Veterans Affairs.
- Sec. 252. Improvement of opioid safety measures by Department of Veterans Affairs.
- Sec. 253. Enhancement of joint working group on pain management of the Department of Veterans Affairs and the Department of Defense.
- Sec. 254. Review, investigation, and report on use of opioids in treatment by Department of Veterans Affairs.
- Sec. 255. Elimination of copayment requirement for veterans receiving opioid antagonists or education on use of opioid antagonists.

Subtitle G—Patient Advocacy and Outreach

- Sec. 261. Establishment of Office of Patient Advocacy of the Department of Veterans Affairs.
- Sec. 262. Community meetings on improving care from Department of Veterans Affairs.
- Sec. 263. Outreach to veterans regarding effect of certain delayed payments by Chief Business Office of Department of Veterans Affairs.
- Sec. 264. Improvement of awareness of patient advocacy program and patient bill of rights of Department of Veterans Affairs.
- Sec. 265. Comptroller General Report on Patient Advocacy Program of Department of Veterans Affairs.

Subtitle H—Administration of Non-Department Health Care

- Sec. 271. Payment of non-Department of Veterans Affairs health care providers.
- Sec. 272. Authorization of agreements between the Department of Veterans Affairs and non-Department providers.
- Sec. 273. Elimination of requirement to act as secondary payer for care relating to non-service-connected disabilities under Choice Program.

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- Sec. 274. Requirement for advance appropriations for the Medical Community Care account of the Department of Veterans Affairs.
- Sec. 275. Annual transfer of amounts within Department of Veterans Affairs to pay for health care from non-Department health care providers.
- Sec. 276. Authorization of use of certain amounts appropriated to the Veterans Choice Fund for other non-Department of Veterans Affairs care.
- Sec. 277. Applicability of Directive of Office of Federal Contract Compliance Programs.

Subtitle I—Research on Toxic Exposure

- Sec. 281. Definitions.
- Sec. 282. National Academy of Medicine assessment on research relating to the descendants of individuals with toxic exposure.
- Sec. 283. Advisory board on research relating to health conditions of descendants of veterans with toxic exposure while serving in the Armed Forces.
- Sec. 284. Research relating to health conditions of descendants of veterans with toxic exposure while serving in the Armed Forces.

Subtitle J—Other Health Care Matters

- Sec. 291. Authorization of certain major medical facility projects of the Department of Veterans Affairs.
- Sec. 292. Identification and tracking of biological implants used in Department of Veterans Affairs medical facilities.
- Sec. 293. Procurement of biological implants used in Department of Veterans Affairs medical facilities.
- Sec. 294. Expansion of research and education on and delivery of complementary and integrative health to veterans.
- Sec. 295. Pilot program on integration of complementary and integrative health within Department of Veterans Affairs medical centers.
- Sec. 296. Report on public access to research by Department of Veterans Affairs.

TITLE III—DISABILITY COMPENSATION AND PENSION

- Sec. 301. Expedited payment of survivor's benefits.
- Sec. 302. Increase in special pension for Medal of Honor recipients.
- Sec. 303. Board of Veterans' Appeals video hearings.
- Sec. 304. Improvements to authority for performance of medical disabilities examinations by contract physicians.
- Sec. 305. Department of Veterans Affairs pilot program on fully developed appeals.
- Sec. 306. Requirement that Secretary of Veterans Affairs publish the average time required to adjudicate timely and untimely appeals.
- Sec. 307. Comptroller General review of claims processing performance of regional offices of Veterans Benefits Administration.
- Sec. 308. Report on participation of veterans service organizations in Transition Assistance Program.
- Sec. 309. Inclusion in annual budget submission of information on capacity of Veterans Benefits Administration to process benefits claims.
- Sec. 310. Report on staffing levels at regional offices of Department of Veterans Affairs after transition to National Work Queue.

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- Sec. 311. Annual report on progress in implementing Veterans Benefits Management System.
- Sec. 312. Report on plans of Secretary of Veterans Affairs to reduce inventory of non-rating workload.
- Sec. 313. Sense of Congress on increased transparency relating to claims for benefits and appeals of decisions relating to benefits in Monday Morning Workload Report.
- Sec. 314. Sense of Congress regarding American veterans disabled for life.
- Sec. 315. Sense of Congress on submittal of information relating to claims for disabilities incurred or aggravated by military sexual trauma.

TITLE IV—EDUCATION

Subtitle A—Educational Assistance and Vocational Rehabilitation

- Sec. 401. Clarification of eligibility for Marine Gunnery Sergeant John David Fry Scholarship.
- Sec. 402. Restoration of entitlement to Post-9/11 Educational Assistance for veterans affected by closures of educational institutions.
- Sec. 403. Consideration of eligibility for Post-9/11 Educational Assistance for certain time on active duty in reserve components of Armed Forces.
- Sec. 404. Approval of courses of education and training for purposes of the vocational rehabilitation program of the Department of Veterans Affairs.
- Sec. 405. Authority to prioritize vocational rehabilitation services based on need.
- Sec. 406. Codification and improvement of election process for Post-9/11 Educational Assistance Program.
- Sec. 407. Work-study allowance.
- Sec. 408. Retention of entitlement to educational assistance during certain additional periods of active duty.
- Sec. 409. 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.
- Sec. 410. Reports on progress of students receiving Post-9/11 Educational Assistance.

Subtitle B—Administration of Educational Assistance

- Sec. 421. Centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions.
- Sec. 422. Provision of information regarding veteran entitlement to educational assistance.
- Sec. 423. Role of State approving agencies.
- Sec. 424. Criteria used to approve courses.
- Sec. 425. Modification of requirements for approval for purposes of educational assistance provided by Department of Veterans Affairs of programs designed to prepare individuals for licensure or certification.
- Sec. 426. Compliance surveys.
- Sec. 427. Survey of individuals using their entitlement to educational assistance under the educational assistance programs administered by the Secretary of Veterans Affairs.

- Sec. 428. Technical amendment relating to in-State tuition rate for individuals to whom entitlement is transferred under All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance.

TITLE V—EMPLOYMENT AND TRANSITION

- Sec. 501. Required coordination between Directors for Veterans' Employment and Training with State departments of labor and veterans affairs.
- Sec. 502. Longitudinal study of job counseling, training, and placement service for veterans.

TITLE VI—HOMELESS VETERANS

Subtitle A—Homeless Matters Generally

- Sec. 601. Expansion of definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.
- Sec. 602. Increased per diem payments for transitional housing assistance that becomes permanent housing for homeless veterans.
- Sec. 603. Clarification of eligibility for services under homeless veterans reintegration programs.
- Sec. 604. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless.
- Sec. 605. Pilot program on provision of intensive case management interventions to homeless veterans who receive the most health care from the Department of Veterans Affairs.
- Sec. 606. Establishment of National Center on Homelessness Among Veterans.
- Sec. 607. Administrative improvements to grant and per diem programs of Department of Veterans Affairs.
- Sec. 608. Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness.
- Sec. 609. Comptroller General of the United States study on homeless veterans programs of Department of Veterans Affairs.
- Sec. 610. Requirement for Department of Veterans Affairs to assess comprehensive service programs for homeless veterans.
- Sec. 611. Report on outreach relating to increasing the amount of housing available to veterans.

Subtitle B—Eligibility of Homeless Veterans for Benefits

- Sec. 621. Waiver of minimum period of continuous active duty in Armed Forces for certain benefits for homeless veterans.
- Sec. 622. Authorization to furnish certain benefits to homeless veterans with discharges or releases under other than honorable conditions.
- Sec. 623. Modification of definition of veteran for purposes of providing certain benefits to homeless veterans.
- Sec. 624. Training of personnel of the Department of Veterans Affairs and grant recipients.
- Sec. 625. Authorization of per diem payments for furnishing care to dependents of certain homeless veterans.
- Sec. 626. Regulations.
- Sec. 627. Effective date.

TITLE VII—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 701. Extension of temporary increase in number of judges on United States Court of Appeals for Veterans Claims.
- Sec. 702. Life insurance program relating to judges of United States Court of Appeals for Veterans Claims.
- Sec. 703. Voluntary contributions to enlarge survivors' annuity.
- Sec. 704. Selection of chief judge of United States Court of Appeals for Veterans Claims.

TITLE VIII—BURIAL BENEFITS

- Sec. 801. Expansion of eligibility for medallions.
- Sec. 802. Inurnment of cremated remains in Arlington National Cemetery of certain persons whose service is deemed to be active service.
- Sec. 803. Report on capacity of Arlington National Cemetery.
- Sec. 804. Department of Veterans Affairs study on matters relating to burial of unclaimed remains of veterans in national cemeteries.

TITLE IX—OTHER MATTERS

- Sec. 901. Authority to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus.
- Sec. 902. Restoration of prior reporting fee multipliers.
- Sec. 903. Repeal inapplicability of modification of basic allowance for housing to benefits under laws administered by Secretary of Veterans Affairs.
- Sec. 904. Observance of Veterans Day.
- Sec. 905. Honoring as veterans certain persons who performed service in the reserve components of the Armed Forces.
- Sec. 906. Extension of requirement for collection of fees for housing loans guaranteed by Secretary of Veterans Affairs.

1 **TITLE I—PERSONNEL AND**
 2 **ACCOUNTABILITY MATTERS**
 3 **Subtitle A—Office of Account-**
 4 **ability and Whistleblower Pro-**
 5 **tection**

6 **SEC. 101. OFFICE OF ACCOUNTABILITY AND WHISTLE-**
 7 **BLOWER PROTECTION.**

8 (a) IN GENERAL.—Chapter 3 of title 38, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new section:

1 **“§ 323. Office of Accountability and Whistleblower**
2 **Protection**

3 “(a) ESTABLISHMENT.—There is established in the
4 Department an office to be known as the Office of Ac-
5 countability and Whistleblower Protection (in this section
6 referred to as the ‘Office’).

7 “(b) HEAD OF OFFICE.—(1) The head of the Office
8 shall be responsible for the functions of the Office and
9 shall be appointed by the President pursuant to section
10 308(a) of this title.

11 “(2) The head of the Office shall be known as the
12 ‘Assistant Secretary for Accountability and Whistleblower
13 Protection’.

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

16 “(4) Notwithstanding section 308(b) of this title, the
17 Secretary may only assign to the Assistant Secretary re-
18 sponsibilities relating to the functions of the Office set
19 forth in subsection (c).

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

22 “(A) Advising the Secretary on all matters of
23 the Department relating to accountability, including
24 accountability of employees of the Department, re-
25 tialiation against whistleblowers, and such matters as

1 the Secretary considers similar and affect public
2 trust in the Department.

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

6 “(C) Receiving whistleblower disclosures.

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

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

23 “(F) Recording, tracking, reviewing, and con-
24 firming implementation of recommendations from
25 audits and investigations carried out by the Inspec-

1 tor General of the Department, the Medical Inspec-
2 tor of the Department, the Special Counsel, and the
3 Comptroller General of the United States, including
4 the imposition of disciplinary actions and other cor-
5 rective actions contained in such recommendations.

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

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

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

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

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

1 “(I) Making such recommendations to the Sec-
2 retary for disciplinary action as the Assistant Sec-
3 retary considers appropriate after substantiating any
4 allegation of misconduct or poor performance pursu-
5 ant to an investigation carried out as described in
6 subparagraph (F) or (H).

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

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

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

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

1 “(f) REPORTS.—(1)(A) Not later than June 30 of
2 each calendar year, beginning with June 30, 2017, the As-
3 sistant Secretary shall submit to the Committee on Vet-
4 erans’ Affairs of the Senate and the Committee on Vet-
5 erans’ Affairs of the House of Representatives a report
6 on the activities of the Office during the calendar year
7 in which the report is submitted.

8 “(B) Each report submitted under subparagraph (A)
9 shall include, for the period covered by the report, the fol-
10 lowing:

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

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

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

1 “(iv) Such recommendations as the Assistant
2 Secretary may have for legislative or administrative
3 action to improve—

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

6 “(II) the protection of whistleblowers with-
7 in the Department.

8 “(v) Such other matters as the Assistant Sec-
9 retary considers appropriate regarding the functions
10 of the Office or other matters relating to the Office.

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

20 “(g) DEFINITIONS.—In this section:

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

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

1 “(3) The term ‘whistleblower disclosure’ means
2 any disclosure of information by an employee of the
3 Department or individual applying to become an em-
4 ployee of the Department which the employee or in-
5 dividual reasonably believes evidences—

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

7 “(B) gross mismanagement, a gross waste
8 of funds, an abuse of authority, or a substantial
9 and specific danger to public health or safety.”.

10 (b) CONFORMING AMENDMENT.—Section 308(b) of
11 such title is amended by adding at the end the following
12 new paragraph:

13 “(12) The functions set forth in section 323(c)
14 of this title.”.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 3 of such title is amended by
17 adding at the end the following new item:

 “323. Office of Accountability and Whistleblower Protection.”.

18 **SEC. 102. PROTECTION OF WHISTLEBLOWERS IN DEPART-**
19 **MENT OF VETERANS AFFAIRS.**

20 (a) IN GENERAL.—Chapter 7 of title 38, United
21 States Code, is amended by adding at the end the fol-
22 lowing new sections:

1 **“§ 720. 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 **“§ 721. Training regarding whistleblower disclosures**

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.”.

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

“720. Protection of whistleblowers as criteria in evaluation of supervisors.
“721. Training regarding whistleblower disclosures.”.

1 **SEC. 103. TREATMENT OF CONGRESSIONAL TESTIMONY BY**
2 **DEPARTMENT OF VETERANS AFFAIRS EM-**
3 **PLOYEES AS OFFICIAL DUTY.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United
5 States Code, as amended by section 102, is further amend-
6 ed by adding at the end the following new section:

7 **“§ 722. Congressional testimony by employees: treat-**
8 **ment as official duty**

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

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

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter, as amended by section

1 102, is further amended by inserting after the item relat-
2 ing to section 721 the following new item:

“Sec. 722. Congressional testimony by employees: treatment as official duty.”.

3 **SEC. 104. REPORT ON METHODS USED TO INVESTIGATE EM-**
4 **PLOEYES OF DEPARTMENT OF VETERANS AF-**
5 **FAIRS.**

6 (a) **REPORT REQUIRED.**—Not later than 540 days
7 after the date of the enactment of this Act, the Assistant
8 Secretary for Accountability and Whistleblower Protection
9 shall submit to the Secretary, the Committee on Veterans’
10 Affairs of the Senate, and the Committee on Veterans’ Af-
11 fairs of the House of Representatives a report on methods
12 used to investigate employees of the Department of Vet-
13 erans Affairs and whether such methods are used to retali-
14 ate against whistleblowers.

15 (b) **CONTENTS.**—The report required by subsection
16 (a) shall include the following:

17 (1) An assessment of the use of administrative
18 investigation boards, peer review, searches of med-
19 ical records, and other methods for investigating em-
20 ployees of the Department.

21 (2) A determination of whether and to what de-
22 gree the methods described in paragraph (1) are
23 being used to retaliate against whistleblowers.

1 (3) Recommendations for legislative or adminis-
2 trative action to implement safeguards to prevent
3 the retaliation described in paragraph (2).

4 (c) WHISTLEBLOWER DEFINED.—In this section, the
5 term “whistleblower” has the meaning given such term in
6 section 323 of title 38, United States Code, as added by
7 section 101.

8 **Subtitle B—Supervisors and Senior**
9 **Executives**

10 **SEC. 111. TREATMENT OF MEDICAL CENTER DIRECTORS**
11 **AND DIRECTORS OF VETERANS INTEGRATED**
12 **SERVICE NETWORKS.**

13 (a) ESTABLISHMENT OF VISN DIRECTORS IN OF-
14 FICE OF UNDER SECRETARY FOR HEALTH.—Subsection
15 (a)(4) of section 7306 of title 38, United States Code, is
16 amended—

17 (1) by striking “Such Medical Directors” and
18 inserting “Such Medical Center Directors and Direc-
19 tors of Veterans Integrated Service Networks”; and

20 (2) by striking “, who shall be either a qualified
21 doctor of medicine or a qualified doctor of dental
22 surgery or dental medicine”.

23 (b) QUALIFICATIONS.—Such section is amended by
24 adding at the end the following new subsection:

1 “(g) Notwithstanding any provision of law that re-
2 quires the Office of Personnel Management to determine
3 qualifications or certify a candidate for appointment under
4 this section, Medical Center Directors and Directors of
5 Veterans Integrated Service Networks may be appointed
6 under subsection (a)(4) in accordance with qualifications
7 established by the Secretary for purposes of this section.”.

8 (c) ABILITY TO TRANSFER.—

9 (1) IN GENERAL.—Subject to such regulations
10 as the Director of the Office of Personnel Manage-
11 ment may prescribe, the Secretary of Veterans Af-
12 fairs and the Director shall enter into an agreement
13 that permits employees appointed under section
14 7306(a)(4) of title 38, United States Code, as
15 amended by subsection (a), to transfer to Senior Ex-
16 ecutive Service positions in other Federal agencies
17 and to be deemed career appointees who are not
18 subject to competition or certification by a qualifica-
19 tions review board under section 3393 of title 5,
20 United States Code.

21 (2) DEFINITIONS.—In this subsection, the
22 terms “Senior Executive Service position” and “ca-
23 reer appointee” have the meanings given those terms
24 in section 3132(a) of title 5, United States Code.

1 **SEC. 112. PAY FOR MEDICAL CENTER DIRECTORS AND DI-**
2 **RECTORS OF VETERANS INTEGRATED SERV-**
3 **ICE NETWORKS.**

4 (a) IN GENERAL.—Chapter 74 of title 38, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subchapter:

7 **“Subchapter VII—Pay for Medical Center Di-**
8 **rectors and Directors of Veterans Inte-**
9 **grated Service Networks**

10 **“§ 7481. Pay for Medical Center Directors and Direc-**
11 **tors of Veterans Integrated Service Net-**
12 **works**

13 “(a) ELEMENTS OF PAY.—Pay for a Medical Center
14 Director or Director of a Veterans Integrated Service Net-
15 work appointed under section 7306(a)(4) of this title (in
16 this section referred to as a ‘Director’) shall consist of
17 basic pay set forth under section 7404(a) of this title and
18 market pay determined under subsection (b).

19 “(b) MARKET PAY.—(1) Each Director is eligible for
20 market pay determined under this subsection.

21 “(2) The amount of market pay payable to a Director
22 under this section shall be determined by the Secretary
23 on a case-by-case basis and shall consist of pay intended
24 to reflect needs of the Department with respect to the re-
25 cruitment and retention (as determined by the Secretary)
26 of such Director.

1 “(3) In determining the amount of market pay pay-
2 able to a Director under this section, the Secretary shall—

3 “(A) consult not fewer than two national sur-
4 veys on pay for hospital directors, medical facility di-
5 rectors, or other similar positions, whether prepared
6 by private, public, or quasi-public entities, to make
7 a general assessment of the range of potential pay
8 for the Director; and

9 “(B) take into account—

10 “(i) the experience of the Director in man-
11 aging facilities or program offices of the De-
12 partment, including the complexity of such fa-
13 cilities or offices;

14 “(ii) the complexity of the facility or facili-
15 ties to be managed by the Director;

16 “(iii) the labor market, in such geographic
17 area as the Secretary considers relevant, for
18 hospital directors, medical facility directors, and
19 other similar positions;

20 “(iv) the experience of the Director in
21 managing medical facilities for other Federal
22 agencies, private entities, or non-profit entities;
23 and

24 “(v) such other considerations as the Sec-
25 retary considers appropriate.

1 “(4)(A) The Secretary shall evaluate the amount of
2 market pay payable to a Director under this section not
3 less frequently than once every two years and may adjust
4 the market pay payable to such Director as a result of
5 such evaluation.

6 “(B) A Director whose market pay is evaluated under
7 subparagraph (A) shall receive written notice of the re-
8 sults of such evaluation.

9 “(c) REQUIREMENTS AND LIMITATIONS ON TOTAL
10 PAY.—(1) Not less frequently than once every two years,
11 the Secretary shall set forth a departmentwide minimum
12 and maximum amount for total annual pay under sub-
13 section (a) that may be paid to a Director and shall pub-
14 lish each such amount in the Federal Register.

15 “(2) The minimum and maximum amounts set forth
16 under paragraph (1) shall take effect not earlier than the
17 date that is 60 days after the publication of such amounts
18 under such paragraph.

19 “(3) The sum of the basic pay set forth under section
20 7404(a) of this title and market pay determined under
21 subsection (b) for a Director for a calendar year—

22 “(A) may not be less than the most recent min-
23 imum amount set forth under paragraph (1) before
24 the beginning of such calendar year; and

1 “(B) may not be more than the most recent
2 maximum amount set forth under such paragraph
3 before the beginning of such calendar year.

4 “(4) The total amount of compensation paid to a Di-
5 rector under this title in any calendar year may not exceed
6 the amount of annual compensation (excluding expenses)
7 of the President under section 102 of title 3.

8 “(5) The Secretary may not delegate to an officer or
9 employee of the Department the requirement of the Sec-
10 retary to set forth a departmentwide minimum and max-
11 imum amount under paragraph (1).

12 “(d) TREATMENT OF PAY.—Pay under this section
13 shall be considered pay for all purposes, including retire-
14 ment benefits under chapters 83 and 84 of title 5 and
15 other benefits.

16 “(e) ANCILLARY EFFECTS OF DECREASES IN PAY.—
17 (1) A decrease in pay of a Director resulting from an ad-
18 justment in the amount of market pay of the Director
19 under subsection (b) shall not be treated as an adverse
20 action.

21 “(2) A decrease in the amount of pay of a Director
22 resulting from an involuntary reassignment in connection
23 with a disciplinary action taken against the Director is not
24 subject to appeal or judicial review.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 74 of such title is amended
3 by adding at the end the following:

“SUBCHAPTER VII. PAY FOR MEDICAL CENTER DIRECTORS AND DIRECTORS OF
VETERANS INTEGRATED SERVICE NETWORKS

“7481. Pay for Medical Center Directors and Directors of Veterans Integrated
Service Networks.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date that is one year
6 after the date of the enactment of this Act.

7 **SEC. 113. 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 execu-
16 tive 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 **SEC. 114. REDUCTION OF BENEFITS FOR MEMBERS OF THE**
12 **SENIOR EXECUTIVE SERVICE WITHIN THE**
13 **DEPARTMENT OF VETERANS AFFAIRS CON-**
14 **VICTED OF CERTAIN CRIMES.**

15 (a) IN GENERAL.—Chapter 7 of title 38, United
16 States Code, as amended by subtitle A, is further amended
17 by inserting after section 713 the following new section:

18 **“§ 714. Senior executives: reduction of benefits of in-**
19 **dividuals convicted of certain crimes**

20 “(a) REDUCTION OF ANNUITY FOR REMOVED INDI-
21 VIDUAL.—The covered service of an individual removed
22 from a senior executive position at the Department by the
23 Secretary for performance or misconduct shall not be con-
24 sidered creditable service under section 8332 or section
25 8411 of title 5 for purposes of calculating an annuity with

1 respect to such individual under chapter 83 or chapter 84
2 of such title if the individual is convicted of a felony (and
3 the conviction is final) that was related, as determined by
4 the Director of the Office of Personnel Management, to
5 the individual's performance while employed in such senior
6 executive position.

7 “(b) REDUCTION OF ANNUITY FOR RETIRED INDI-
8 VIDUAL.—(1) The Secretary may order that the covered
9 service of an individual who is subject to a removal or
10 transfer from a senior executive position at the Depart-
11 ment by the Secretary for performance or misconduct but
12 who leaves employment at the Department prior to the
13 issuance of a final decision with respect to such removal
14 or transfer shall not be considered creditable service under
15 section 8332 or section 8411 of title 5 for purposes of
16 calculating an annuity with respect to such individual
17 under chapter 83 or chapter 84 of such title if the indi-
18 vidual is convicted of a felony (and the conviction is final)
19 that was related, as determined by the Director of the Of-
20 fice of Personnel Management, to the individual's per-
21 formance while employed in such senior executive position.

22 “(2) The Secretary shall make such an order not
23 later than seven days after the date on which such indi-
24 vidual is convicted of such felony.

1 “(3) Not later than 30 days after the Secretary issues
2 any order with respect to an individual under paragraph
3 (1), the Director of the Office of Personnel Management
4 shall recalculate the annuity of the individual.

5 “(c) LUMP-SUM ANNUITY CREDIT.—Any individual
6 with respect to whom an annuity is reduced under sub-
7 section (a) or (b) shall be entitled to be paid so much of
8 such individual’s lump-sum credit as is attributable to the
9 period of covered service.

10 “(d) REVIEW OF REDUCTION OF ANNUITY.—Any in-
11 dividual with respect to whom an annuity is reduced under
12 subsection (a) or (b) may appeal the reduction to the Di-
13 rector of the Office of Personnel Management pursuant
14 to such regulations as the Director may prescribe for pur-
15 poses of this section.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘covered service’ means, with re-
18 spect to an individual subject to a removal or trans-
19 fer from a senior executive position at the Depart-
20 ment for performance or misconduct, the period of
21 service beginning on the date that the Secretary de-
22 termines under such section that such individual en-
23 gaged in activity that gave rise to such action and
24 ending on the date that such individual is removed
25 from the civil service or leaves employment at the

1 Department prior to the issuance of a final decision
2 with respect to such action, as the case may be.

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

6 “(3) The term ‘senior executive position’ has
7 the meaning given such term in section 713(d) of
8 this title.

9 “(4) The term ‘service’ has the meaning given
10 such term in section 8331 or 8401 of title 5, as the
11 case may be.”.

12 (b) APPLICATION.—Section 714 of such title, as
13 added by subsection (a), shall apply to any action of re-
14 moval or transfer from a senior executive position (as de-
15 fined in section 713(d) of such title) at the Department
16 of Veterans Affairs commencing on or after the date of
17 the enactment of this title.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter, as amended by subtitle
20 A, is further amended by inserting after the item relating
21 to section 713 the following new item:

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

1 **SEC. 115. INDEPENDENT REVIEW AND ASSESSMENT OF**
2 **MANAGEMENT TRAINING AND APPRAISAL AT**
3 **DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) REVIEW AND ASSESSMENT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this title, the Sec-
7 retary of Veterans Affairs shall enter into a contract
8 with a nongovernmental entity to review and assess
9 the following:

10 (A) The management training program for
11 individuals employed in senior executive posi-
12 tions of the Department of Veterans Affairs
13 that is being provided as of the date of the en-
14 actment of this title.

15 (B) The performance appraisal system of
16 the Department in effect on the day before the
17 date of the enactment of this title for individ-
18 uals employed in senior executive positions.

19 (2) ELEMENTS.—The review and assessment
20 required by paragraph (1) shall include the fol-
21 lowing:

22 (A) A comparison of the training provided
23 by the Department to the management training
24 provided for senior executives of other Federal
25 departments and agencies and to the manage-

1 ment training provided to senior executives in
2 the private sector.

3 (B) Recommendations for improving the
4 program described in paragraph (1)(A).

5 (C) Recommendations for improving the
6 system described in paragraph (1)(B).

7 (D) An assessment of the ability of the De-
8 partment to attract and develop employees suit-
9 able for senior executive service positions of the
10 Department.

11 (E) An assessment of the leadership and
12 management actions of the Department result-
13 ing from Department of Veterans Affairs Per-
14 formance and Accountability Reports submitted
15 in the two most recent fiscal years ending be-
16 fore the date of the enactment of this title.

17 (F) A review of the strategy of the Sec-
18 retary called “Lean Management”.

19 (G) An assessment of the compliance of
20 the Department with provisions of law added or
21 amended by the GPRA Modernization Act of
22 2010 (Public Law 111–352) and an explanation
23 of the changes made to the Department and the
24 activities carried out by the Secretary in re-
25 sponse to the enactment of such Act.

1 (H) An assessment of the results of the
2 most recent Annual Employee Survey carried
3 out pursuant to part 250 of title 5, Code of
4 Federal Regulations.

5 (I) An assessment of the efforts of the Sec-
6 retary to conduct data-driven reviews and de-
7 velop a results-oriented culture pursuant to part
8 6 of Circular A-11 of the Office of Manage-
9 ment and Budget.

10 (J) An assessment of the Department of
11 Veterans Affairs Federal Performance Improve-
12 ment Officer role and oversight function.

13 (K) A survey of the morale of employees
14 and their satisfaction with their work and work
15 environment in each Department of Veterans
16 Affairs staff organization, staff office, and ad-
17 ministration as described by Directive 0211 of
18 the Department and provided for in version
19 3.0a of the Functional Organization Manual of
20 the Department.

21 (3) REPORT TO SECRETARY.—The contract re-
22 quired by paragraph (1) shall provide that the non-
23 governmental entity must complete and submit to
24 the Secretary a report containing the findings and
25 conclusions of the review by not later than 180 days

1 after the date on which the Secretary and the non-
2 governmental entity enter into the contract.

3 (b) REPORT TO CONGRESS.—Not later than 60 days
4 after the date on which the Secretary receives the report
5 under subsection (a)(3), the Secretary shall submit to the
6 Committee on Veterans' Affairs of the Senate and the
7 Committee on Veterans' Affairs of the House of Rep-
8 resentatives the report together with a plan for carrying
9 out the recommendations contained in the report or, as
10 the case may be, a detailed explanation and justification
11 for the Secretary's determination not to implement any
12 of the recommendations contained in the report.

13 (c) SENIOR EXECUTIVE POSITION DEFINED.—In
14 this section, the term “senior executive position” has the
15 meaning given that term in section 713(d) of title 38,
16 United States Code.

17 **SEC. 116. ACCOUNTABILITY OF LEADERS FOR MANAGING**
18 **THE DEPARTMENT OF VETERANS AFFAIRS.**

19 (a) IN GENERAL.—Chapter 7 of title 38, United
20 States Code, is further amended by inserting after section
21 709 the following new section:

22 **“§ 710. Annual performance plan for political ap-**
23 **pointees**

24 “(a) IN GENERAL.—The Secretary shall conduct an
25 annual performance plan for each political appointee of

1 the Department that is similar to the annual performance
2 plan conducted for an employee of the Department who
3 is appointed as a career appointee in a Senior Executive
4 Service position at the Department.

5 “(b) ELEMENTS OF PLAN.—Each annual perform-
6 ance plan conducted under subsection (a) with respect to
7 a political appointee of the Department shall include, to
8 the extent applicable, an assessment of whether the ap-
9 pointee is meeting the following goals:

10 “(1) Recruiting, selecting, and retaining well-
11 qualified individuals for employment at the Depart-
12 ment.

13 “(2) Engaging and motivating employees.

14 “(3) Training and developing employees and
15 preparing those employees for future leadership roles
16 within the Department.

17 “(4) Holding each employee of the Department
18 that is a supervisor accountable for addressing
19 issues relating to performance, in particular issues
20 relating to the performance of employees that report
21 to the supervisor.

22 “(5) Promoting a positive culture of service
23 that—

1 “(A) reflects the mission of the Depart-
2 ment and the values of integrity, commitment,
3 advocacy, respect, and excellence; and

4 “(B) emphasizes the greatest degree of
5 performance and conduct.

6 “(c) DEFINITIONS.—In this section:

7 “(1) The terms ‘career appointee’ and ‘Senior
8 Executive Service position’ have the meanings given
9 such terms in section 3132(a) of title 5.

10 “(2) The term ‘supervisor’ has the meaning
11 given such term in section 7103(a) of such title.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 7 of such title is further
14 amended by inserting after the item relating to section
15 709 the following new item:

“710. Annual performance plan for political appointees.”.

16 **SEC. 117. ACCOUNTABILITY OF SUPERVISORS AT DEPART-**
17 **MENT OF VETERANS AFFAIRS FOR HIRING**
18 **WELL-QUALIFIED PEOPLE.**

19 (a) ASSESSMENT DURING PROBATIONARY PERIOD.—

20 (1) DETERMINATION REQUIRED.—With respect
21 to any employee of the Department of Veterans Af-
22 fairs who is required to serve a probationary period
23 in a position in the Department, the Secretary of
24 Veterans Affairs shall require the supervisor of such
25 employee to determine, during the 30-day period

1 ending on the date on which the probationary period
2 ends, whether the employee—

3 (A) has demonstrated successful perform-
4 ance; and

5 (B) should continue past the probationary
6 period.

7 (2) LIMITATION ON EMPLOYMENT AFTER PRO-
8 BATIONARY PERIOD.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), no employee of the Depart-
11 ment serving a probationary period as described
12 in paragraph (1) may complete that proba-
13 tionary period unless and until the supervisor of
14 the employee, or another supervisor capable of
15 making the requisite determination, has made
16 an affirmative determination under such para-
17 graph.

18 (B) PROBATIONARY PERIOD DEEMED COM-
19 PLETED.—

20 (i) NO DETERMINATION.—If no deter-
21 mination under paragraph (1) is made
22 with respect to an employee before the end
23 of the 60-day period following the end of
24 the 30-day period specified in such para-
25 graph, the employee shall be deemed to

1 have completed the probationary period of
2 the employee effective as of the end of that
3 60-day period.

4 (ii) RETROACTIVE EFFECT OF DETER-
5 MINATION.—If an affirmative determina-
6 tion under paragraph (1) is made with re-
7 spect to an employee after the end of the
8 30-day period specified in such paragraph,
9 the employee shall be deemed to have com-
10 pleted the probationary period of the em-
11 ployee effective as of the end of that 30-
12 day period.

13 (3) NOTIFICATION TO CONGRESS REGARDING
14 DETERMINATIONS.—Not less frequently than month-
15 ly, the Secretary shall notify the Committee on Vet-
16 erans' Affairs of the Senate and the Committee on
17 Veterans' Affairs of the House of Representatives
18 regarding—

19 (A) each instance during such month in
20 which a supervisor did not make a determina-
21 tion required under paragraph (1) during the
22 period required in such paragraph; and

23 (B) each such instance included in a pre-
24 vious notification under this paragraph for

1 which the supervisor still has not made such a
2 determination.

3 (b) SUPERVISORS.—With respect to any employee of
4 the Department who is serving a probationary period in
5 a supervisory position at the Department, successful per-
6 formance under subsection (a) shall include demonstrating
7 management competencies in addition to the technical
8 skills required for such position.

9 (c) PERFORMANCE PLAN.—Each annual perform-
10 ance plan conducted for a supervisor of an employee serv-
11 ing a probationary period shall hold the supervisor ac-
12 countable for—

13 (1) providing regular feedback to such employee
14 during such period before making a determination
15 under subsection (a) regarding the probationary sta-
16 tus of such employee; and

17 (2) making a timely determination under sub-
18 section (a) regarding the probationary status of such
19 employee.

20 (d) SUPERVISOR DEFINED.—In this section, the term
21 “supervisor” has the meaning given such term in section
22 7103(a) of title 5, United States Code.

1 **SEC. 118. ACCOUNTABILITY OF SUPERVISORS AT DEPART-**
2 **MENT OF VETERANS AFFAIRS FOR ADDRESS-**
3 **ING PERFORMANCE OF EMPLOYEES.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs
5 shall ensure that, as a part of the annual performance
6 plan of a supervisor in the Department, the supervisor is
7 evaluated on the following:

8 (1) Taking action to address poor performance
9 and misconduct among the employees that report to
10 the supervisor.

11 (2) Taking steps to improve or sustain high lev-
12 els of employee engagement.

13 (3) Promoting a positive culture of service
14 that—

15 (A) reflects the mission of the Department
16 and the values of integrity, commitment, advo-
17 cacy, respect, and excellence; and

18 (B) emphasizes the greatest degree of per-
19 formance and conduct.

20 (b) SUPERVISOR DEFINED.—In this section, the term
21 “supervisor” has the meaning given such term in section
22 7103(a) of title 5, United States Code.

23 **SEC. 119. IMPROVEMENT OF TRAINING FOR SUPERVISORS.**

24 (a) IN GENERAL.—The Secretary of Veterans Affairs
25 shall provide to each employee of the Department of Vet-

1 erans Affairs who is employed as a supervisor periodic
2 training on the following:

3 (1) The rights of whistleblowers and how to ad-
4 dress a report by an employee of a hostile work envi-
5 ronment, reprisal, or harassment.

6 (2) How to effectively motivate, manage, and
7 reward the employees who report to the supervisor.

8 (3) How to effectively manage employees who
9 are performing at an unacceptable level and access
10 assistance from the human resources office of the
11 Department and the Office of the General Counsel
12 of the Department with respect to those employees.

13 (b) DEFINITIONS.—In this section:

14 (1) SUPERVISOR.—The term “supervisor” has
15 the meaning given such term in section 7103(a) of
16 title 5, United States Code.

17 (2) WHISTLEBLOWER.—The term “whistle-
18 blower” has the meaning given such term in section
19 323(g) of title 38, United States Code, as added by
20 section 101.

1 **SEC. 120. ASSESSMENT AND REPORT ON EFFECT ON SEN-**
2 **IOR EXECUTIVES AT DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) IN GENERAL.—Not later than two years after the
5 date of the enactment of this Act, the Secretary of Vet-
6 erans Affairs shall—

7 (1) measure and assess the effect of the enact-
8 ment of this title on the morale, engagement, hiring,
9 promotion, retention, discipline, and productivity of
10 individuals in senior executive positions at the De-
11 partment of Veterans Affairs; and

12 (2) submit to the Committee on Veterans' Af-
13 fairs of the Senate and the Committee on Veterans'
14 Affairs of the House of Representatives a report on
15 the findings of the Secretary with respect to the
16 measurement and assessment carried out under
17 paragraph (1).

18 (b) ELEMENTS.—The assessment required by sub-
19 section (a)(1) shall include the following:

20 (1) With respect to engagement, trends in mo-
21 rale of individuals in senior executive positions and
22 individuals aspiring to senior executive positions.

23 (2) With respect to promotions—

24 (A) whether the Department is experi-
25 encing an increase or decrease in the number of
26 employees participating in leadership develop-

1 ment and candidate development programs with
2 the intention of becoming candidates for senior
3 executive positions; and

4 (B) trends in applications to senior execu-
5 tive positions within the Department.

6 (3) With respect to retention—

7 (A) trends in retirement rates of individ-
8 uals in senior executive positions at the Depart-
9 ment;

10 (B) trends in quit rates of individuals in
11 senior executive positions at the Department;

12 (C) rates of transfer of—

13 (i) individuals from other Federal
14 agencies into senior executive positions at
15 the Department; and

16 (ii) individuals from senior executive
17 positions at the Department to other Fed-
18 eral agencies; and

19 (D) trends in total loss rates by job func-
20 tion.

21 (4) With respect to disciplinary processes—

22 (A) regarding individuals in senior execu-
23 tive positions at the Department who are the
24 subject of disciplinary action—

1 (i) the length of the disciplinary proc-
2 ess in days for such individuals both before
3 the date of the enactment of this Act and
4 under the provisions of this Act described
5 in subsection (a)(1); and

6 (ii) the extent to which appeals by
7 such individuals are upheld under such
8 provisions as compared to before the date
9 of the enactment of this Act;

10 (B) the components or offices of the De-
11 partment which experience the greatest number
12 of proposed adverse actions against individuals
13 in senior executive positions and components
14 and offices which experience the least relative to
15 the size of the components or offices' total
16 number of senior executive positions;

17 (C) the tenure of individuals in senior ex-
18 ecutive positions who are the subject of discipli-
19 nary action;

20 (D) whether the individuals in senior exec-
21 utive positions who are the subject of discipli-
22 nary action have previously been disciplined;
23 and

24 (E) the number of instances of disciplinary
25 action taken by the Secretary against individ-

1 uals in senior executive positions at the Depart-
2 ment as compared to governmentwide discipline
3 against individuals in Senior Executive Service
4 positions (as defined in section 3132(a) of title
5 5, United States Code) as a percentage of the
6 total number of individuals in senior executive
7 positions at the Department and Senior Execu-
8 tive Service positions (as so defined).

9 (5) With respect to hiring—

10 (A) the degree to which the skills of newly
11 hired individuals in senior executive positions at
12 the Department are appropriate with respect to
13 the needs of the Department;

14 (B) the types of senior executive positions
15 at the Department most commonly filled under
16 the authorities in the provisions described in
17 subsection (a)(1);

18 (C) the number of senior executive posi-
19 tions at the Department filled by hires outside
20 of the Department compared to hires from
21 within the Department;

22 (D) the length of time to fill a senior execu-
23 tive position at the Department and for a new
24 hire to begin working in a new senior executive
25 position;

1 (E) the mission-critical deficiencies filled
2 by newly hired individuals in senior executive
3 positions and the connection between mission-
4 critical deficiencies filled under the provisions
5 described in subsection (a) and annual perform-
6 ance of the Department;

7 (F) the satisfaction of applicants for senior
8 executive positions at the Department with the
9 hiring process, including the clarity of job an-
10 nouncements, reasons for withdrawal of applica-
11 tions, communication regarding status of appli-
12 cations, and timeliness of hiring decision; and

13 (G) the satisfaction of newly hired individ-
14 uals in senior executive positions at the Depart-
15 ment with the hiring process and the process of
16 joining and becoming oriented with the Depart-
17 ment.

18 (c) SENIOR EXECUTIVE POSITION DEFINED.—In
19 this section, the term “senior executive position” has the
20 meaning given such term in section 713 of title 38, United
21 States Code.

1 **Subtitle C—Employees**

2 **SEC. 121. REMOVAL OF EMPLOYEES OF DEPARTMENT OF**
3 **VETERANS AFFAIRS BASED ON PERFORM-**
4 **ANCE OR MISCONDUCT.**

5 (a) IN GENERAL.—Chapter 7 of title 38, United
6 States Code, as amended by subtitles A and B, is further
7 amended by inserting after section 714, as added by sec-
8 tion 114, the following new section:

9 **“§ 715. Employees: removal based on performance or**
10 **misconduct**

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

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

16 “(B) in the case of removal for performance, a
17 portion of such performance occurred during the
18 two-year period ending on the date of the determina-
19 tion.

20 “(2) If the Secretary removes a covered individual
21 under paragraph (1), the Secretary may remove the cov-
22 ered individual from the civil service (as defined in section
23 2101 of title 5).

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

4 “(b) NOTICE TO CONGRESS.—Not later than 30 days
5 after removing a covered individual under subsection (a),
6 the Secretary shall submit to the Committees on Veterans’
7 Affairs of the Senate and House of Representatives notice
8 in writing of such removal and the reason for such re-
9 moval.

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

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

20 “(i) stating the specific reasons for the
21 proposed action; and

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

24 “(B) 10 business days to answer the charges
25 orally and in writing and to furnish affidavits and

1 other documentary evidence in support of the an-
2 swer;

3 “(C) be represented by an attorney or other
4 representative;

5 “(D) a review of the case by the Secretary be-
6 fore a decision adverse to the employee is made
7 final;

8 “(E) as soon as practicable, a decision of the
9 Secretary with respect to the charges of the em-
10 ployee; and

11 “(F) a written statement of the decision of the
12 Secretary that—

13 “(i) includes the specific reasons of the de-
14 cision; and

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

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

22 “(B) An appeal under subparagraph (A) of a removal
23 may only be made if such appeal is made not later than
24 10 business days after the date of such removal.

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

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

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

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

11 “(I) shows harmful error in the application of
12 the Secretary’s procedures in arriving at such deci-
13 sion;

14 “(II) shows that the decision was based on any
15 prohibited personnel practice described in section
16 2302(b) of title 5; or

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

19 “(3) The procedures under section 7513(b) of title
20 5 and chapter 43 of such title shall not apply to a removal
21 under this section.

22 “(d) EXPEDITED REVIEW.—(1) The Merit Systems
23 Protection Board shall promulgate such rules as the
24 Board considers appropriate to expedite appeals under
25 subsection (c)(2).

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

4 “(3) During the period beginning on the date on
5 which a covered individual appeals a removal from the civil
6 service under subsection (c)(2) and ending on the date
7 that the Board issues a final decision on such appeal, such
8 covered individual may not receive any pay, awards, bo-
9 nuses, incentives, allowances, differentials, student loan
10 repayments, special payments, or benefits.

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

16 “(e) RELATION TO TITLE 5.—The authority provided
17 by this section is in addition to the authority provided by
18 subchapter V of chapter 75 of title 5 and chapter 43 of
19 such title.

20 “(f) DEFINITIONS.—In this section:

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

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

1 “(B) a political appointee.

2 “(2) The term ‘misconduct’ includes a violation
3 of paragraph (8) or (9) of section 2302(b) of title
4 5, neglect of duty, malfeasance, or failure to accept
5 a directed reassignment or to accompany a position
6 in a transfer of function.

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

9 “(A) employed in a position described
10 under sections 5312 through 5316 of title 5
11 (relating to the Executive Schedule);

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

17 “(C) employed in a position of a confiden-
18 tial or policy-determining character under
19 schedule C of subpart C of part 213 of title 5
20 of the Code of Federal Regulations.”.

21 (b) CLERICAL AND CONFORMING AMENDMENTS.—

22 (1) CLERICAL.—The table of sections at the be-
23 ginning of such chapter is amended by inserting
24 after the item relating to section 714, as added by
25 section 114, the following new item:

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

1 (2) CONFORMING.—

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

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

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

8 (iii) by adding at the end the fol-
9 lowing:

10 “(4) any removal under section 715 of title
11 38.”.

12 (B) TITLE 38.—Subchapter V of chapter
13 74 of title 38, United States Code, is amend-
14 ed—

15 (i) in section 7461(b)(1), by striking
16 “If the” and inserting “Except as provided
17 in section 715 of this title, if the”; and

18 (ii) in section 7462—

19 (I) in subsection (a)(1), by strik-
20 ing “Disciplinary” and inserting “Ex-
21 cept as provided in section 715 of this
22 title, the Disciplinary”; and

23 (II) in subsection (b)(1), by
24 striking “In any case” and inserting

1 “Except as provided in section 715 of
2 this title, in any case”.

3 **SEC. 122. PROHIBITION ON AWARD OF BONUSES TO EM-**
4 **EMPLOYEES OF DEPARTMENT OF VETERANS AF-**
5 **FAIRS UNDER CONSIDERATION FOR AD-**
6 **VERSE ACTIONS OR SUBJECT OF ADVERSE**
7 **FINDINGS.**

8 (a) IN GENERAL.—Chapter 7 of title 38, United
9 States Code, is further amended by inserting after section
10 715, as added by section 121, the following new section:

11 **“§ 716. Prohibition on award of bonuses to employees**
12 **under consideration for adverse actions**
13 **or subject of adverse findings**

14 “(a) UNDER CONSIDERATION FOR ADVERSE AC-
15 TION.—Notwithstanding any other provision of law, the
16 Secretary may not pay any bonus to any employee of the
17 Department, including an employee in a senior executive
18 position (as defined in section 713(d) of this title), while
19 the Secretary is considering carrying out an adverse per-
20 sonnel action with respect to the employee under this title
21 or title 5.

22 “(b) SUBJECT OF ADVERSE FINDING.—(1) Notwith-
23 standing any other provision of law, in a case in which
24 the Secretary makes an adverse finding relating to an em-

1 ployee of the Department, the Secretary may not award
2 a bonus to such employee until the earlier of—

3 “(A) such date as the Secretary considers ap-
4 propriate, but not sooner than the date that is two
5 years after the end of the fiscal year in which the
6 adverse finding was made and not more than five
7 years after the end of such fiscal year; or

8 “(B) the date that the finding is found to have
9 been made in error.

10 “(2) The Secretary may base an adverse finding
11 under paragraph (1) on an investigation by, determination
12 of, or information provided by the Inspector General of
13 the Department or another senior ethics official of the De-
14 partment or the Comptroller General of the United States
15 in connection with the carrying out by such official of an
16 activity, authority, or function under a provision of law
17 other than this section.

18 “(c) PREVIOUSLY AWARDED BONUSES.—(1) If the
19 Secretary makes an adverse finding relating to an em-
20 ployee under subsection (b), the Secretary, after notice
21 and an opportunity for a hearing, shall issue an order di-
22 recting the employee to repay the amount of any bonus
23 awarded to the employee during the year during which the
24 adverse finding is made, unless such finding is found to
25 have been made in error.

1 “(2) A hearing under paragraph (1) shall be con-
2 ducted in accordance with regulations relating to hearings
3 promulgated by the Secretary under chapter 75 of title
4 5.

5 “(d) CONDITION OF RECEIPT.—As a condition of re-
6 ceiving a bonus awarded after the date of the enactment
7 of this section, an employee of the Department shall sign
8 a certification stating that the employee shall repay the
9 bonus in accordance with a final order issued in accord-
10 ance with subsection (c).

11 “(e) APPEAL.—An employee determined to be ineli-
12 gible for a bonus under subsection (b) or against whom
13 an order is issued under subsection (c) may appeal to the
14 Merit Systems Protection Board under section 7701 of
15 title 5.

16 “(f) RULEMAKING.—The Secretary may promulgate
17 such rules as the Secretary considers appropriate to carry
18 out this section.

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘adverse finding’ relating to an
21 employee means a determination that the conduct of
22 the employee—

23 “(A) violated a policy of the Department
24 for which the employee may be removed or sus-

1 pended for a period of not less than 14 days;

2 or

3 “(B) violated a law for which the employee
4 may be imprisoned for more than 1 year.

5 “(2) The term ‘adverse personnel action’ means
6 any of the adverse actions described in section
7 7461(e)(2) of this title.

8 “(3) The term ‘bonus’ means any bonus or cash
9 award, including—

10 “(A) an award under chapter 45 of title 5;

11 “(B) an award under section 5384 of such
12 title; and

13 “(C) a retention bonus under section 5754
14 of such title.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is further amended by
17 inserting after the item relating to section 715, as added
18 by section 121, the following new item:

 “716. Prohibition on award of bonuses to employees under consideration for ad-
 verse actions or subject of adverse findings.”.

1 **SEC. 123. RETENTION OF RECORDS OF REPRIMANDS AND**
2 **ADMONISHMENTS RECEIVED BY EMPLOYEES**
3 **OF THE DEPARTMENT OF VETERANS AF-**
4 **FAIRS.**

5 (a) IN GENERAL.—Chapter 7 of title 38, United
6 States Code, is further amended by inserting after section
7 716, as added by section 122, the following new section:

8 **“§ 717. Record of reprimands and admonishments**

9 “(a) IN GENERAL.—Except as provided in subsection
10 (b), if any employee of the Department receives a rep-
11 rimand or admonishment from the Secretary, the Sec-
12 retary shall retain a copy of such reprimand or admonish-
13 ment in the permanent record of the employee for not less
14 than three years after the date on which the employee re-
15 ceived the reprimand or admonishment.

16 “(b) REMOVAL.—After the end of the three-year pe-
17 riod specified in subsection (a) with respect to a reprimand
18 or admonishment received by an employee, the Secretary
19 shall remove the reprimand or admonishment, as the case
20 may be, from the permanent record of the employee on
21 the earlier of the following:

22 “(1) The date on which the Secretary deter-
23 mines that the reprimand or admonishment merits
24 removal from the permanent record of the employee.

1 “(2) The date that is five years after the date
2 on which the employee received the reprimand or ad-
3 monishment.

4 “(c) APPEALS.—If an employee receives a reprimand
5 or admonishment that the employee believes he or she re-
6 ceived improperly, the employee may immediately appeal
7 the reprimand or admonishment.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is further amended by
10 inserting after the item relating to section 716, as added
11 by section 122, the following new item:

 “717. Record of reprimands and admonishments.”.

12 **SEC. 124. LIMITATION ON ADMINISTRATIVE LEAVE FOR EM-**
13 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
14 **FAIRS.**

15 (a) IN GENERAL.—Chapter 7 of title 38, United
16 States Code, is further amended by inserting after section
17 717, as added by section 123, the following new section:

18 **“§ 718. Administrative leave limitation and report**

19 “(a) LIMITATION APPLICABLE TO EMPLOYEES
20 WITHIN THE DEPARTMENT.—(1) The Secretary may not
21 place any covered individual on administrative leave for
22 more than a total of 14 business days during any 365-
23 day period.

24 “(2)(A) The Secretary may waive the limitation
25 under paragraph (1) and extend the period of administra-

1 tive leave of a covered individual if the Secretary submits
2 to the Committee on Veterans' Affairs of the Senate and
3 the Committee on Veterans' Affairs of the House of Rep-
4 resentatives a detailed explanation of the reasons the cov-
5 ered individual was placed on administrative leave and the
6 reasons for the extension of such leave.

7 “(B) Such explanation shall include the position of
8 the covered individual and the location where the covered
9 individual is employed.

10 “(3) In this subsection, the term ‘covered individual’
11 means an employee of the Department, including an em-
12 ployee in a senior executive position (as defined in section
13 713(d) of this title)—

14 “(A) who is subject to an investigation for pur-
15 poses of determining whether such individual should
16 be subject to any disciplinary action under this title
17 or title 5; or

18 “(B) against whom any disciplinary action is
19 proposed or initiated under this title or title 5.

20 “(b) REPORT ON ADMINISTRATIVE LEAVE.—(1) Not
21 later than 30 days after the end of each fiscal year, the
22 Secretary shall submit to the Committee on Veterans' Af-
23 fairs of the Senate and the Committee on Veterans' Af-
24 fairs of the House of Representatives a report listing the
25 position of each employee of the Department (if any) who

1 has been placed on administrative leave for a period longer
2 than 14 business days during such fiscal year.

3 “(2) Each report submitted under paragraph (1)
4 shall include, with respect to each employee listed in such
5 report, the following:

6 “(A) The position occupied by the employee.

7 “(B) The number of business days of such
8 leave.

9 “(C) The reason that such employee was placed
10 on such leave.

11 “(3) In submitting each report under paragraph (1),
12 the Secretary shall take such measures to protect the pri-
13 vacy of the employees listed in the report as the Secretary
14 considers appropriate.

15 “(c) ADMINISTRATIVE LEAVE DEFINED.—In this
16 section, the term ‘administrative leave’—

17 “(1) means an administratively authorized ab-
18 sence from duty without loss of pay or charge to
19 leave, for which the employee is placed—

20 “(A) due to an investigation; or

21 “(B) while disciplinary action is proposed
22 or initiated; and

23 “(2) includes any type of paid nonduty status
24 without a charge to leave.”.

25 (b) APPLICATION.—

1 (1) ADMINISTRATIVE LEAVE LIMITATION.—
2 Subsection (a) of section 718 of title 38, United
3 States Code, as added by subsection (a) of this sec-
4 tion, shall apply to any period of administrative
5 leave (as defined in such section) commencing on or
6 after the date of the enactment of this title.

7 (2) REPORT.—The report under section 718(b)
8 of such title (as added by subsection (a)) shall apply
9 beginning in the first quarter that ends after the
10 date that is 180 days after the date of the enact-
11 ment of this Act.

12 (c) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 7 of such title is further
14 amended by inserting after the item relating to section
15 717, as added by section 123, the following new item:

“718. Administrative leave limitation and report.”.

16 **SEC. 125. MEASUREMENT OF DEPARTMENT OF VETERANS**
17 **AFFAIRS DISCIPLINARY PROCESS OUTCOMES**
18 **AND EFFECTIVENESS.**

19 (a) MEASURING AND COLLECTING.—

20 (1) IN GENERAL.—The Secretary of Veterans
21 Affairs shall measure and collect information on the
22 outcomes of disciplinary actions carried out by the
23 Department of Veterans Affairs during the three-
24 year period ending on the date of the enactment of
25 this Act and the effectiveness of such actions.

1 (2) ELEMENTS.—In measuring and collecting
2 pursuant to paragraph (1), the Secretary shall meas-
3 ure and collect information regarding the following:

4 (A) The average time from the initiation of
5 an adverse action against an employee at the
6 Department to the final resolution of that ac-
7 tion.

8 (B) The number of distinct steps and lev-
9 els of review within the Department involved in
10 the disciplinary process and the average length
11 of time required to complete these steps.

12 (C) The rate of use of alternate discipli-
13 nary procedures compared to traditional dis-
14 ciplinary procedures and the frequency with
15 which employees who are subject to alternative
16 disciplinary procedures commit additional of-
17 fenses.

18 (D) The number of appeals from adverse
19 actions filed against employees of the Depart-
20 ment, the number of appeals upheld, and the
21 reasons for which the appeals were upheld.

22 (E) The use of paid administrative leave
23 during the disciplinary process and the length
24 of such leave.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than December 31,
2 2016, the Secretary shall submit to the appropriate
3 committees of Congress a report on the disciplinary
4 procedures and actions of the Department.

5 (2) CONTENTS.—The report submitted under
6 paragraph (1) shall include the following:

7 (A) The information collected under sub-
8 section (a).

9 (B) The findings of the Secretary with re-
10 spect to the measurement and collection carried
11 out under subsection (a).

12 (C) An analysis of the disciplinary proce-
13 dures and actions of the Department.

14 (D) Suggestions for improving the discipli-
15 nary procedures and actions of the Department.

16 (E) Such other matters as the Secretary
17 considers appropriate.

18 (3) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—In this subsection, the term “appropriate
20 committees of Congress” means—

21 (A) the Committee on Appropriations and
22 the Committee on Veterans’ Affairs of the Sen-
23 ate; and

1 (B) the Committee on Appropriations and
2 the Committee on Veterans' Affairs of the
3 House of Representatives.

4 **Subtitle D—Other Personnel and**
5 **Accountability Matters**

6 **SEC. 131. WRITTEN OPINION ON CERTAIN EMPLOYMENT**
7 **RESTRICTIONS AFTER TERMINATING EM-**
8 **PLOYMENT WITH THE DEPARTMENT OF VET-**
9 **ERANS AFFAIRS.**

10 (a) IN GENERAL.—Chapter 7 of title 38, United
11 States Code, as amended by subtitles A, B, and C, is fur-
12 ther amended by inserting after section 718, as added by
13 section 124, the following new section:

14 **“§ 719. Written opinion on certain employment re-**
15 **strictions after terminating employment**
16 **with the Department**

17 “(a) IN GENERAL.—Before terminating employment
18 with the Department, any official of the Department who
19 has participated personally and substantially during the
20 one-year period ending on the date of the termination in
21 an acquisition by the Department that exceeds
22 \$10,000,000 shall obtain a written opinion from an appro-
23 priate ethics counselor at the Department regarding any
24 restrictions on activities that the official may undertake
25 on behalf of a covered contractor during the two-year pe-

1 riord beginning on the date on which the official terminates
2 such employment.

3 “(b) COVERED CONTRACTOR DEFINED.—In this sec-
4 tion, the term ‘covered contractor’ means a contractor car-
5 rying out a contract entered into with the Department,
6 including pursuant to a subcontract.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 7 of such title is further
9 amended by inserting after the item relating to section
10 718, as added by section 124, the following new item:

“719. Written opinion on certain employment restrictions after leaving the De-
partment.”.

11 **SEC. 132. REQUIREMENT FOR CONTRACTORS OF THE DE-**
12 **PARTMENT EMPLOYING CERTAIN RECENTLY**
13 **SEPARATED DEPARTMENT EMPLOYEES.**

14 (a) IN GENERAL.—Subchapter II of chapter 81 of
15 title 38, United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 8129. Requirement for contractors employing cer-**
18 **tain recently separated Department em-**
19 **ployees**

20 “(a) IN GENERAL.—A covered contractor may not
21 knowingly provide compensation to an individual described
22 in subsection (b) during the two-year period beginning on
23 the date on which the individual terminates employment

1 with the Department unless the covered contractor deter-
2 mines that the individual—

3 “(1) has obtained the written opinion required
4 under section 719(a) of this title; or

5 “(2) has requested such written opinion not
6 later than 30 days before receiving compensation
7 from the covered contractor.

8 “(b) INDIVIDUAL DESCRIBED.—An individual de-
9 scribed in this subsection is any official of the Department
10 who participated personally and substantially during the
11 one-year period ending on the date of the termination of
12 the individual’s employment with the Department in an
13 acquisition by the Department that exceeds \$10,000,000.

14 “(c) COVERED CONTRACTOR DEFINED.—In this sec-
15 tion, the term ‘covered contractor’ means a contractor car-
16 rying out a contract entered into with the Department,
17 including pursuant to a subcontract.”.

18 (b) APPLICATION.—The requirement under section
19 8129(a) of title 38, United States Code, as added by sub-
20 section (a), shall apply with respect to any entity that en-
21 ters into a contract with the Department on or after the
22 date of the enactment of this title.

23 (c) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 81 of such title is amended

1 by inserting after the item relating to section 8128 the
2 following new item:

“8129. Requirement for contractors employing certain recently separated Department employees.”.

3 **SEC. 133. DEPARTMENT OF VETERANS AFFAIRS PROGRAM**
4 **OF INTERNAL AUDITS.**

5 (a) IN GENERAL.—Subchapter II of chapter 5 of title
6 38, United States Code, is amended by inserting after section
7 527 the following new section:

8 **“§ 527A. Program of internal audits**

9 “(a) PROGRAM REQUIRED.—(1) The Secretary shall
10 carry out a program of internal audits and self-analysis
11 to improve the furnishing of benefits and health care to
12 veterans and their families.

13 “(2) The Secretary shall carry out the program re-
14 quired by paragraph (1) through an office the Secretary
15 shall establish for purposes of the program within the office
16 of the Secretary that is interdisciplinary and independent of—
17

18 “(A) the other offices within the office of the
19 Secretary; and

20 “(B) the covered administrations (or functions
21 of such administrations), staff organizations, and
22 staff offices identified under subsection (b)(1)(A).

1 “(b) PROGRAM REQUIREMENTS.—(1) In carrying out
2 the program required by subsection (a), the Secretary
3 shall—

4 “(A) conduct periodic risk assessments of the
5 Department to identify those covered administra-
6 tions (or functions of such administrations), staff or-
7 ganizations, and staff offices of the Department the
8 audit of which would lead towards the greatest im-
9 provement in the furnishing of benefits and health
10 care to veterans and their families;

11 “(B) develop plans that are informed by the
12 risk assessments conducted under paragraph (1) to
13 conduct internal audits of the covered administra-
14 tions (or functions of such administrations), staff or-
15 ganizations, and staff offices identified under sub-
16 paragraph (A); and

17 “(C) conduct internal audits in accordance with
18 the plans developed pursuant to subparagraph (B).

19 “(2) The Secretary shall carry out under the program
20 required by subsection (a) an audit of not fewer than five
21 covered administrations (or functions of such administra-
22 tions), staff organizations, or staff offices of the Depart-
23 ment each year.

24 “(3) In identifying covered administrations (or func-
25 tions of such administrations), staff organizations, and

1 staff offices of the Department under paragraph (1)(A),
2 the Secretary shall accord priority to the covered adminis-
3 trations and functions of such administrations.

4 “(4)(A) For purposes of this subsection, the covered
5 administrations of the Department are the following:

6 “(i) The National Cemetery Administration.

7 “(ii) The Veterans Benefits Administration.

8 “(iii) The Veterans Health Administration.

9 “(B) For purposes of this subsection, the covered
10 staff organizations of the Department are the following:

11 “(i) The Office of Acquisition, Logistics, and
12 Construction.

13 “(ii) The Advisory Committee Management Of-
14 fice.

15 “(iii) The Board of Veterans’ Appeals.

16 “(iv) The Center for Faith-Based and Neigh-
17 borhood Partnerships.

18 “(v) The Center for Minority Veterans.

19 “(vi) The Center for Women Veterans.

20 “(vii) The Office of General Counsel.

21 “(viii) The Office of Regulation Policy and
22 Management.

23 “(ix) The Office of Employment Discrimination
24 Complaint Adjudication.

1 “(x) The Office of Interagency Care and Bene-
2 fits Coordination.

3 “(xi) The Office of Small and Disadvantaged
4 Business Utilization.

5 “(xii) The Office of Survivors Assistance.

6 “(xiii) The Veterans’ Service Organizations Li-
7 aision.

8 “(xiv) The Office of Patient Advocacy.

9 “(xv) The Office of Accountability and Whistle-
10 blower Protection.

11 “(C) For purposes of this subsection, the covered
12 staff offices of the Department are the following:

13 “(i) The office of the Assistant Secretary for
14 Congressional and Legislative Affairs.

15 “(ii) The office of the Assistant Secretary for
16 Human Resources and Administration.

17 “(iii) The office of the Assistant Secretary for
18 Information and Technology.

19 “(iv) The Office of Management.

20 “(v) The office of the Assistant Secretary for
21 Operations, Security, and Preparedness.

22 “(vi) The office of the Assistant Secretary for
23 Policy and Planning.

24 “(vii) The office of the Assistant Secretary for
25 Public and Intergovernmental Affairs.

1 “(c) REPORTS.—(1)(A) Not later than 90 days after
2 completing an audit under the program required by sub-
3 section (a), the Secretary shall submit to the appropriate
4 committees of Congress a report on the audit.

5 “(B) Each report submitted under subparagraph (A)
6 with respect to an audit shall include the following:

7 “(i) A summary of the audit.

8 “(ii) The findings of the Secretary with respect
9 to the audit.

10 “(iii) Such recommendations as the Secretary
11 may have for legislative or administrative action to
12 improve the furnishing of benefits and health care to
13 veterans and their families.

14 “(iv) Plans to carry out the recommendations
15 submitted under clause (iii), including timelines for
16 completion of such plans.

17 “(2)(A) Not later than September 1 of each year, the
18 Secretary shall submit to the appropriate committees of
19 Congress a report on the administration of this section.

20 “(B) Each report submitted under subparagraph (A)
21 shall include the following:

22 “(i) A detailed description of each matter for
23 which a recommendation was submitted under clause
24 (iii) of paragraph (1)(B) and with respect to which

1 plans that were submitted under clause (iv) of such
2 paragraph have not been completed.

3 “(ii) A plan for the conduct of audits under this
4 section during the first fiscal year beginning after
5 the fiscal year in which the report is submitted,
6 which shall include the following:

7 “(I) A description of any risk assessments
8 the Secretary plans to conduct in such fiscal
9 year.

10 “(II) A summary of each audit the Sec-
11 retary plans to conduct in such fiscal year, in-
12 cluding a description of the subject matter of
13 the audit and identification of the administra-
14 tion, office, or function to be audited.

15 “(3) In this subsection, the term ‘appropriate com-
16 mittees of Congress’ includes—

17 “(A) the Committee on Veterans’ Affairs, the
18 Committee on Appropriations, and the Committee on
19 Homeland Security and Governmental Affairs of the
20 Senate; and

21 “(B) the Committee on Veterans’ Affairs, the
22 Committee on Appropriations, and the Committee on
23 Oversight and Government Reform of the House of
24 Representatives.”.

1 (b) **FIRST RISK ASSESSMENT.**—The Secretary of
2 Veterans Affairs shall complete the first risk assessment
3 required by section 527A(b)(1)(A) of such title, as added
4 by subsection (a), by not later than 180 days after the
5 date of the enactment of this Act.

6 (c) **CLERICAL AMENDMENT.**—The table of sections
7 at the beginning of chapter 5 of such title is amended by
8 inserting after the item relating to section 527 the fol-
9 lowing new item:

“527A. Program of internal audits.”.

10 **TITLE II—HEALTH CARE**
11 **MATTERS**

12 **SEC. 200. SHORT TITLE.**

13 This title may be cited as the “Jason Simeakoski Me-
14 morial Act”.

15 **Subtitle A—Expansion and Im-**
16 **provement of Health Care Bene-**
17 **fits**

18 **SEC. 201. IMPROVED ACCESS TO APPROPRIATE IMMUNIZA-**
19 **TIONS FOR VETERANS.**

20 (a) **INCLUSION OF RECOMMENDED ADULT IMMUNI-**
21 **ZATIONS AS MEDICAL SERVICES.**—

22 (1) **COVERED BENEFIT.**—Subparagraph (F) of
23 section 1701(9) of title 38, United States Code, is
24 amended to read as follows:

1 “(F) immunizations against infectious dis-
2 eases, including each immunization on the rec-
3 ommended adult immunization schedule at the
4 time such immunization is indicated on that
5 schedule;”.

6 (2) RECOMMENDED ADULT IMMUNIZATION
7 SCHEDULE DEFINED.—Section 1701 of such title is
8 amended by adding at the end the following new
9 paragraph:

10 “(10) The term ‘recommended adult immuniza-
11 tion schedule’ means the schedule established (and
12 periodically reviewed and, as appropriate, revised) by
13 the Advisory Committee on Immunization Practices
14 established by the Secretary of Health and Human
15 Services and delegated to the Centers for Disease
16 Control and Prevention.”.

17 (b) INCLUSION OF RECOMMENDED ADULT IMMUNI-
18 ZATIONS IN ANNUAL REPORT.—Section 1704(1)(A) of
19 such title is amended—

20 (1) in clause (i), by striking “and” at the end;

21 (2) in clause (ii), by striking the period at the
22 end and inserting “; and”; and

23 (3) by inserting after clause (ii) the following
24 new clause:

1 “(iii) to provide veterans each immu-
2 nization on the recommended adult immu-
3 nization schedule at the time such immuni-
4 zation is indicated on that schedule.”.

5 (c) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than two years
7 after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall submit to the Com-
9 mittee on Veterans’ Affairs of the Senate and the
10 Committee on Veterans’ Affairs of the House of
11 Representatives a report on the development and im-
12 plementation by the Department of Veterans Affairs
13 of quality measures and metrics, including targets
14 for compliance, to ensure that veterans receiving
15 medical services under chapter 17 of title 38, United
16 States Code, receive each immunization on the rec-
17 ommended adult immunization schedule at the time
18 such immunization is indicated on that schedule.

19 (2) RECOMMENDED ADULT IMMUNIZATION
20 SCHEDULE DEFINED.—In this subsection, the term
21 “recommended adult immunization schedule” has
22 the meaning given that term in section 1701(10) of
23 title 38, United States Code, as added by subsection
24 (a)(2).

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion or the amendments made by this section may be con-
3 strued to require a veteran to receive an immunization
4 that the veteran does not want to receive.

5 **SEC. 202. EXPANSION OF PROVISION OF CHIROPRACTIC**
6 **CARE AND SERVICES TO VETERANS.**

7 (a) PROGRAM FOR PROVISION OF CHIROPRACTIC
8 CARE AND SERVICES TO VETERANS.—Section 204(c) of
9 the Department of Veterans Affairs Health Care Pro-
10 grams Enhancement Act of 2001 (Public Law 107–135;
11 115 Stat. 2459; 38 U.S.C. 1710 note) is amended—

12 (1) by inserting “(1)” before “The program”;
13 and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) The program shall be carried out at not fewer
17 than two medical centers or clinics in each Veterans Inte-
18 grated Service Network by not later than two years after
19 the date of the enactment of the Jason Simcakoski Memo-
20 rial Act, and at not fewer than 50 percent of all medical
21 centers in each Veterans Integrated Service Network by
22 not later than three years after such date of enactment.”.

23 (b) EXPANDED CHIROPRACTOR SERVICES AVAIL-
24 ABLE TO VETERANS.—

1 (1) MEDICAL SERVICES.—Paragraph (6) of sec-
2 tion 1701 of title 38, United States Code, is amend-
3 ed by adding at the end the following new subpara-
4 graph:

5 “(H) Chiropractic services.”.

6 (2) REHABILITATIVE SERVICES.—Paragraph
7 (8) of such section is amended by inserting “chiro-
8 practic,” after “counseling,”.

9 (3) PREVENTIVE HEALTH SERVICES.—Para-
10 graph (9) of such section is amended—

11 (A) by redesignating subparagraphs (F)
12 through (K) as subparagraphs (G) through (L),
13 respectively; and

14 (B) by inserting after subparagraph (E)
15 the following new subparagraph (F):

16 “(F) periodic and preventive chiropractic
17 examinations and services;”.

18 **SEC. 203. PRIORITY OF MEDAL OF HONOR RECIPIENTS IN**
19 **HEALTH CARE SYSTEM OF DEPARTMENT OF**
20 **VETERANS AFFAIRS.**

21 (a) ENROLLMENT PRIORITY.—

22 (1) IN GENERAL.—Section 1705(a) of title 38,
23 United States Code, is amended—

24 (A) in paragraph (1), by striking the pe-
25 riod at the end and inserting the following:

1 “and veterans who were awarded the medal of
2 honor under section 3741, 6241, or 8741 of
3 title 10 or section 491 of title 14.”; and

4 (B) in paragraph (3), by striking “veterans
5 who were awarded the medal of honor under
6 section 3741, 6241, or 8741 of title 10 or sec-
7 tion 491 of title 14.”.

8 (2) APPLICATION.—The priority of enrollment
9 of medal of honor recipients in the system of annual
10 patient enrollment established and operated under
11 section 1705(a) of such title, as amended by para-
12 graph (1), shall apply to each such recipient, regard-
13 less of the date on which the medal is awarded.

14 (b) ELIGIBILITY.—Section 1710(a)(2)(D) of such
15 title is amended by inserting after “war” the following:
16 “, who was awarded the medal of honor under section
17 3741, 6241, or 8741 of title 10 or section 491 of title
18 14.”.

19 (c) EXTENDED CARE SERVICES.—Section
20 1710B(e)(2) of such title is amended—

21 (1) in subparagraph (B), by striking “or”;

22 (2) in subparagraph (C), by striking the period
23 at the end and inserting “; or”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(D) to a veteran who was awarded the medal
2 of honor under section 3741, 6241, or 8741 of title
3 10 or section 491 of title 14.”.

4 (d) COPAYMENT FOR MEDICATIONS.—Section
5 1722A(a)(3) of such title is amended—

6 (1) in subparagraph (B), by striking “or”;

7 (2) in subparagraph (C), by striking the period
8 at the end and inserting “; or”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(D) to a veteran who was awarded the medal
12 of honor under section 3741, 6241, or 8741 of title
13 10 or section 491 of title 14.”.

14 **Subtitle B—Mental Health Care**

15 **SEC. 211. VETERANS EXPEDITED RECOVERY COMMISSION.**

16 (a) ESTABLISHMENT.—There is established the Vet-
17 erans Expedited Recovery Commission (in this section re-
18 ferred to as the “Commission”).

19 (b) DUTIES.—The Commission shall perform the fol-
20 lowing duties:

21 (1) Examine the efficacy of the evidence-based
22 therapy model used by the Department of Veterans
23 Affairs for treating mental health conditions of vet-
24 erans and identify areas to improve wellness-based
25 outcomes.

1 (2) Conduct a patient-centered survey within
2 each of the Veterans Integrated Service Networks to
3 examine—

4 (A) the experience of veterans with the De-
5 partment when seeking medical assistance for
6 mental health conditions through the health
7 care system of the Department;

8 (B) the experience of veterans with non-
9 Department medical facilities and health profes-
10 sionals for treating mental health conditions;

11 (C) the preferences of veterans regarding
12 available treatments for mental health condi-
13 tions and which methods the veterans believe to
14 be most effective;

15 (D) the experience, if any, of veterans with
16 respect to the complementary and integrative
17 health services described in subparagraphs (A)
18 through (I) of paragraph (3);

19 (E) the prevalence of prescribing prescrip-
20 tion medication among veterans seeking treat-
21 ment through the health care system of the De-
22 partment as remedies for addressing mental
23 health conditions; and

24 (F) the outreach efforts of the Secretary of
25 Veterans Affairs regarding the availability of

1 benefits and treatments for veterans for ad-
2 dressing mental health conditions, including by
3 identifying ways to reduce barriers to and gaps
4 in such benefits and treatments.

5 (3) Examine available research on complemen-
6 tary and integrative health services for mental
7 health conditions and identify what benefits could be
8 made with the inclusion of such treatments for vet-
9 erans, including with respect to—

10 (A) music therapy;

11 (B) equine therapy;

12 (C) training and caring for service dogs;

13 (D) yoga therapy;

14 (E) acupuncture therapy;

15 (F) meditation therapy;

16 (G) outdoor sports therapy;

17 (H) hyperbaric oxygen therapy; and

18 (I) such other therapies as the Commission
19 determines appropriate.

20 (4) Study the potential increase of claims relat-
21 ing to mental health conditions submitted to the
22 Secretary by veterans who served in Operation En-
23 during Freedom, Operation Iraqi Freedom, or Oper-
24 ation New Dawn, including an assessment of the re-
25 sources available within the Department to ensure

1 that quality health care demands relating to such
2 claims can be delivered in a timely manner.

3 (c) MEMBERSHIP.—

4 (1) NUMBER AND APPOINTMENT.—

5 (A) IN GENERAL.—The Commission shall
6 be composed of 10 members, appointed as fol-
7 lows:

8 (i) Two members appointed by the
9 Speaker of the House of Representatives,
10 at least one of whom shall be a veteran.

11 (ii) Two members appointed by the
12 Minority Leader of the House of Rep-
13 resentatives, at least one of whom shall be
14 a veteran.

15 (iii) Two members appointed by the
16 Majority Leader of the Senate, at least one
17 of whom shall be a veteran.

18 (iv) Two members appointed by the
19 Minority Leader of the Senate, at least one
20 of whom shall be a veteran.

21 (v) Two members appointed by the
22 President, at least one of whom shall be a
23 veteran.

24 (B) QUALIFICATIONS.—Members of the
25 Commission shall be individuals who—

1 (i) are of recognized standing and dis-
2 tinction within the medical community with
3 a background in treating mental health;

4 (ii) have experience working with the
5 military and veteran population; and

6 (iii) do not have a financial interest in
7 any of the complementary and integrative
8 health services reviewed by the Commis-
9 sion.

10 (2) CHAIR.—The President shall designate a
11 member of the Commission to be the Chair.

12 (3) PERIOD OF APPOINTMENT.—Members of
13 the Commission shall be appointed for the life of the
14 Commission.

15 (4) VACANCY.—A vacancy in the Commission
16 shall be filled in the manner in which the original
17 appointment was made.

18 (5) APPOINTMENT DEADLINE.—The appoint-
19 ment of members of the Commission in this section
20 shall be made not later than 90 days after the date
21 of the enactment of this Act.

22 (d) POWERS OF COMMISSION.—

23 (1) MEETING.—

24 (A) INITIAL MEETING.—The Commission
25 shall hold its first meeting not later than 30

1 days after a majority of members are appointed
2 to the Commission.

3 (B) MEETING.—The Commission shall reg-
4 ularly meet at the call of the Chair. Such meet-
5 ings may be carried out through the use of tele-
6 phonic or other appropriate telecommunication
7 technology if the Commission determines that
8 such technology will allow the members to com-
9 municate simultaneously.

10 (2) HEARINGS.—The Commission may hold
11 such hearings, sit and act at such times and places,
12 take such testimony, and receive such evidence as
13 the Commission considers advisable to carry out the
14 responsibilities of the Commission.

15 (3) INFORMATION FROM FEDERAL AGENCIES.—
16 The Commission may secure directly from any Fed-
17 eral agency such information as the Commission
18 considers necessary to carry out the duties of the
19 Commission under subsection (b).

20 (4) INFORMATION FROM NONGOVERNMENTAL
21 ORGANIZATIONS.—In carrying out the duties of the
22 Commission under subsection (b), the Commission
23 may seek guidance through consultation with foun-
24 dations, veterans service organizations, nonprofit
25 groups, faith-based organizations, private and public

1 institutions of higher education, and such other or-
2 ganizations as the Commission determines appro-
3 priate.

4 (5) COMMISSION RECORDS.—The Commission
5 shall keep an accurate and complete record of the
6 actions and meetings of the Commission. Such
7 record shall be made available for public inspection
8 and the Comptroller General of the United States
9 may audit and examine such record.

10 (6) PERSONNEL MATTERS.—Upon request of
11 the Chair of the Commission, the head of any Fed-
12 eral agency may detail, on a reimbursable basis, any
13 personnel of that agency to assist the Commission in
14 carrying out the duties of the Commission.

15 (7) COMPENSATION OF MEMBERS; TRAVEL EX-
16 PENSES.—Each member shall serve without pay, ex-
17 cept that each member shall receive travel expenses
18 to perform the duties of the Commission under sub-
19 section (b), including per diem in lieu of subsistence,
20 at rates authorized under subchapter I of chapter 57
21 of title 5, United States Code.

22 (8) STAFF.—The Chair, in accordance with
23 rules agreed upon by the Commission, may appoint
24 and fix the compensation of a staff director and
25 such other personnel as may be necessary to enable

1 the Commission to carry out its functions, without
2 regard to the provisions of title 5, United States
3 Code, governing appointments in the competitive
4 service or chapter 51 and subchapter III of chapter
5 53 of such title relating to classification and General
6 Schedule pay rates, except that no rate of pay fixed
7 under this subsection may exceed the equivalent of
8 the rate payable for a position at level IV of the Ex-
9 ecutive Schedule under section 5315 of such title.

10 (9) PERSONNEL AS FEDERAL EMPLOYEES.—

11 (A) IN GENERAL.—The executive director
12 and any personnel of the Commission are em-
13 ployees under section 2105 of title 5, United
14 States Code, for purposes of chapters 63, 81,
15 83, 84, 85, 87, 89, and 90 of such title.

16 (B) MEMBERS OF THE COMMISSION.—

17 Subparagraph (A) shall not be construed to
18 apply to members of the Commission.

19 (10) CONTRACTING.—The Commission may, to
20 such extent and in such amounts as are provided in
21 appropriations Acts, enter into contracts to enable
22 the Commission to discharge the duties of the Com-
23 mission under this section.

24 (11) EXPERT AND CONSULTANT SERVICES.—

25 The Commission may procure the services of experts

1 and consultants in accordance with section 3109 of
2 title 5, United States Code, at rates not to exceed
3 the daily rate paid to a person occupying a position
4 at level IV of the Executive Schedule under section
5 5315 of such title.

6 (12) POSTAL SERVICE.—The Commission may
7 use the United States mails in the same manner and
8 under the same conditions as a Federal agency.

9 (13) PHYSICAL FACILITIES AND EQUIPMENT.—
10 Upon the request of the Commission, the Adminis-
11 trator of General Services shall provide to the Com-
12 mission, on a reimbursable basis, the administrative
13 support services necessary for the Commission to
14 carry out its responsibilities under this section.
15 These administrative services may include human re-
16 source management, budget, leasing, accounting,
17 and payroll services.

18 (e) REPORTS.—

19 (1) INTERIM REPORTS.—

20 (A) COOPERATION BY HEADS OF FEDERAL
21 AGENCIES.—Not later than 60 days after the
22 date on which the Commission first meets, and
23 not less frequently than once during each 30-
24 day period thereafter ending on the date on
25 which the Commission submits the final report

1 under paragraph (2), the Commission shall sub-
2 mit to the Committee on Veterans' Affairs of
3 the Senate, the Committee on Veterans' Affairs
4 of the House of Representatives, and the Presi-
5 dent a report detailing the level of cooperation
6 the Secretary of Veterans Affairs (and the
7 heads of other Federal agencies) has provided
8 to the Commission.

9 (B) OTHER REPORTS.—In carrying out the
10 duties of the Commission under subsection (b),
11 at times that the Commission determines ap-
12 propriate, the Commission shall submit to the
13 Committee on Veterans' Affairs of the Senate,
14 the Committee on Veterans' Affairs of the
15 House of Representatives, and such other enti-
16 ties as the Commission determines appropriate
17 an interim report with respect to the findings
18 identified by the Commission.

19 (2) FINAL REPORT.—

20 (A) IN GENERAL.—Not later than 18
21 months after the date on which the Commission
22 first meets, the Commission shall submit to the
23 Committee on Veterans' Affairs of the Senate,
24 the Committee on Veterans' Affairs of the
25 House of Representatives, the President, and

1 the Secretary of Veterans Affairs a final report
2 on the findings of the Commission.

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

5 (i) Recommendations to implement in
6 a feasible, timely, and cost-effective man-
7 ner any solutions and remedies identified
8 by the Commission in carrying out the du-
9 ties of the Commission under subsection
10 (b).

11 (ii) An analysis of the evidence-based
12 therapy model used by the Secretary for
13 treating veterans with mental health condi-
14 tions and an examination of the prevalence
15 and efficacy of prescription drugs as a
16 means of treatment.

17 (iii) The findings of the patient-cen-
18 tered survey conducted within each of the
19 Veterans Integrated Service Networks
20 under subsection (b)(2).

21 (iv) An examination of the com-
22plementary and integrative health services
23 described in subsection (b)(3) and the po-
24 tential benefits of incorporating such serv-
25 ices in the therapy model used by the Sec-

1 retary for treating veterans with mental
2 health conditions.

3 (3) PLAN.—Not later than 90 days after the
4 date on which the Commission submits the final re-
5 port under paragraph (2), the Secretary of Veterans
6 Affairs shall submit to the Committee on Veterans'
7 Affairs of the Senate and the Committee on Vet-
8 erans' Affairs of the House of Representatives a re-
9 port on the following:

10 (A) An action plan for implementing the
11 recommendations set forth by the Commission
12 in such report regarding solutions and remedies
13 for improving wellness-based outcomes for vet-
14 erans with mental health conditions.

15 (B) A feasible timeframe on when com-
16 plementary and integrative health services de-
17 scribed in subsection (b)(3) can be implemented
18 throughout the Department.

19 (C) With respect to each recommendation
20 set forth by the Commission, including regard-
21 ing any complementary and integrative health
22 service, that the Secretary determines is not ap-
23 propriate or feasible to implement, a justifica-
24 tion for each such determination and an alter-
25 native solution to improve the efficacy of the

1 therapy model used by the Secretary for treat-
2 ing veterans with mental health conditions.

3 (f) **TERMINATION OF COMMISSION.**—The Commis-
4 sion shall terminate 30 days after the Commission submits
5 the final report under subsection (e)(2).

6 (g) **COMPLEMENTARY AND INTEGRATIVE HEALTH**
7 **DEFINED.**—In this section, the term “complementary and
8 integrative health” has the meaning given that term or
9 any subsequent similar term by the National Institutes of
10 Health.

11 **SEC. 212. MENTAL HEALTH TREATMENT FOR VETERANS**
12 **WHO SERVED IN CLASSIFIED MISSIONS.**

13 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
14 gress that veterans who experience combat-related mental
15 health wounds should have immediate, appropriate, and
16 consistent access to comprehensive mental health care.

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

20 **“§ 1720H. Mental health treatment for veterans who**
21 **served in classified missions**

22 “(a) **ESTABLISHMENT OF STANDARDS.**—(1) The
23 Secretary shall establish standards and procedures to en-
24 sure that each eligible veteran may access mental health
25 care furnished by the Secretary in a manner that fully

1 accommodates the obligation of the veteran to not improv-
2 erly disclose classified information.

3 “(2) In establishing standards and procedures under
4 paragraph (1), the Secretary shall consult with the Sec-
5 retary of Defense to ensure that such standards and pro-
6 cedures are consistent with the policies on classified infor-
7 mation of the Department of Defense.

8 “(3) The Secretary shall disseminate guidance to em-
9 ployees of the Veterans Health Administration, including
10 mental health professionals, on the standards and proce-
11 dures established under paragraph (1) and how to best
12 engage eligible veterans during the course of mental health
13 treatment with respect to classified information.

14 “(b) IDENTIFICATION.—In carrying out this section,
15 the Secretary shall ensure that a veteran may elect to
16 identify as an eligible veteran on an appropriate form.

17 “(c) DEFINITIONS.—In this section:

18 “(1) The term ‘classified information’ means
19 any information or material that has been deter-
20 mined by an official of the United States pursuant
21 to law to require protection against unauthorized
22 disclosure for reasons of national security.

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

1 Affairs shall include education and training of marriage
2 and family therapists and licensed professional mental
3 health counselors.

4 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
5 fect on the date that is one year after the date of the en-
6 actment of this Act.

7 **SEC. 214. EXPANSION OF QUALIFICATIONS FOR LICENSED**
8 **MENTAL HEALTH COUNSELORS OF THE DE-**
9 **PARTMENT OF VETERANS AFFAIRS TO IN-**
10 **CLUDE DOCTORAL DEGREES.**

11 Section 7402(b)(11)(A) of title 38, United States
12 Code, is amended by inserting “or doctoral degree” after
13 “master’s degree”.

14 **Subtitle C—Improvement of**
15 **Medical Workforce**

16 **SEC. 221. MODIFICATION OF HOURS OF EMPLOYMENT FOR**
17 **PHYSICIANS AND PHYSICIAN ASSISTANTS EM-**
18 **PLOYED BY THE DEPARTMENT OF VETERANS**
19 **AFFAIRS.**

20 Section 7423(a) of title 38, United States Code, is
21 amended—

22 (1) by striking “(a) The hours” and inserting
23 “(a)(1) Except as provided in paragraph (2), the
24 hours”; and

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is one
3 year after the date of the enactment of this Act.

4 **SEC. 223. EXTENSION OF PERIOD FOR INCREASE IN GRAD-**
5 **UATE MEDICAL EDUCATION RESIDENCY PO-**
6 **SITIONS AT MEDICAL FACILITIES OF THE DE-**
7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Paragraph (2) of section 301(b)
9 of the Veterans Access, Choice, and Accountability Act of
10 2014 (Public Law 113–146; 38 U.S.C. 7302 note) is
11 amended—

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

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

16 (b) REPORT.—Paragraph (3)(A) of such section is
17 amended by striking “until 2019” and inserting “until
18 2024”.

19 **SEC. 224. ADDITIONAL REQUIREMENTS FOR HIRING OF**
20 **HEALTH CARE PROVIDERS BY DEPARTMENT**
21 **OF VETERANS AFFAIRS.**

22 (a) IN GENERAL.—The Secretary of Veterans Affairs
23 shall, as part of the hiring process for each health care
24 provider considered for a position at the Department of
25 Veterans Affairs after the date specified in subsection (c),

1 require from the medical board of each State in which the
2 health care provider holds or has held a medical license—

3 (1) information on any violation of the require-
4 ments of the medical license of the health care pro-
5 vider; and

6 (2) information on whether the health care pro-
7 vider has entered into any settlement agreement for
8 a disciplinary charge relating to the practice of med-
9 icine by the health care provider.

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

12 (c) DATE SPECIFIED.—

13 (1) IN GENERAL.—The date specified in this
14 subsection is the date on which the Secretary pre-
15 scribes regulations to carry out this section.

16 (2) PUBLICATION.—The Secretary shall publish
17 in the Federal Register the date specified in this
18 subsection not later than 30 days before such date.

19 **SEC. 225. PROVISION OF INFORMATION ON HEALTH CARE**
20 **PROVIDERS OF DEPARTMENT OF VETERANS**
21 **AFFAIRS TO STATE MEDICAL BOARDS.**

22 (a) IN GENERAL.—Notwithstanding section 552a of
23 title 5, United States Code, the Secretary of Veterans Af-
24 fairs shall, with respect to each health care provider of
25 the Department of Veterans Affairs that violates a re-

1 quirement of the medical license of the health care pro-
2 vider after the date of the enactment of this Act, provide
3 to the medical board of each State in which the health
4 care provider is licensed or practices all relevant informa-
5 tion contained in the State Licensing Board Reporting
6 File or any successor file of the Department with respect
7 to such violation.

8 (b) NO REQUEST REQUIRED.—The Secretary shall
9 provide the information required in subsection (a) to a
10 medical board described in such subsection notwith-
11 standing that such board may not have formally requested
12 such information from the Department.

13 **SEC. 226. REPORT ON MEDICAL WORKFORCE OF THE DE-**
14 **PARTMENT OF VETERANS AFFAIRS.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary of Vet-
17 erans Affairs shall submit to the Committee on Veterans'
18 Affairs of the Senate and the Committee on Veterans' Af-
19 fairs of the House of Representatives a report on the med-
20 ical workforce of the Department of Veterans Affairs.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include the following:

23 (1) With respect to licensed professional mental
24 health counselors and marriage and family thera-
25 pists of the Department—

1 (A) how many such counselors and thera-
2 pists are currently enrolled in the mental health
3 professionals trainee program of the Depart-
4 ment;

5 (B) how many such counselors and thera-
6 pists are expected to enroll in the mental health
7 professionals trainee program of the Depart-
8 ment during the 180-day period beginning on
9 the date of the submittal of the report;

10 (C) a description of the eligibility criteria
11 for such counselors and therapists as compared
12 to other behavioral health professions in the
13 Department;

14 (D) a description of the objectives, goals,
15 and timing of the Department with respect to
16 increasing the representation of such counselors
17 and therapists in the behavioral health work-
18 force of the Department; and

19 (E) a description of the actions taken by
20 the Secretary, in consultation with the Director
21 of the Office of Personnel Management, to cre-
22 ate an occupational series for such counselors
23 and therapists and a timeline for the creation
24 of such an occupational series.

1 (2) A breakdown of spending by the Depart-
2 ment in connection with the education debt reduc-
3 tion program of the Department under subchapter
4 VII of chapter 76 of title 38, United States Code,
5 including—

6 (A) the amount spent by the Department
7 in debt reduction payments during the three-
8 year period preceding the submittal of the re-
9 port disaggregated by the medical profession of
10 the individual receiving the payments;

11 (B) a description of how the Department
12 prioritizes such spending by medical profession,
13 including an assessment of whether such pri-
14 ority reflects the five occupations identified in
15 the most recent determination by the Inspector
16 General of the Department of Veterans Affairs
17 as having the largest staffing shortages in the
18 Veterans Health Administration; and

19 (C) a description of the actions taken by
20 the Secretary to increase the effectiveness of
21 such spending for purposes of recruitment of
22 health care providers to the Department, in-
23 cluding efforts to more consistently include eli-
24 gibility for the education debt reduction pro-

1 gram in vacancy announcements of positions for
2 health care providers at the Department.

3 (3) A description of any impediments to the de-
4 livery by the Department of telemedicine services to
5 veterans and any actions taken by the Department
6 to address such impediments, including with respect
7 to—

8 (A) restrictions under Federal or State
9 law;

10 (B) licensing or credentialing issues for
11 health care providers, including non-Depart-
12 ment health care providers, practicing telemedi-
13 cine with a veteran located in a different State;

14 (C) the effect of limited broadband access
15 or limited information technology capabilities on
16 the delivery of health care;

17 (D) the distance a veteran is required to
18 travel, if the veteran is required to travel, to ac-
19 cess a facility or clinic with telemedicine capa-
20 bilities;

21 (E) the effect on the provision of telemedi-
22 cine services to veterans of policies of and lim-
23 ited liability protection for certain entities; and

24 (F) issues relating to reimbursement and
25 travel limitations for veterans that affect the

1 participation of non-Department health care
2 providers in the telemedicine program.

3 (4) An update on the efforts of the Secretary
4 to offer training opportunities in telemedicine to
5 medical residents in medical facilities of the Depart-
6 ment that use telemedicine, consistent with medical
7 residency program requirements established by the
8 Accreditation Council for Graduate Medical Edu-
9 cation, as required in section 108(b) of the Honoring
10 America's Veterans and Caring for Camp Lejeune
11 Families Act of 2012 (Public Law 112-154; 38
12 U.S.C. 7406 note).

13 (5) An assessment of the development and im-
14 plementation by the Secretary of succession planning
15 policies to address the prevalence of vacancies in po-
16 sitions in the Veterans Health Administration of
17 more than 180 days, including the development of
18 an enterprise position management system to more
19 effectively identify, track, and resolve such vacan-
20 cies.

21 (6) A description of the actions taken by the
22 Secretary, in consultation with the Director of the
23 Office of Personnel Management, to address any im-
24 pediments to the timely appointment and determina-
25 tion of qualifications for Directors of Veterans Inte-

1 grated Service Networks and Medical Center Direc-
2 tors of the Department.

3 **SEC. 227. REPORT ON COMPLIANCE BY DEPARTMENT OF**
4 **VETERANS AFFAIRS WITH REVIEWS OF**
5 **HEALTH CARE PROVIDERS LEAVING THE DE-**
6 **PARTMENT OR TRANSFERRING TO OTHER**
7 **FACILITIES.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Secretary of Veterans Affairs shall
10 submit to the Committee on Veterans' Affairs of the Sen-
11 ate and the Committee on Veterans' Affairs of the House
12 of Representatives a report on the compliance by the De-
13 partment of Veterans Affairs with the policy of the De-
14 partment—

15 (1) to conduct a review of each health care pro-
16 vider of the Department who transfers to another
17 medical facility of the Department or leaves the De-
18 partment to determine whether there are any con-
19 cerns, complaints, or allegations of violations relat-
20 ing to the medical practice of the health care pro-
21 vider; and

22 (2) to take appropriate action with respect to
23 any such concern, complaint, or allegation.

1 **Subtitle D—Family Caregivers**

2 **SEC. 231. EXPANSION OF FAMILY CAREGIVER PROGRAM OF**
3 **DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) FAMILY CAREGIVER PROGRAM.—

5 (1) EXPANSION OF ELIGIBILITY.—

6 (A) IN GENERAL.—Subsection (a)(2)(B) of
7 section 1720G of title 38, United States Code,
8 is amended to read as follows:

9 “(B) for assistance provided under this sub-
10 section—

11 “(i) before the date on which the Secretary
12 submits to Congress a certification that the De-
13 partment has fully implemented the information
14 technology system required by section 232(a) of
15 the Jason Simeakoski Memorial Act, has a seri-
16 ous injury (including traumatic brain injury,
17 psychological trauma, or other mental disorder)
18 incurred or aggravated in the line of duty in the
19 active military, naval, or air service on or after
20 September 11, 2001;

21 “(ii) during the two-year period beginning
22 on the date specified in clause (i), has a serious
23 injury (including traumatic brain injury, psy-
24 chological trauma, or other mental disorder) in-

1 curred or aggravated in the line of duty in the
2 active military, naval, or air service—

3 “(I) on or before May 7, 1975; or

4 “(II) on or after September 11, 2001;

5 or

6 “(iii) after the date that is two years after
7 the date specified in clause (i), has a serious in-
8 jury (including traumatic brain injury, psycho-
9 logical trauma, or other mental disorder) in-
10 curred or aggravated in the line of duty in the
11 active military, naval, or air service; and”.

12 (B) PUBLICATION IN FEDERAL REG-
13 ISTER.—Not later than 30 days after the date
14 on which the Secretary of Veterans Affairs sub-
15 mits to Congress the certification described in
16 subsection (a)(2)(B)(i) of section 1720G of
17 such title, as amended by subparagraph (A) of
18 this paragraph, the Secretary shall publish the
19 date specified in such subsection in the Federal
20 Register.

21 (2) EXPANSION OF NEEDED SERVICES IN ELI-
22 GIBILITY CRITERIA.—Subsection (a)(2)(C) of such
23 section is amended—

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

1 (B) by redesignating clause (iii) as clause
2 (iv); and

3 (C) by inserting after clause (ii) the fol-
4 lowing new clause (iii):

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

9 (3) EXPANSION OF SERVICES PROVIDED.—Sub-
10 section (a)(3)(A)(ii) of such section is amended—

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

13 (B) in subclause (V), by striking the period
14 at the end and inserting “; and”; and

15 (C) by adding at the end the following new
16 subclause:

17 “(VI) through the use of contracts with, or
18 the provision of grants to, public or private en-
19 tities—

20 “(aa) financial planning services relat-
21 ing to the needs of injured veterans and
22 their caregivers; and

23 “(bb) legal services, including legal
24 advice and consultation, relating to the

1 needs of injured veterans and their care-
2 givers.”.

3 (4) MODIFICATION OF STIPEND CALCULA-
4 TION.—Subsection (a)(3)(C) of such section is
5 amended—

6 (A) by redesignating clause (iii) as clause
7 (iv); and

8 (B) by inserting after clause (ii) the fol-
9 lowing new clause (iii):

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

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

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

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

1 (5) PERIODIC EVALUATION OF NEED FOR CER-
2 TAIN SERVICES.—Subsection (a)(3) of such section
3 is amended by adding at the end the following new
4 subparagraph:

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

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

21 (7) ASSISTANCE FOR FAMILY CAREGIVERS.—
22 Subsection (a) of such section is amended by adding
23 at the end the following new paragraph:

24 “(11)(A) In providing assistance under this sub-
25 section to family caregivers of eligible veterans, the Sec-

1 retary may enter into contracts, provider agreements, and
2 memoranda of understanding with Federal agencies,
3 States, and private, nonprofit, and other entities to pro-
4 vide such assistance to such family caregivers.

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

10 “(C) The Secretary may provide fair compensation
11 to Federal agencies, States, and other entities that provide
12 assistance under this paragraph.”.

13 (b) MODIFICATION OF DEFINITION OF PERSONAL
14 CARE SERVICES.—Subsection (d)(4) of such section is
15 amended—

16 (1) in subparagraph (A), by striking “inde-
17 pendent”;

18 (2) by redesignating subparagraph (B) as sub-
19 paragraph (D); and

20 (3) by inserting after subparagraph (A) the fol-
21 lowing new subparagraphs:

22 “(B) Supervision or protection based on
23 symptoms or residuals of neurological or other
24 impairment or injury.

1 “(C) Regular or extensive instruction or
2 supervision without which the ability of the vet-
3 eran to function in daily life would be seriously
4 impaired.”.

5 **SEC. 232. IMPLEMENTATION OF INFORMATION TECH-**
6 **NOLOGY SYSTEM OF DEPARTMENT OF VET-**
7 **ERANS AFFAIRS TO ASSESS AND IMPROVE**
8 **THE FAMILY CAREGIVER PROGRAM.**

9 (a) IMPLEMENTATION OF NEW SYSTEM.—

10 (1) IN GENERAL.—Not later than December 31,
11 2016, the Secretary of Veterans Affairs shall imple-
12 ment an information technology system that fully
13 supports the Program and allows for data assess-
14 ment and comprehensive monitoring of the Program.

15 (2) ELEMENTS OF SYSTEM.—The information
16 technology system required to be implemented under
17 paragraph (1) shall include the following:

18 (A) The ability to easily retrieve data that
19 will allow all aspects of the Program (at the
20 medical center and aggregate levels) and the
21 workload trends for the Program to be assessed
22 and comprehensively monitored.

23 (B) The ability to manage data with re-
24 spect to a number of caregivers that is more

1 than the number of caregivers that the Sec-
2 retary expects to apply for the Program.

3 (C) The ability to integrate the system
4 with other relevant information technology sys-
5 tems of the Veterans Health Administration.

6 (b) ASSESSMENT OF PROGRAM.—Not later than 180
7 days after implementing the system described in sub-
8 section (a), the Secretary shall, through the Under Sec-
9 retary for Health, use data from the system and other rel-
10 evant data to conduct an assessment of how key aspects
11 of the Program are structured and carried out.

12 (c) ONGOING MONITORING OF AND MODIFICATIONS
13 TO PROGRAM.—

14 (1) MONITORING.—The Secretary shall use the
15 system implemented under subsection (a) to monitor
16 and assess the workload of the Program, including
17 monitoring and assessment of data on—

18 (A) the status of applications, appeals, and
19 home visits in connection with the Program;
20 and

21 (B) the use by caregivers participating in
22 the Program of other support services under
23 the Program such as respite care.

24 (2) MODIFICATIONS.—Based on the monitoring
25 and assessment conducted under paragraph (1), the

1 Secretary shall identify and implement such modi-
2 fications to the Program as the Secretary considers
3 necessary to ensure the Program is functioning as
4 intended and providing veterans and caregivers par-
5 ticipating in the Program with services in a timely
6 manner.

7 (d) REPORTS.—

8 (1) INITIAL REPORT.—

9 (A) IN GENERAL.—Not later than 90 days
10 after the date of the enactment of this Act, the
11 Secretary shall submit to the Committee on
12 Veterans' Affairs of the Senate, the Committee
13 on Veterans' Affairs of the House of Represent-
14 atives, and the Comptroller General of the
15 United States a report that includes—

16 (i) the status of the planning, develop-
17 ment, and deployment of the system re-
18 quired to be implemented under subsection
19 (a), including any changes in the timeline
20 for the implementation of the system; and

21 (ii) an assessment of the needs of
22 family caregivers of veterans described in
23 subparagraph (B), the resources needed
24 for the inclusion of such family caregivers
25 in the Program, and such changes to the

1 Program as the Secretary considers nec-
2 essary to ensure the successful expansion
3 of the Program to include such family
4 caregivers.

5 (B) VETERANS DESCRIBED.—Veterans de-
6 scribed in this subparagraph are veterans who
7 are eligible for the Program under clause (ii) or
8 (iii) of section 1720G(a)(2)(B) of title 38,
9 United States Code, as amended by section
10 231(a)(1) of this Act, solely due to a serious in-
11 jury (including traumatic brain injury, psycho-
12 logical trauma, or other mental disorder) in-
13 curred or aggravated in the line of duty in the
14 active military, naval, or air service before Sep-
15 tember 11, 2001.

16 (2) NOTIFICATION BY COMPTROLLER GEN-
17 ERAL.—The Comptroller General shall review the re-
18 port submitted under paragraph (1) and notify the
19 Committee on Veterans' Affairs of the Senate and
20 the Committee on Veterans' Affairs of the House of
21 Representatives with respect to the progress of the
22 Secretary in—

23 (A) fully implementing the system required
24 under subsection (a); and

1 (B) implementing a process for using such
2 system to monitor and assess the Program
3 under subsection (c)(1) and modify the Pro-
4 gram as considered necessary under subsection
5 (c)(2).

6 (3) FINAL REPORT.—

7 (A) IN GENERAL.—Not later than Decem-
8 ber 31, 2017, the Secretary shall submit to the
9 Committee on Veterans' Affairs of the Senate,
10 the Committee on Veterans' Affairs of the
11 House of Representatives, and the Comptroller
12 General a report on the implementation of sub-
13 sections (a) through (c).

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

16 (i) A certification by the Secretary
17 with respect to whether the information
18 technology system described in subsection
19 (a) has been implemented.

20 (ii) A description of how the Secretary
21 has implemented such system.

22 (iii) A description of the modifications
23 to the Program, if any, that were identified
24 and implemented under subsection (c)(2).

1 (iv) A description of how the Sec-
2 retary is using such system to monitor the
3 workload of the Program.

4 (e) DEFINITIONS.—In this section:

5 (1) ACTIVE MILITARY, NAVAL, OR AIR SERV-
6 ICE.—The term “active military, naval, or air serv-
7 ice” has the meaning given that term in section 101
8 of title 38, United States Code.

9 (2) PROGRAM.—The term “Program” means
10 the program of comprehensive assistance for family
11 caregivers under section 1720G(a) of title 38,
12 United States Code, as amended by section 231 of
13 this Act.

14 **SEC. 233. MODIFICATIONS TO ANNUAL EVALUATION RE-**
15 **PORT ON CAREGIVER PROGRAM OF DEPART-**
16 **MENT OF VETERANS AFFAIRS.**

17 (a) BARRIERS TO CARE AND SERVICES.—Subpara-
18 graph (A)(iv) of section 101(c)(2) of the Caregivers and
19 Veterans Omnibus Health Services Act of 2010 (Public
20 Law 111–163; 38 U.S.C. 1720G note) is amended by in-
21 serting “, including a description of any barriers to access-
22 ing and receiving care and services under such programs”
23 before the semicolon.

1 (b) SUFFICIENCY OF TRAINING FOR FAMILY CARE-
2 GIVER PROGRAM.—Subparagraph (B) of such section is
3 amended—

4 (1) in clause (i), by striking “; and” and insert-
5 ing a semicolon;

6 (2) in clause (ii), by striking the period at the
7 end and inserting “; and”; and

8 (3) by adding at the end the following new
9 clause:

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

15 **SEC. 234. ADVISORY COMMITTEE ON CAREGIVER POLICY.**

16 (a) ESTABLISHMENT.—There is established in the
17 Department of Veterans Affairs an advisory committee on
18 policies relating to caregivers of veterans (in this section
19 referred to as the “Committee”).

20 (b) COMPOSITION.—The Committee shall be com-
21 posed of the following:

22 (1) A Chair selected by the Secretary of Vet-
23 erans Affairs.

1 (2) A representative from each of the following
2 agencies or organizations selected by the head of
3 such agency or organization:

4 (A) The Department of Veterans Affairs.

5 (B) The Department of Defense.

6 (C) The Department of Health and
7 Human Services.

8 (D) The Department of Labor.

9 (E) The Centers for Medicare and Med-
10 icaid Services.

11 (3) Not fewer than seven individuals who are
12 not employees of the Federal Government selected
13 by the Secretary from among the following individ-
14 uals:

15 (A) Academic experts in fields relating to
16 caregivers.

17 (B) Clinicians.

18 (C) Caregivers.

19 (D) Individuals in receipt of caregiver serv-
20 ices.

21 (E) Such other individuals with expertise
22 that is relevant to the duties of the Committee
23 as the Secretary considers appropriate.

24 (c) DUTIES.—The duties of the Committee are as fol-
25 lows:

1 (1) To regularly review and recommend policies
2 of the Department of Veterans Affairs relating to
3 caregivers of veterans.

4 (2) To examine and advise the implementation
5 of such policies.

6 (3) To evaluate the effectiveness of such poli-
7 cies.

8 (4) To recommend standards of care for care-
9 giver services and respite care services provided to a
10 caregiver or veteran by a nonprofit or private sector
11 entity.

12 (5) To develop recommendations for legislative
13 or administrative action to enhance the provision of
14 services to caregivers and veterans, including elimi-
15 nating gaps in such services and eliminating dispari-
16 ties in eligibility for such services.

17 (6) To make recommendations on coordination
18 with State and local agencies and relevant nonprofit
19 organizations on maximizing the use and effective-
20 ness of resources for caregivers of veterans.

21 (d) REPORTS.—

22 (1) ANNUAL REPORT TO SECRETARY.—

23 (A) IN GENERAL.—Not later than Sep-
24 tember 1, 2017, and not less frequently than
25 annually thereafter until the termination date

1 specified in subsection (e), the Chair of the
2 Committee shall submit to the Secretary a re-
3 port on policies and services of the Department
4 of Veterans Affairs relating to caregivers of vet-
5 erans.

6 (B) ELEMENTS.—Each report required by
7 subparagraph (A) shall include the following:

8 (i) An assessment of the policies of
9 the Department relating to caregivers of
10 veterans and services provided pursuant to
11 such policies as of the date of the sub-
12 mittal of the report.

13 (ii) A description of any recommenda-
14 tions made by the Committee to improve
15 the coordination of services for caregivers
16 of veterans between the Department and
17 the entities specified in subparagraphs (B)
18 through (E) of subsection (b)(2) and to
19 eliminate barriers to the effective use of
20 such services, including with respect to eli-
21 gibility criteria.

22 (iii) An evaluation of the effectiveness
23 of the Department in providing services for
24 caregivers of veterans.

1 (iv) An evaluation of the quality and
2 sufficiency of services for caregivers of vet-
3 erans available from nongovernmental or-
4 ganizations.

5 (v) A description of any gaps identi-
6 fied by the Committee in care or services
7 provided by caregivers to veterans and rec-
8 ommendations for legislative or administra-
9 tive action to address such gaps.

10 (vi) Such other matters or rec-
11 ommendations as the Chair considers ap-
12 propriate.

13 (2) TRANSMITTAL TO CONGRESS.—Not later
14 than 90 days after the receipt of a report under
15 paragraph (1), the Secretary shall transmit to the
16 Committee on Veterans' Affairs of the Senate and
17 the Committee on Veterans' Affairs of the House of
18 Representatives a copy of such report, together with
19 such comments and recommendations concerning
20 such report as the Secretary considers appropriate.

21 (e) TERMINATION.—The Committee shall terminate
22 on December 31, 2022.

1 **SEC. 235. COMPREHENSIVE STUDY ON SERIOUSLY INJURED**
2 **VETERANS AND THEIR CAREGIVERS.**

3 (a) STUDY REQUIRED.—During the period specified
4 in subsection (d), the Secretary of Veterans Affairs shall
5 provide for the conduct by an independent entity of a com-
6 prehensive study on the following:

7 (1) Veterans who have incurred a serious injury
8 or illness, including a mental health injury or illness.

9 (2) Individuals who are acting as caregivers for
10 veterans.

11 (b) ELEMENTS.—The comprehensive study required
12 by subsection (a) shall include the following with respect
13 to each veteran included in such study:

14 (1) The health of the veteran and, if applicable,
15 the impact of the caregiver of such veteran on the
16 health of such veteran.

17 (2) The employment status of the veteran and,
18 if applicable, the impact of the caregiver of such vet-
19 eran on the employment status of such veteran.

20 (3) The financial status and needs of the vet-
21 eran.

22 (4) The use by the veteran of benefits available
23 to such veteran from the Department of Veterans
24 Affairs.

25 (5) Such other information as the Secretary
26 considers appropriate.

1 (c) CONTRACT.—The Secretary shall enter into a
2 contract with an appropriate independent entity to con-
3 duct the study required by subsection (a).

4 (d) PERIOD SPECIFIED.—The period specified in this
5 subsection is the one-year period beginning on the date
6 that is four years after the date specified in section
7 1720G(a)(2)(B)(i) of title 38, United States Code, as
8 amended by section 231(a)(1) of this Act.

9 (e) REPORT.—Not later than 30 days after the end
10 of the period specified in subsection (d), the Secretary
11 shall submit to the Committee on Veterans' Affairs of the
12 Senate and the Committee on Veterans' Affairs of the
13 House of Representatives a report on the results of the
14 study required by subsection (a).

15 **Subtitle E—Health Care**

16 **Administration**

17 **SEC. 241. REQUIREMENT THAT DEPARTMENT OF VET-**
18 **ERANS AFFAIRS COLLECT HEALTH-PLAN**
19 **CONTRACT INFORMATION FROM VETERANS.**

20 (a) IN GENERAL.—Subchapter I of chapter 17 is
21 amended by inserting after section 1705 the following new
22 section:

1 **“§ 1705A. Management of health care: information re-**
2 **garding health-plan contracts**

3 “(a) IN GENERAL.—(1) Any individual who seeks
4 hospital care or medical services under this chapter shall
5 provide to the Secretary such current information as the
6 Secretary may require to identify any health-plan contract
7 under which such individual is covered.

8 “(2) The information required to be provided to the
9 Secretary under paragraph (1) with respect to a health-
10 plan contract shall include, as applicable, the following:

11 “(A) The name of the entity providing coverage
12 under the health-plan contract.

13 “(B) If coverage under the health-plan contract
14 is in the name of an individual other than the indi-
15 vidual required to provide information under this
16 section, the name of the policy holder of the health-
17 plan contract.

18 “(C) The identification number for the health-
19 plan contract.

20 “(D) The group code for the health-plan con-
21 tract.

22 “(b) ACTION TO COLLECT INFORMATION.—The Sec-
23 retary may take such action as the Secretary considers
24 appropriate to collect the information required under sub-
25 section (a).

1 “(c) EFFECT ON SERVICES FROM DEPARTMENT.—
2 The Secretary may not deny any services under this chap-
3 ter to an individual solely due to the fact that the indi-
4 vidual fails to provide information required under sub-
5 section (a).

6 “(d) HEALTH-PLAN CONTRACT DEFINED.—In this
7 section, the term ‘health-plan contract’ has the meaning
8 given that term in section 1725(f) of this title.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 17 of such title is amended
11 by inserting after the item relating to section 1705 the
12 following new item:

“1705A. Management of health care: information regarding health-plan con-
tracts.”.

13 **SEC. 242. EXPANSION OF AVAILABILITY OF PROSTHETIC**
14 **AND ORTHOTIC CARE FOR VETERANS.**

15 (a) ESTABLISHMENT OR EXPANSION OF ADVANCED
16 DEGREE PROGRAMS TO EXPAND AVAILABILITY OF
17 CARE.—The Secretary of Veterans Affairs shall work with
18 institutions of higher education to develop partnerships for
19 the establishment or expansion of programs of advanced
20 degrees in prosthetics and orthotics in order to improve
21 and enhance the availability of high quality prosthetic and
22 orthotic care for veterans.

23 (b) REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the effective date specified in subsection (d),
3 the Secretary shall submit to the Committee on Vet-
4 erans' Affairs of the Senate and the Committee on
5 Veterans' Affairs of the House of Representatives a
6 report setting forth a plan for carrying out sub-
7 section (a).

8 (2) DEVELOPMENT OF PLAN.—The Secretary
9 shall develop the plan required under paragraph (1)
10 in consultation with veterans service organizations,
11 institutions of higher education with accredited de-
12 gree programs in prosthetics and orthotics, and rep-
13 resentatives of the prosthetics and orthotics field.

14 (c) FUNDING.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated for fiscal
17 year 2017 for the Department of Veterans Affairs,
18 \$5,000,000 to carry out this section.

19 (2) AVAILABILITY.—The amount authorized to
20 be appropriated by paragraph (1) shall remain avail-
21 able for expenditure until September 30, 2019.

22 (d) EFFECTIVE DATE.—This section shall take effect
23 on the date that is one year after the date of the enact-
24 ment of this Act.

1 **SEC. 243. REVIVAL OF INTERMEDIATE CARE TECHNICIAN**
2 **PILOT PROGRAM OF DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) REVIVAL.—The Secretary of Veterans Affairs
5 shall revive the Intermediate Care Technician Pilot Pro-
6 gram of the Department of Veterans Affairs that was car-
7 ried out by the Secretary between January 2013 and Feb-
8 ruary 2014.

9 (b) TECHNICIANS.—

10 (1) SELECTION.—The Secretary shall select not
11 fewer than 72 intermediate care technicians to par-
12 ticipate in the pilot program.

13 (2) FACILITIES.—

14 (A) IN GENERAL.—Any intermediate care
15 technician hired pursuant to paragraph (1) may
16 be assigned to a medical facility of the Depart-
17 ment as determined by the Secretary for pur-
18 poses of this section.

19 (B) PRIORITY.—In assigning intermediate
20 care technicians under subparagraph (A), the
21 Secretary shall give priority to facilities at
22 which veterans have the longest wait times for
23 appointments for the receipt of hospital care or
24 medical services from the Department, as deter-
25 mined by the Secretary for purposes of this sec-
26 tion.

1 (c) TERMINATION.—The Secretary shall carry out
2 the pilot program under subsection (a) during the three-
3 year period beginning on the effective date specified in
4 subsection (e).

5 (d) DEFINITIONS.—In this section, the terms “hos-
6 pital care” and “medical services” have the meanings
7 given those terms in section 1701 of title 38, United
8 States Code.

9 (e) EFFECTIVE DATE.—This section shall take effect
10 on the date that is one year after the date of the enact-
11 ment of this Act.

12 **SEC. 244. TRANSFER OF HEALTH CARE PROVIDER**
13 **CREDENTIALING DATA FROM SECRETARY OF**
14 **DEFENSE TO SECRETARY OF VETERANS AF-**
15 **FAIRS.**

16 (a) IN GENERAL.—In a case in which the Secretary
17 of Veterans Affairs hires a covered health care provider,
18 the Secretary of Defense shall, after receiving a request
19 from the Secretary of Veterans Affairs for the
20 credentialing data of the Secretary of Defense relating to
21 such health care provider, transfer to the Secretary of Vet-
22 erans Affairs such credentialing data.

23 (b) COVERED HEALTH CARE PROVIDERS.—For pur-
24 poses of this section, a covered provider is a health care
25 provider who—

1 “(h)(1) Subject to paragraph (2), at the request of
2 a veteran for whom the Secretary is required to provide
3 nursing home care under section 1710A of this title, the
4 Secretary may place the veteran in a medical foster home
5 that meets Department standards, at the expense of the
6 United States, pursuant to a contract or agreement en-
7 tered into between the Secretary and the medical foster
8 home for such purpose. A veteran who is placed in a med-
9 ical foster home under this subsection shall agree, as a
10 condition of such placement, to accept home health serv-
11 ices furnished by the Secretary under section 1717 of this
12 title.

13 “(2) Not more than 900 veterans placed in a medical
14 foster home, whether placed before, on, or after the enact-
15 ment of the Jason Simcakoski Memorial Act, may have
16 their care covered at the expense of the United States
17 under paragraph (1).

18 “(3) In this subsection, the term ‘medical foster
19 home’ means a home designed to provide noninstitutional,
20 long-term, supportive care for veterans who are unable to
21 live independently and prefer a family setting.

22 “(4) The authority of the Secretary under this sub-
23 section terminates on September 30, 2019.”.

1 (b) EFFECTIVE DATE.—Subsection (h) of such sec-
2 tion, as added by subsection (a), shall take effect on Octo-
3 ber 1, 2016.

4 **SEC. 246. EXAMINATION AND TREATMENT BY DEPARTMENT**
5 **OF VETERANS AFFAIRS FOR EMERGENCY**
6 **MEDICAL CONDITIONS AND WOMEN IN**
7 **LABOR.**

8 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
9 title 38, United States Code, is amended by inserting after
10 section 1784 the following new section:

11 **“§ 1784A. Examination and treatment for emergency**
12 **medical conditions and women in labor**

13 “(a) IN GENERAL.—In the case of a hospital of the
14 Department that has an emergency department, if any in-
15 dividual comes to the hospital or the campus of the hos-
16 pital and a request is made on behalf of the individual
17 for examination or treatment for a medical condition, the
18 hospital must provide for an appropriate medical screen-
19 ing examination within the capability of the emergency de-
20 partment, including ancillary services routinely available
21 to the emergency department, to determine whether or not
22 an emergency medical condition exists.

23 “(b) NECESSARY STABILIZING TREATMENT FOR
24 EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If
25 any individual comes to a hospital of the Department that

1 has an emergency department or the campus of such a
2 hospital and the hospital determines that the individual
3 has an emergency medical condition, the hospital must
4 provide either—

5 “(A) within the staff and facilities available at
6 the hospital, for such further medical examination
7 and such treatment as may be required to stabilize
8 the medical condition; or

9 “(B) for transfer of the individual to another
10 medical facility in accordance with subsection (c).

11 “(2) A hospital is deemed to meet the requirement
12 of paragraph (1)(A) with respect to an individual if the
13 hospital offers the individual the further medical examina-
14 tion and treatment described in that paragraph and in-
15 forms the individual (or a person acting on behalf of the
16 individual) of the risks and benefits to the individual of
17 such examination and treatment, but the individual (or a
18 person acting on behalf of the individual) refuses to con-
19 sent to the examination and treatment. The hospital shall
20 take all reasonable steps to secure the written informed
21 consent of the individual (or person) to refuse such exam-
22 ination and treatment.

23 “(3) A hospital is deemed to meet the requirement
24 of paragraph (1)(B) with respect to an individual if the
25 hospital offers to transfer the individual to another med-

1 ical facility in accordance with subsection (c) and informs
2 the individual (or a person acting on behalf of the indi-
3 vidual) of the risks and benefits to the individual of such
4 transfer, but the individual (or a person acting on behalf
5 of the individual) refuses to consent to the transfer. The
6 hospital shall take all reasonable steps to secure the writ-
7 ten informed consent of the individual (or person) to
8 refuse such transfer.

9 “(c) RESTRICTING TRANSFERS UNTIL INDIVIDUAL
10 STABILIZED.—(1) If an individual at a hospital of the De-
11 partment has an emergency medical condition that has not
12 been stabilized, the hospital may not transfer the indi-
13 vidual unless—

14 “(A)(i) the individual (or a legally responsible
15 person acting on behalf of the individual), after
16 being informed of the obligations of the hospital
17 under this section and of the risk of transfer, re-
18 quests, in writing, transfer to another medical facil-
19 ity;

20 “(ii) a physician of the Department has signed
21 a certification that, based upon the information
22 available at the time of transfer, the medical benefits
23 reasonably expected from the provision of appro-
24 priate medical treatment at another medical facility
25 outweigh the increased risks to the individual and,

1 in the case of labor, to the unborn child from effect-
2 ing the transfer; or

3 “(iii) if a physician of the Department is not
4 physically present in the emergency department at
5 the time an individual is transferred, a qualified
6 medical person (as defined by the Secretary for pur-
7 poses of this section) has signed a certification de-
8 scribed in clause (ii) after a physician of the Depart-
9 ment, in consultation with the person, has made the
10 determination described in such clause, and subse-
11 quently countersigns the certification; and

12 “(B) the transfer is an appropriate transfer to
13 that facility.

14 “(2) A certification described in clause (ii) or (iii) of
15 paragraph (1)(A) shall include a summary of the risks and
16 benefits upon which the certification is based.

17 “(3) For purposes of paragraph (1)(B), an appro-
18 priate transfer to a medical facility is a transfer—

19 “(A) in which the transferring hospital provides
20 the medical treatment within its capacity that mini-
21 mizes the risks to the health of the individual and,
22 in the case of a woman in labor, the health of the
23 unborn child;

24 “(B) in which the receiving facility—

1 “(i) has available space and qualified per-
2 sonnel for the treatment of the individual; and

3 “(ii) has agreed to accept transfer of the
4 individual and to provide appropriate medical
5 treatment;

6 “(C) in which the transferring hospital sends to
7 the receiving facility all medical records (or copies
8 thereof) available at the time of the transfer relating
9 to the emergency medical condition for which the in-
10 dividual has presented, including—

11 “(i) observations of signs or symptoms;

12 “(ii) preliminary diagnosis;

13 “(iii) treatment provided;

14 “(iv) the results of any tests; and

15 “(v) the informed written request or cer-
16 tification (or copy thereof) provided under para-
17 graph (1)(A);

18 “(D) in which the transfer is effected through
19 qualified personnel and transportation equipment,
20 including the use of necessary and medically appro-
21 priate life support measures during the transfer; and

22 “(E) that meets such other requirements as the
23 Secretary considers necessary in the interest of the
24 health and safety of the individual or individuals
25 transferred.

1 “(d) PAYMENT TO THE DEPARTMENT.—The Sec-
2 retary shall charge for any care or services provided under
3 this section in accordance with billing and reimbursement
4 authorities available to the Secretary under other provi-
5 sions of law.

6 “(e) DEFINITIONS.—In this section:

7 “(1) The term ‘campus’ means, with respect to
8 a hospital of the Department—

9 “(A) the physical area immediately adja-
10 cent to the main buildings of the hospital;

11 “(B) other areas and structures that are
12 not strictly contiguous to the main buildings
13 but are located not more than 250 yards from
14 the main buildings; and

15 “(C) any other areas determined by the
16 Secretary to be part of the campus of the hos-
17 pital.

18 “(2) The term ‘emergency medical condition’
19 means—

20 “(A) a medical condition manifesting itself
21 by acute symptoms of sufficient severity (in-
22 cluding severe pain) such that the absence of
23 immediate medical attention could reasonably
24 be expected to result in—

1 “(i) placing the health of the indi-
2 vidual (or, with respect to a pregnant
3 woman, the health of the woman or her
4 unborn child) in serious jeopardy;

5 “(ii) serious impairment to bodily
6 functions; or

7 “(iii) serious dysfunction of any bodily
8 organ or part; or

9 “(B) with respect to a pregnant woman
10 who is having contractions—

11 “(i) that there is inadequate time to
12 effect a safe transfer to another hospital
13 before delivery; or

14 “(ii) that transfer may pose a threat
15 to the health or safety of the woman or the
16 unborn child.

17 “(3)(A) The term ‘to stabilize’ means—

18 “(i) with respect to an emergency medical
19 condition described in paragraph (2)(A), to pro-
20 vide such medical treatment of the condition as
21 may be necessary to assure, within reasonable
22 medical probability, that no material deteriora-
23 tion of the condition is likely to result from or
24 occur during the transfer of the individual from
25 a facility; or

1 “(ii) with respect to an emergency medical
2 condition described in paragraph (2)(B), to de-
3 liver (including the placenta).

4 “(B) The term ‘stabilized’ means—

5 “(i) with respect to an emergency medical
6 condition described in paragraph (2)(A), that
7 no material deterioration of the condition is
8 likely, within reasonable medical probability, to
9 result from or occur during the transfer of the
10 individual from a facility; or

11 “(ii) with respect to an emergency medical
12 condition described in paragraph (2)(B), that
13 the woman has delivered (including the pla-
14 centa).

15 “(4) The term ‘transfer’ means the movement
16 (including the discharge) of an individual outside the
17 facilities of a hospital of the Department at the di-
18 rection of any person employed by (or affiliated or
19 associated, directly or indirectly, with) the hospital,
20 but does not include such a movement of an indi-
21 vidual who—

22 “(A) has been declared dead; or

23 “(B) leaves the facility without the permis-
24 sion of any such person.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of such title is amended
3 by inserting after the item relating to section 1784 the
4 following new item:

“Sec. 1784A. Examination and treatment for emergency medical conditions and
women in labor.”.

5 **SEC. 247. COMPTROLLER GENERAL AUDIT OF BUDGET OF**
6 **VETERANS HEALTH ADMINISTRATION.**

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

10 **“§ 7330B. Comptroller General audit of budget of Vet-**
11 **erans Health Administration**

12 “(a) IN GENERAL.—The Comptroller General of the
13 United States shall periodically conduct an audit of ele-
14 ments of the budget of the Veterans Health Administra-
15 tion, including the budget formulation, execution, alloca-
16 tion, and use of funds.

17 “(b) SELECTION OF ELEMENTS.—(1) In selecting
18 elements of the budget of the Veterans Health Administra-
19 tion for purposes of an audit under subsection (a), the
20 Comptroller General shall take into consideration—

21 “(A) knowledge of the programs of the Vet-
22 erans Health Administration;

23 “(B) current issues;

24 “(C) national priorities; and

1 “(D) priorities expressed by the appropriate
2 congressional committees.

3 “(2) Not later than 30 days before conducting an
4 audit under subsection (a), the Comptroller General shall
5 submit to the appropriate congressional committees notice
6 of the elements selected by the Comptroller General for
7 purposes of the audit.

8 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
9 In this section, the term ‘appropriate congressional com-
10 mittees’ means—

11 “(1) the Committee on Veterans’ Affairs, the
12 Committee on Appropriations, and the Committee on
13 the Budget of the Senate; and

14 “(2) the Committee on Veterans’ Affairs, the
15 Committee on Appropriations, and the Committee on
16 the Budget of the House of Representatives.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 73 of such title is amended
19 by inserting after the item relating to section 7330A the
20 following new item:

 “7330B. Comptroller General audit of budget of Veterans Health Administra-
 tion.”.

1 **SEC. 248. ANNUAL REPORT ON VETERANS HEALTH ADMIN-**
2 **ISTRATION AND FURNISHING OF HOSPITAL**
3 **CARE, MEDICAL SERVICES, AND NURSING**
4 **HOME CARE.**

5 (a) IN GENERAL.—Subchapter II of chapter 73 of
6 title 38, United States Code, as amended by section
7 247(a), is further amended by adding at the end the fol-
8 lowing new section:

9 **“§ 7330C. Annual report on Veterans Health Adminis-**
10 **tration and furnishing of hospital care,**
11 **medical services, and nursing home care**

12 “(a) REPORT REQUIRED.—Not later than March 1
13 of each of years 2018 through 2022, the Secretary shall
14 submit to the Committee on Veterans’ Affairs of the Sen-
15 ate and the Committee on Veterans’ Affairs of the House
16 of Representatives a report on, for the calendar year pre-
17 ceding the calendar year during which the report is sub-
18 mitted—

19 “(1) the furnishing of hospital care, medical
20 services, and nursing home care under the laws ad-
21 ministered by the Secretary; and

22 “(2) the administration of the furnishing of
23 such care and services by the Veterans Health Ad-
24 ministration.

1 “(b) ELEMENTS.—Each report required by sub-
2 section (a) shall include each of the following for the year
3 covered by the report:

4 “(1) An evaluation of the effectiveness of the
5 Veterans Health Administration in increasing the
6 access of veterans to hospital care, medical services,
7 and nursing home care furnished by the Secretary
8 for which such veterans are eligible.

9 “(2) An evaluation of the effectiveness of the
10 Veterans Health Administration in improving the
11 quality of health care provided to veterans, without
12 increasing the costs incurred for such health care by
13 the Federal Government or veterans, including rel-
14 evant information for each medical center and Vet-
15 erans Integrated Service Network of the Department
16 set forth separately.

17 “(3) An assessment of—

18 “(A) the workload of physicians and other
19 employees of the Veterans Health Administra-
20 tion;

21 “(B) patient demographics and utilization
22 rates;

23 “(C) physician compensation;

1 “(D) the productivity of physicians and
2 other employees of the Veterans Health Admin-
3 istration;

4 “(E) the percentage of hospital care, med-
5 ical services, and nursing home care provided to
6 veterans in facilities of the Department and in
7 non-Department facilities and any changes in
8 such percentages compared to the year pre-
9 ceeding the year covered by the report;

10 “(F) pharmaceutical prices; and

11 “(G) third-party health billings owed to the
12 Department, including the total amount of such
13 billings and the total amount collected by the
14 Department, set forth separately for claims
15 greater than \$1,000 and for claims equal to or
16 less than \$1,000.

17 “(c) DEFINITIONS.—In this section, the terms ‘hos-
18 pital care’, ‘medical services’, ‘nursing home care’, ‘facili-
19 ties of the Department’, and ‘non-Department facilities’
20 have the meanings given those terms in section 1701 of
21 this title.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 73 of such title, as amended
24 by section 247(b), is further amended by inserting after
25 the item relating to section 7330B the following new item:

“7330C. Annual report on Veterans Health Administration and furnishing of hospital care, medical services, and nursing home care.”.

1 **Subtitle F—Opioid Therapy and**
2 **Pain Management**

3 **SEC. 251. GUIDELINES ON MANAGEMENT OF OPIOID THER-**
4 **APY BY DEPARTMENT OF VETERANS AFFAIRS**
5 **AND DEPARTMENT OF DEFENSE AND IMPLE-**
6 **MENTATION OF SUCH GUIDELINES BY DE-**
7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) GUIDELINES.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary of Veterans Affairs and the Secretary of De-
12 fense shall jointly update the VA/DOD Clinical
13 Practice Guideline for Management of Opioid Ther-
14 apy for Chronic Pain to include the following:

15 (A) Guidelines developed by the Centers
16 for Disease Control and Prevention for safely
17 prescribing opioids for the treatment of chronic,
18 noncancer related pain in outpatient settings.

19 (B) Enhanced guidance with respect to ab-
20 solute contraindications for opioid therapy, in-
21 cluding guidance with respect to the following:

22 (i) The coadministration of drugs, in-
23 cluding benzodiazepines, that are capable

1 of inducing a life-limiting drug-drug inter-
2 action.

3 (ii) The treatment of patients with
4 current acute psychiatric instability or sub-
5 stance use disorder or patients at risk of
6 suicide.

7 (iii) The use of opioid therapy to treat
8 patients without any pain, including to
9 treat mental health disorders other than
10 opioid use disorder.

11 (C) Enhanced guidance with respect to the
12 treatment of patients with behaviors or
13 comorbidities, such as post-traumatic stress dis-
14 order, psychiatric disorders, or a history of sub-
15 stance abuse or addiction, that require con-
16 sultation or comanagement of opioid therapy
17 with one or more specialists in pain manage-
18 ment, mental health, or addictions.

19 (D) Enhanced guidance with respect to the
20 conduct by health care providers of an effective-
21 ness assessment for patients receiving opioid
22 therapy, including patients on long-term opioid
23 therapy, to determine—

24 (i) whether opioid therapy is meeting
25 the expected goals of the patient and

1 health care provider of relieving pain and
2 improving function; and

3 (ii) whether opioid therapy should be
4 continued.

5 (E) Requirements that each health care
6 provider of the Department of Veterans Affairs,
7 before initiating opioid therapy to treat a pa-
8 tient, use the Opioid Therapy Risk Report tool
9 of the Department, including by accessing the
10 most recent patient information from the pre-
11 scription drug monitoring program of each
12 State, as required to be included in such tool
13 under section 252(d)(1), to assess the risk for
14 adverse outcomes of opioid therapy for the pa-
15 tient, including the concurrent use of controlled
16 substances such as benzodiazepines, as part of
17 the comprehensive assessment conducted by the
18 health care provider.

19 (F) Guidelines to inform the methodologies
20 used by health care providers of the Depart-
21 ment of Veterans Affairs and the Department
22 of Defense to safely titrate and taper opioid
23 therapy when adjusting or discontinuing the use
24 of opioid therapy, including—

1 (i) prescription of the lowest effective
2 dose based on patient need;

3 (ii) use of opioids only for a limited
4 period of time; and

5 (iii) augmentation of opioid therapy
6 with other pain management therapies and
7 modalities.

8 (G) Enhanced recommendations with re-
9 spect to the use of routine and random urine
10 drug tests for all patients before and during
11 opioid therapy to help prevent substance abuse,
12 dependence, and diversion, including—

13 (i) that such tests should occur not
14 less frequently than annually or as other-
15 wise determined according to patient treat-
16 ment protocols; and

17 (ii) that health care providers should
18 appropriately interpret and respond to the
19 results from such tests to tailor pain ther-
20 apy, safeguards, and risk management
21 strategies to each patient.

22 (H) Guidance that health care providers
23 discuss with patients, before initiating opioid
24 therapy, options for pain management therapies
25 without the use of opioids and options to aug-

1 ment opioid therapy with other clinical and
2 complementary and integrative health services
3 to minimize opioid dependence.

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 subsection shall be construed to prevent the Sec-
6 retary of Veterans Affairs and the Secretary of De-
7 fense from considering all relevant evidence, as ap-
8 propriate, in updating the VA/DOD Clinical Practice
9 Guideline for Management of Opioid Therapy for
10 Chronic Pain, as required under paragraph (1), or
11 from ensuring that the final clinical practice guide-
12 line updated under such paragraph remains applica-
13 ble to the patient populations of the Department of
14 Veterans Affairs and the Department of Defense.

15 (b) CONSULTATION BEFORE UPDATE.—Before up-
16 dating the clinical practice guideline under subsection (a),
17 the Secretary of Veterans Affairs and the Secretary of De-
18 fense shall jointly consult with the Pain Management
19 Working Group of the Health Executive Committee of the
20 Department of Veterans Affairs-Department of Defense
21 Joint Executive Committee established under section 320
22 of title 38, United States Code.

23 (c) CONTROLLED SUBSTANCE DEFINED.—In this
24 section, the term “controlled substance” has the meaning

1 given that term in section 102 of the Controlled Sub-
2 stances Act (21 U.S.C. 802).

3 **SEC. 252. IMPROVEMENT OF OPIOID SAFETY MEASURES BY**
4 **DEPARTMENT OF VETERANS AFFAIRS.**

5 (a) EXPANSION OF OPIOID SAFETY INITIATIVE.—
6 Not later than 180 days after the date of the enactment
7 of this Act, the Secretary of Veterans Affairs shall expand
8 the Opioid Safety Initiative of the Department of Veterans
9 Affairs to include all medical facilities of the Department.

10 (b) PAIN MANAGEMENT EDUCATION AND TRAIN-
11 ING.—

12 (1) IN GENERAL.—In carrying out the Opioid
13 Safety Initiative of the Department, the Secretary
14 shall require all employees of the Department re-
15 sponsible for prescribing opioids to receive education
16 and training described in paragraph (2).

17 (2) EDUCATION AND TRAINING.—Education
18 and training described in this paragraph is edu-
19 cation and training on pain management and safe
20 opioid prescribing practices for purposes of safely
21 and effectively managing patients with chronic pain,
22 including education and training on the following:

23 (A) The implementation of and full compli-
24 ance with the VA/DOD Clinical Practice Guide-
25 line for Management of Opioid Therapy for

1 Chronic Pain, including any update to such
2 guideline.

3 (B) The use of evidence-based pain man-
4 agement therapies, including cognitive-behav-
5 ioral therapy, nonopioid alternatives, and non-
6 drug methods and procedures for managing
7 pain and related health conditions including
8 complementary and integrative health services.

9 (C) Screening and identification of patients
10 with substance use disorder, including drug-
11 seeking behavior, before prescribing opioids, as-
12 sessment of the risk potential for patients devel-
13 oping an addiction, and referral of patients to
14 appropriate addiction treatment professionals if
15 addiction is identified or strongly suspected.

16 (D) Communication with patients on the
17 potential harm associated with the use of
18 opioids and other controlled substances, includ-
19 ing the need to safely store and dispose of sup-
20 plies relating to the use of opioids and other
21 controlled substances.

22 (E) Such other education and training as
23 the Secretary considers appropriate to ensure
24 that veterans receive safe and high-quality pain
25 management care from the Department.

1 (3) USE OF EXISTING PROGRAM.—In providing
2 education and training described in paragraph (2),
3 the Secretary shall use the Interdisciplinary Chronic
4 Pain Management Training Team Program of the
5 Department (or any successor program).

6 (c) PAIN MANAGEMENT TEAMS.—

7 (1) IN GENERAL.—In carrying out the Opioid
8 Safety Initiative of the Department, the director of
9 each medical facility of the Department shall iden-
10 tify and designate a pain management team of
11 health care professionals, which may include board
12 certified pain medicine specialists, responsible for co-
13 ordinating and overseeing pain management therapy
14 at such facility for patients experiencing acute and
15 chronic pain that is noncancer related.

16 (2) ESTABLISHMENT OF PROTOCOLS.—

17 (A) IN GENERAL.—In consultation with
18 the Directors of the Veterans Integrated Service
19 Networks, the Secretary shall establish stand-
20 ard protocols for the designation of pain man-
21 agement teams at each medical facility of the
22 Department.

23 (B) CONSULTATION ON PRESCRIPTION OF
24 OPIOIDS.—Each protocol established for a med-
25 ical facility under subparagraph (A) shall en-

1 sure that any health care provider without ex-
2 pertise in prescribing analgesics or who has not
3 completed the education and training under
4 subsection (b), such as a mental health care
5 provider, does not prescribe opioids to a patient
6 unless that health care provider—

7 (i) consults with a health care pro-
8 vider with pain management expertise or
9 who is on the pain management team of
10 the medical facility; and

11 (ii) refers the patient to that pain
12 management team for any subsequent pre-
13 scriptions and related therapy.

14 (3) REPORT.—

15 (A) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the
17 director of each medical facility of the Depart-
18 ment shall submit to the Under Secretary for
19 Health of the Department and the Director of
20 the Veterans Integrated Service Network in
21 which the medical facility is located a report
22 identifying the health care professionals that
23 have been designated as members of the pain
24 management team at the medical facility under
25 paragraph (1).

1 (B) ELEMENTS.—Each report submitted
2 under subparagraph (A) with respect to a med-
3 ical facility of the Department shall include—

4 (i) a certification as to whether all
5 members of the pain management team at
6 the medical facility have completed the
7 education and training required under sub-
8 section (b);

9 (ii) a plan for the management and
10 referral of patients to such pain manage-
11 ment team if health care providers without
12 expertise in prescribing analgesics pre-
13 scribe opioid medications to treat acute
14 and chronic pain that is noncancer related;
15 and

16 (iii) a certification as to whether the
17 medical facility—

18 (I) fully complies with the
19 stepped-care model of pain manage-
20 ment and other pain management
21 policies of the Department; or

22 (II) does not fully comply with
23 the stepped-care model of pain man-
24 agement and other pain management
25 policies of the Department but is car-

1 rying out a corrective plan of action to
2 ensure such full compliance.

3 (d) TRACKING AND MONITORING OF OPIOID USE.—

4 (1) PRESCRIPTION DRUG MONITORING PRO-
5 GRAMS OF STATES.—In carrying out the Opioid
6 Safety Initiative and the Opioid Therapy Risk Re-
7 port tool of the Department, the Secretary shall—

8 (A) ensure access by health care providers
9 of the Department to information on controlled
10 substances, including opioids and
11 benzodiazepines, prescribed to veterans who re-
12 ceive care outside the Department through the
13 prescription drug monitoring program of each
14 State with such a program, including by seek-
15 ing to enter into memoranda of understanding
16 with States to allow shared access of such infor-
17 mation between States and the Department;

18 (B) include such information in the Opioid
19 Therapy Risk Report tool of the Department;
20 and

21 (C) require health care providers of the
22 Department to submit to the prescription drug
23 monitoring program of each State with such a
24 program information on prescriptions of con-
25 trolled substances received by veterans in that

1 State under the laws administered by the Sec-
2 retary.

3 (2) REPORT ON TRACKING OF DATA ON OPIOID
4 USE.—Not later than 18 months after the date of
5 the enactment of this Act, the Secretary shall submit
6 to the Committee on Veterans' Affairs of the Senate
7 and the Committee on Veterans' Affairs of the
8 House of Representatives a report on the feasibility
9 and advisability of improving the Opioid Therapy
10 Risk Report tool of the Department to allow for
11 more advanced real-time tracking of and access to
12 data on—

13 (A) the key clinical indicators with respect
14 to the totality of opioid use by veterans;

15 (B) concurrent prescribing by health care
16 providers of the Department of opioids in dif-
17 ferent health care settings, including data on
18 concurrent prescribing of opioids to treat men-
19 tal health disorders other than opioid use dis-
20 order; and

21 (C) mail-order prescriptions of opioids pre-
22 scribed to veterans under the laws administered
23 by the Secretary.

24 (e) AVAILABILITY OF OPIOID RECEPTOR ANTAGO-
25 NISTS.—

1 (1) INCREASED AVAILABILITY AND USE.—

2 (A) IN GENERAL.—The Secretary shall in-
3 crease the availability of opioid receptor antago-
4 nists approved by the Food and Drug Adminis-
5 tration, such as naloxone, to veterans.

6 (B) AVAILABILITY, TRAINING, AND DIS-
7 TRIBUTION.—In carrying out subparagraph
8 (A), the Secretary shall, not later than 90 days
9 after the date of the enactment of this Act—

10 (i) equip each pharmacy of the De-
11 partment with opioid receptor antagonists
12 approved by the Food and Drug Adminis-
13 tration to be dispensed to outpatients as
14 needed; and

15 (ii) expand the Overdose Education
16 and Naloxone Distribution program of the
17 Department to ensure that all veterans in
18 receipt of health care under the laws ad-
19 ministered by the Secretary who are at
20 risk of opioid overdose may access such
21 opioid receptor antagonists and training on
22 the proper administration of such opioid
23 receptor antagonists.

1 (C) VETERANS WHO ARE AT RISK.—For
2 purposes of subparagraph (B), veterans who are
3 at risk of opioid overdose include—

4 (i) veterans receiving long-term opioid
5 therapy;

6 (ii) veterans receiving opioid therapy
7 who have a history of substance use dis-
8 order or prior instances of overdose; and

9 (iii) veterans who are at risk as deter-
10 mined by a health care provider who is
11 treating the veteran.

12 (2) REPORT.—Not later than 120 days after
13 the date of the enactment of this Act, the Secretary
14 shall submit to the Committee on Veterans' Affairs
15 of the Senate and the Committee on Veterans' Af-
16 fairs of the House of Representatives a report on
17 compliance with paragraph (1) that includes an as-
18 sessment of any remaining steps to be implemented
19 by the Secretary to comply with such paragraph.

20 (f) INCLUSION OF CERTAIN INFORMATION AND CA-
21 PABILITIES IN OPIOID THERAPY RISK REPORT TOOL.—

22 (1) INFORMATION.—The Secretary shall include
23 in the Opioid Therapy Risk Report tool of the De-
24 partment—

1 (A) information on the most recent time
2 the tool was accessed by a health care provider
3 of the Department with respect to each veteran;
4 and

5 (B) information on the results of the most
6 recent urine drug test for each veteran.

7 (2) CAPABILITIES.—The Secretary shall include
8 in the Opioid Therapy Risk Report tool the ability
9 of health care providers of the Department to deter-
10 mine whether a health care provider of the Depart-
11 ment prescribed opioids to a veteran without check-
12 ing the information in the tool with respect to the
13 veteran.

14 (g) NOTIFICATION OF RISK IN COMPUTERIZED
15 HEALTH RECORD.—The Secretary shall modify the Com-
16 puterized Patient Record System of the Department to en-
17 sure that any health care provider that accesses the record
18 of a veteran, regardless of the reason the veteran seeks
19 care from the health care provider, will be immediately no-
20 tified whether the veteran—

21 (1) is receiving opioid therapy and has a history
22 of substance use disorder or prior instances of over-
23 dose;

24 (2) has a history of opioid abuse; or

1 (3) is at risk of becoming an opioid abuser as
2 determined by a health care provider who is treating
3 the veteran.

4 (h) DEFINITIONS.—In this section:

5 (1) CONTROLLED SUBSTANCE.—The term
6 “controlled substance” has the meaning given that
7 term in section 102 of the Controlled Substances
8 Act (21 U.S.C. 802).

9 (2) STATE.—The term “State” means each of
10 the several States, territories, and possessions of the
11 United States, the District of Columbia, and the
12 Commonwealth of Puerto Rico.

13 **SEC. 253. ENHANCEMENT OF JOINT WORKING GROUP ON**
14 **PAIN MANAGEMENT OF THE DEPARTMENT**
15 **OF VETERANS AFFAIRS AND THE DEPART-**
16 **MENT OF DEFENSE.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary of Vet-
19 erans Affairs and the Secretary of Defense shall ensure
20 that the Pain Management Working Group of the Health
21 Executive Committee of the Department of Veterans Af-
22 fairs-Department of Defense Joint Executive Committee
23 established under section 320 of title 38, United States
24 Code, includes a focus on the following:

1 (1) The opioid prescribing practices of health
2 care providers of each Department.

3 (2) The ability of each Department to manage
4 acute and chronic pain among individuals receiving
5 health care from that Department, including train-
6 ing health care providers with respect to pain man-
7 agement.

8 (3) The use by each Department of complemen-
9 tary and integrative health in treating such individ-
10 uals.

11 (4) The concurrent use by health care providers
12 of each Department of opioids for patients who take
13 prescription drugs, including benzodiazepines, to
14 treat mental health disorders.

15 (5) The use of care transition plans by health
16 care providers of each Department to address case
17 management issues for patients receiving opioid
18 therapy who transition between inpatient and out-
19 patient settings.

20 (6) The coordination in coverage of and con-
21 sistent access to medications prescribed for patients
22 transitioning from receiving health care from the
23 Department of Defense to receiving health care from
24 the Department of Veterans Affairs.

1 (7) The ability of each Department to properly
2 screen, identify, and refer for treatment patients
3 with substance abuse disorders who are seeking
4 treatment for acute and chronic pain management
5 conditions.

6 (b) COORDINATION AND CONSULTATION.—The Sec-
7 retary of Veterans Affairs and the Secretary of Defense
8 shall ensure that the working group described in sub-
9 section (a)—

10 (1) coordinates the activities of the working
11 group with other relevant working groups estab-
12 lished under section 320 of title 38, United States
13 Code, including the working groups on evidence
14 based practice, patient safety, pharmacy, and psy-
15 chological health;

16 (2) consults with other relevant Federal agen-
17 cies, including the Centers for Disease Control and
18 Prevention, with respect to the activities of the
19 working group;

20 (3) consults with the Department of Veterans
21 Affairs and the Department of Defense with respect
22 to the VA/DOD Clinical Practice Guideline for Man-
23 agement of Opioid Therapy for Chronic Pain, or any
24 successor guideline, before any update to the guide-
25 line is released; and

1 (4) reviews and comments on the guideline de-
2 scribed in paragraph (3) before any update to such
3 guideline is released.

4 (c) CONSULTATION.—The Secretary of Veterans Af-
5 fairs and the Secretary of Defense shall ensure that the
6 working group described in subsection (a) is able to mean-
7 ingfully consult with respect to the updated guideline re-
8 quired under subsection (a) of section 251, as required
9 by subsection (b) of such section, not later than one year
10 after the date of the enactment of this Act.

11 **SEC. 254. REVIEW, INVESTIGATION, AND REPORT ON USE**
12 **OF OPIOIDS IN TREATMENT BY DEPARTMENT**
13 **OF VETERANS AFFAIRS.**

14 (a) COMPTROLLER GENERAL REPORT.—

15 (1) IN GENERAL.—Not later than two years
16 after the date of the enactment of this Act, the
17 Comptroller General of the United States shall sub-
18 mit to the Committee on Veterans' Affairs of the
19 Senate and the Committee on Veterans' Affairs of
20 the House of Representatives a report on the Opioid
21 Safety Initiative of the Department of Veterans Af-
22 fairs and the opioid prescribing practices of health
23 care providers of the Department.

24 (2) ELEMENTS.—The report submitted under
25 paragraph (1) shall include the following:

1 (A) An assessment of the implementation
2 and monitoring by the Veterans Health Admin-
3 istration of the Opioid Safety Initiative of the
4 Department, including examining, as appro-
5 priate, the following:

6 (i) How the Department monitors the
7 key clinical outcomes of such safety initia-
8 tive (for example, the percentage of unique
9 veterans visiting each medical center of the
10 Department that are prescribed an opioid
11 or an opioid and benzodiazepine concur-
12 rently) and how the Department uses that
13 information—

14 (I) to improve prescribing prac-
15 tices; and

16 (II) to identify high prescribing
17 or otherwise inappropriate prescribing
18 practices by health care providers.

19 (ii) How the Department monitors the
20 use of the Opioid Therapy Risk Report tool
21 of the Department (as developed through
22 such safety initiative) and compliance with
23 such tool by medical facilities and health
24 care providers of the Department, includ-
25 ing any findings by the Department of pre-

1 scripture rates or prescription practices by
2 medical facilities or health care providers
3 that are inappropriate.

4 (iii) The implementation of academic
5 detailing programs within the Veterans In-
6 tegrated Service Networks of the Depart-
7 ment and how such programs are being
8 used to improve opioid prescribing prac-
9 tices.

10 (B) Information with respect to known
11 deaths resulting from sentinel events involving
12 veterans prescribed opioids by a health care
13 provider of the Department.

14 (C) Information made available under the
15 Opioid Therapy Risk Report tool of the Depart-
16 ment with respect to the following:

17 (i) Overall prescription rates and, if
18 available, indications used by health care
19 providers for prescribing chronic opioid
20 therapy to treat noncancer, non-palliative
21 care, and non-hospice care patients.

22 (ii) The prescription rates and indica-
23 tions used by health care providers of the
24 Department for prescribing

1 benzodiazepines and chronic opioid therapy
2 concurrently.

3 (iii) The practice by health care pro-
4 viders of the Department of prescribing
5 opioids to treat patients without any
6 known pain, including to treat patients
7 with mental health disorders other than an
8 opioid use disorder.

9 (D) An evaluation of processes of the De-
10 partment to oversee opioid use among veterans,
11 including processes to identify and remedy po-
12 tential overprescribing of opioids by health care
13 providers of the Department, and an evaluation
14 of the use and effectiveness of such processes.

15 (E) An evaluation of processes of the De-
16 partment to oversee and ensure the implemen-
17 tation by medical centers of the Department of
18 the VA/DOD Clinical Practice Guideline for
19 Management of Opioid Therapy, as updated
20 under section 251(a), including any figures or
21 approaches used by the Department to assess
22 implementation and compliance with such
23 guideline by medical centers and whether any
24 medical centers are operating action plans to
25 improve compliance with such guideline.

1 (F) An assessment of the data that the
2 Department has developed to review the opioid
3 prescribing practices of health care providers of
4 the Department, as required by this subtitle, in-
5 cluding a review of how the Department identi-
6 fies the practices of individual health care pro-
7 viders that warrant further review based on—

8 (i) prescribing levels;

9 (ii) health conditions for which the
10 health care provider is prescribing opioids
11 or opioids and benzodiazepines concu-
12 rently; or

13 (iii) other practices of the health care
14 provider.

15 (b) REVIEW OF PRESCRIPTION RATES.—Not later
16 than one year after the date of the enactment of this Act,
17 and not less frequently than annually thereafter, the Sec-
18 retary of Veterans Affairs shall, with respect to each med-
19 ical facility of the Department of Veterans Affairs, collect
20 and review information on opioids prescribed by health
21 care providers at the facility to treat noncancer, non-pal-
22 liative care, and non-hospice care patients, including infor-
23 mation on—

24 (1) the prescription rate at which each health
25 care provider at the facility prescribed opioids, and

1 benzodiazepines and opioids concurrently, to such
2 patients and the aggregate of such prescription rates
3 for all health care providers at the facility;

4 (2) the prescription rate at which each health
5 care provider at the facility prescribed
6 benzodiazepines or opioids to such patients to treat
7 conditions for which benzodiazepines or opioids are
8 not a recommended treatment and the aggregate of
9 such prescription rates for all health care providers
10 at the facility;

11 (3) the prescription rate at which each health
12 care provider at the facility prescribed or dispensed
13 mail-order prescriptions of opioids to such patients
14 while such patients were being treated with opioids
15 on an inpatient-basis and the aggregate of such pre-
16 scription rates for all health care providers at the fa-
17 cility; and

18 (4) the prescription rate at which each health
19 care provider at the facility prescribed opioids to
20 such patients who were also concurrently prescribed
21 opioids by a health care provider who is not a health
22 care provider of the Department and the aggregate
23 of such prescription rates for all health care pro-
24 viders at the facility.

1 (c) INVESTIGATION OF PRESCRIPTION RATES.—If
2 the Secretary determines that a prescription rate de-
3 scribed in subsection (b) with respect to a health care pro-
4 vider or medical facility of the Department conflicts with
5 or is otherwise inconsistent with the standards of appro-
6 priate and safe care, the Secretary shall—

7 (1) through the Office of the Medical Inspector
8 of the Veterans Health Administration, conduct a
9 full investigation of the health care provider or med-
10 ical facility, as the case may be;

11 (2) immediately notify the Committee on Vet-
12 erans' Affairs of the Senate, the Committee on Vet-
13 erans' Affairs of the House of Representatives, and
14 each Member of the Senate and the House of Rep-
15 resentatives who represents the area in which the
16 health care provider or medical facility, as the case
17 may be, is located; and

18 (3) include information relating to such deter-
19 mination, prescription rate, and health care provider
20 or medical facility, as the case may be, in the report
21 required under subsection (d).

22 (d) REPORT ON OPIOID THERAPY.—

23 (1) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, and not
25 less frequently than annually thereafter through

1 2026, the Secretary shall submit to the Committee
2 on Veterans' Affairs of the Senate and the Com-
3 mittee on Veterans' Affairs of the House of Rep-
4 resentatives a report that contains, for the one-year
5 period preceding the submittal of the report, the fol-
6 lowing:

7 (A) The number of patients and the per-
8 centage of the patient population of the Depart-
9 ment of Veterans Affairs who were prescribed
10 opioids, and benzodiazepines and opioids con-
11 currently, by a health care provider of the De-
12 partment.

13 (B) The number of patients and the per-
14 centage of the patient population of the Depart-
15 ment without any documented pain who were
16 prescribed opioids by a health care provider of
17 the Department, including those who were pre-
18 scribed benzodiazepines and opioids concur-
19 rently.

20 (C) The number of noncancer, non-pallia-
21 tive care, and non-hospice care patients and the
22 percentage of such patients who were treated
23 with opioids by a health care provider of the
24 Department on an inpatient-basis and who were
25 also sent prescription opioids by mail by the

1 Department while being treated on an inpa-
2 tient-basis.

3 (D) The number of noncancer, non-pallia-
4 tive care, and non-hospice care patients and the
5 percentage of such patients who were prescribed
6 opioids concurrently by a health care provider
7 of the Department and a health care provider
8 who is not a health care provider of the Depart-
9 ment.

10 (E) With respect to each medical facility of
11 the Department, the number of times a phar-
12 macist at the facility overrode a critical drug
13 interaction warning with respect to an inter-
14 action between opioids and another medication
15 before dispensing such other medication to a
16 veteran.

17 (F) The results of the review conducted
18 under subsection (b) (including a summary of
19 such review at the Veterans Integrated Service
20 Network level) and the investigation conducted
21 under subsection (c) (including information de-
22 scribed in subsection (c)(3)), compiled in such
23 a manner as the Secretary determines appro-
24 priate to ensure that the information is easily
25 accessible.

1 (2) SUBSEQUENT REPORTS.—Each report sub-
2 mitted under paragraph (1) after the date that is
3 two years after the date of the enactment of this Act
4 shall include an assessment of the compliance of the
5 Department with the VA/DOD Clinical Practice
6 Guideline for Management of Opioid Therapy for
7 Chronic Pain, including any update to such guide-
8 line.

9 (e) PRESCRIPTION RATE DEFINED.—In this section,
10 the term “prescription rate” means, with respect to a
11 health care provider or medical facility of the Department,
12 each of the following:

13 (1) The number of patients treated with opioids
14 by the health care provider or at the medical facility,
15 as the case may be, divided by the total number of
16 pharmacy users of that health care provider or med-
17 ical facility.

18 (2) The average number of morphine equiva-
19 lents per day prescribed by the health care provider
20 or at the medical facility, as the case may be, to pa-
21 tients being treated with opioids.

22 (3) Of the patients being treated with opioids
23 by the health care provider or at the medical facility,
24 as the case may be, the average number of prescrip-
25 tions of opioids per patient.

1 **SEC. 255. ELIMINATION OF COPAYMENT REQUIREMENT**
2 **FOR VETERANS RECEIVING OPIOID ANTAGO-**
3 **NISTS OR EDUCATION ON USE OF OPIOID AN-**
4 **TAGONISTS.**

5 (a) COPAYMENT FOR OPIOID ANTAGONISTS.—Sec-
6 tion 1722A(a) of title 38, United States Code, is amended
7 by adding at the end the following new paragraph:

8 “(4) Paragraph (1) does not apply to opioid antago-
9 nists furnished under this chapter to a veteran who is at
10 high risk for overdose of a specific medication or substance
11 in order to reverse the effect of such an overdose.”.

12 (b) COPAYMENT FOR EDUCATION ON USE OF OPIOID
13 ANTAGONISTS.—Section 1710(g)(3) of such title is
14 amended—

15 (1) by striking “with respect to home health
16 services” and inserting “with respect to the fol-
17 lowing:

18 “(A) Home health services”; and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(B) Education on the use of opioid antagonists
22 to reverse the effects of overdoses of specific medica-
23 tions or substances.”.

1 **Subtitle G—Patient Advocacy and**
2 **Outreach**

3 **SEC. 261. ESTABLISHMENT OF OFFICE OF PATIENT ADVOCACY OF THE DEPARTMENT OF VETERANS AFFAIRS.**

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

9 **“§ 7309A. Office of Patient Advocacy**

10 “(a) ESTABLISHMENT.—There is established in the
11 Department within the Office of the Under Secretary for
12 Health an office to be known as the ‘Office of Patient Ad-
13 vocacy’ (in this section referred to as the ‘Office’).

14 “(b) HEAD.—(1) The Director of the Office of Pa-
15 tient Advocacy shall be the head of the Office.

16 “(2) The Director of the Office of Patient Advocacy
17 shall be appointed by the Under Secretary for Health from
18 among individuals qualified to perform the duties of the
19 position and shall report directly to the Under Secretary
20 for Health.

21 “(c) FUNCTION.—(1) The function of the Office is
22 to carry out the Patient Advocacy Program of the Depart-
23 ment.

1 “(2) In carrying out the Patient Advocacy Program
2 of the Department, the Director shall ensure that patient
3 advocates of the Department—

4 “(A) advocate on behalf of veterans with re-
5 spect to health care received and sought by veterans
6 under the laws administered by the Secretary;

7 “(B) carry out the responsibilities specified in
8 subsection (d); and

9 “(C) receive training in patient advocacy.

10 “(d) PATIENT ADVOCACY RESPONSIBILITIES.—The
11 responsibilities of each patient advocate at a medical facil-
12 ity of the Department are the following:

13 “(1) To resolve complaints by veterans with re-
14 spect to health care furnished under the laws admin-
15 istered by the Secretary that cannot be resolved at
16 the point of service or at a higher level easily acces-
17 sible to the veteran.

18 “(2) To present at various meetings and to var-
19 ious committees the issues experienced by veterans
20 in receiving such health care at such medical facility.

21 “(3) To express to veterans their rights and re-
22 sponsibilities as patients in receiving such health
23 care.

24 “(4) To manage the Patient Advocate Tracking
25 System of the Department at such medical facility.

1 “(5) To compile data at such medical facility of
2 complaints made by veterans with respect to the re-
3 ceipt of such health care at such medical facility and
4 the satisfaction of veterans with such health care at
5 such medical facility to determine whether there are
6 trends in such data.

7 “(6) To ensure that a process is in place for the
8 distribution of the data compiled under paragraph
9 (5) to appropriate leaders, committees, services, and
10 staff of the Department.

11 “(7) To identify, not less frequently than quar-
12 terly, opportunities for improvements in the fur-
13 nishing of such health care to veterans at such med-
14 ical facility based on complaints by veterans.

15 “(8) To ensure that any significant complaint
16 by a veteran with respect to such health care is
17 brought to the attention of appropriate staff of the
18 Department to trigger an assessment of whether
19 there needs to be a further analysis of the problem
20 at the facility-wide level.

21 “(9) To support any patient advocacy programs
22 carried out by the Department.

23 “(10) To ensure that all appeals and final deci-
24 sions with respect to the receipt of such health care

1 are entered into the Patient Advocate Tracking Sys-
2 tem of the Department.

3 “(11) To understand all laws, directives, and
4 other rules with respect to the rights and respon-
5 sibilities of veterans in receiving such health care,
6 including the appeals processes available to veterans.

7 “(12) To ensure that veterans receiving mental
8 health care, or the surrogate decision-makers for
9 such veterans, are aware of the rights of veterans to
10 seek representation from systems established under
11 section 103 of the Protection and Advocacy for Men-
12 tally Ill Individuals Act of 1986 (42 U.S.C. 10803)
13 to protect and advocate the rights of individuals with
14 mental illness and to investigate incidents of abuse
15 and neglect of such individuals.

16 “(13) To fulfill requirements established by the
17 Secretary with respect to the inspection of controlled
18 substances.

19 “(14) To document potentially threatening be-
20 havior and report such behavior to appropriate au-
21 thorities.

22 “(e) TRAINING.—In providing training to patient ad-
23 vocates under subsection (c)(2)(C), the Director shall en-
24 sure that such training is consistent throughout the De-
25 partment.

1 “(f) CONTROLLED SUBSTANCE DEFINED.—In this
2 section, the term ‘controlled substance’ has the meaning
3 given that term in section 102 of the Controlled Sub-
4 stances Act (21 U.S.C. 802).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 73 of such title is amended
7 by inserting after the item relating to section 7309 the
8 following new item:

“7309A. Office of Patient Advocacy.”.

9 (c) DATE FULLY OPERATIONAL.—The Secretary of
10 Veterans Affairs shall ensure that the Office of Patient
11 Advocacy established under section 7309A of title 38,
12 United States Code, as added by subsection (a), is fully
13 operational not later than the date that is one year after
14 the date of the enactment of this Act.

15 **SEC. 262. COMMUNITY MEETINGS ON IMPROVING CARE**
16 **FROM DEPARTMENT OF VETERANS AFFAIRS.**

17 (a) COMMUNITY MEETINGS.—

18 (1) MEDICAL CENTERS.—Not later than 90
19 days after the date of the enactment of this Act, and
20 not less frequently than once every 90 days there-
21 after, each medical center of the Department of Vet-
22 erans Affairs shall host a community meeting open
23 to the public on improving health care from the De-
24 partment.

1 (2) COMMUNITY-BASED OUTPATIENT CLIN-
2 ICS.—Not later than one year after the date of the
3 enactment of this Act, and not less frequently than
4 annually thereafter, each community-based out-
5 patient clinic of the Department shall host a commu-
6 nity meeting open to the public on improving health
7 care from the Department.

8 (b) ATTENDANCE BY DIRECTOR OF VETERANS INTE-
9 GRATED SERVICE NETWORK OR DESIGNEE.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 each community meeting hosted by a medical center
12 or community-based outpatient clinic under sub-
13 section (a) shall be attended by the Director of the
14 Veterans Integrated Service Network in which the
15 medical center or community-based outpatient clinic,
16 as the case may be, is located, or an employee des-
17 ignated by the Director who works in the office of
18 the Director.

19 (2) ATTENDANCE BY DIRECTOR.—Each Direc-
20 tor of a Veterans Integrated Service Network shall
21 attend not fewer than one community meeting under
22 subsection (a) hosted by each medical center located
23 in the Veterans Integrated Service Network each
24 year.

1 (c) NOTICE.—With respect to any community meet-
2 ing at a medical facility of the Department under sub-
3 section (a), the Secretary of Veterans Affairs shall notify
4 the Committee on Veterans' Affairs of the Senate, the
5 Committee on Veterans' Affairs of the House of Rep-
6 resentatives, and each Member of Congress who represents
7 the area in which the medical facility is located of such
8 meeting not later than 10 days before such meeting oc-
9 curs.

10 **SEC. 263. OUTREACH TO VETERANS REGARDING EFFECT**
11 **OF CERTAIN DELAYED PAYMENTS BY CHIEF**
12 **BUSINESS OFFICE OF DEPARTMENT OF VET-**
13 **ERANS AFFAIRS.**

14 (a) OUTREACH.—

15 (1) IN GENERAL.—The Secretary of Veterans
16 Affairs shall conduct outreach, including through na-
17 tional and local veterans service organizations, to in-
18 form veterans of how to resolve credit issues caused
19 by delayed payment of a claim for emergency hos-
20 pital care, medical services, or other emergency
21 health care furnished through a non-Department of
22 Veterans Affairs provider.

23 (2) TELEPHONE NUMBER.—The Secretary shall
24 establish a toll-free telephone number for veterans to
25 report credit issues described in paragraph (1) to

1 the Chief Business Office of the Department of Vet-
2 erans Affairs.

3 (b) ANNUAL REPORT.—

4 (1) REPORT REQUIRED.—

5 (A) IN GENERAL.—During the five-year
6 period beginning on the date of the enactment
7 of this Act, the Secretary shall annually submit
8 to Congress a report on the effectiveness of the
9 Chief Business Office of the Department in
10 providing timely payment of proper invoices for
11 emergency hospital care, medical services, or
12 other emergency health care furnished through
13 non-Department providers by the required pay-
14 ment date during both the five-year period pre-
15 ceeding the date of the report and the one-year
16 period preceding such date.

17 (B) PAYMENTS BY VISNS.—For any part
18 of the period covered by a report under this
19 subsection that occurred before October 1,
20 2014, the report shall evaluate the provision of
21 payments described in subparagraph (A) by the
22 Veterans Integrated Service Networks.

23 (2) MATTERS INCLUDED.—Each report sub-
24 mitted under paragraph (1) shall include, for each
25 period covered by the report, the following:

1 (A) The number of veterans who contacted
2 the Secretary regarding a delayed payment that
3 negatively affected, or will potentially negatively
4 affect, the credit of the veteran.

5 (B) The total amount of interest penalties
6 paid by the Secretary under section 3902 of
7 title 31, United States Code, by reason of a de-
8 layed payment.

9 (C) The number of proper invoices sub-
10 mitted, listed in a table for each quarter and
11 fiscal year of each such period that includes—

12 (i) the total amount owed by the Sec-
13 retary under the proper invoices;

14 (ii) the payment status of each proper
15 invoice, as of the date of the report; and

16 (iii) the period that elapsed until each
17 proper invoice was paid, including an ex-
18 planation of any delayed payment.

19 (D) Any comments by the Secretary re-
20 garding delayed payments made by health care
21 providers.

22 (E) A description of the best practices that
23 the Chief Business Office of the Department
24 uses to provide timely payment of proper in-

1 voices, including a plan to improve such timely
2 payments.

3 (c) QUARTERLY REPORTS ON PENDING CLAIMS.—

4 (1) IN GENERAL.—During the five-year period
5 beginning on the date of the enactment of this Act,
6 the Chief Business Office of the Department shall
7 submit to Congress quarterly reports on the number
8 of pending claims for reimbursement for emergency
9 hospital care, medical services, and other emergency
10 health care furnished through non-Department pro-
11 viders.

12 (2) ELEMENTS.—Each report submitted under
13 paragraph (1) shall include, with respect to pending
14 claims described in such paragraph, the following:

15 (A) The total number of such pending
16 claims for each hospital system of the Depart-
17 ment, as of the last day of the quarter covered
18 by the report.

19 (B) The total number of veterans who sub-
20 mitted such a pending claim in each State, as
21 of such day.

22 (C) The aggregate amount of all such
23 pending claims in each State, as of such day.

24 (D) As of such day—

1 (i) the number of such pending claims
2 that have been pending for 30 days or
3 longer;

4 (ii) the number of such pending
5 claims that have been pending for 90 days
6 or longer; and

7 (iii) the number of such pending
8 claims that have been pending for one year
9 or longer.

10 (E) For each hospital system, for the quar-
11 ter covered by the report—

12 (i) the number of claims for reim-
13 bursement for emergency hospital care,
14 medical services, and other emergency
15 health care furnished through non-Depart-
16 ment providers approved during such quar-
17 ter;

18 (ii) the number of such claims denied
19 during such quarter; and

20 (iii) the number of such claims denied
21 listed by each denial reason group.

22 (d) COMPTROLLER GENERAL STUDY.—

23 (1) IN GENERAL.—The Comptroller General of
24 the United States shall conduct a study that evalu-
25 ates the effectiveness of the Chief Business Office of

1 the Department in providing timely payment of
2 proper invoices for emergency hospital care, medical
3 services, or other emergency health care furnished
4 through non-Department providers by the required
5 payment date.

6 (2) SUBMITTAL.—The Comptroller General
7 shall submit to Congress a report on the study con-
8 ducted under paragraph (1), including the total
9 amount of interest penalties paid by the Secretary
10 under section 3902 of title 31, United States Code,
11 by reason of a delayed payment.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “delayed payment” means a prop-
14 er invoice that is not paid by the Secretary of Vet-
15 erans Affairs until after the required payment date.

16 (2) The term “proper invoice” has the meaning
17 given that term in section 3901(a) of title 31,
18 United States Code.

19 (3) The term “required payment date” means
20 the date that payment is due under a contract pur-
21 suant to section 3903(a) of title 31, United States
22 Code.

1 **SEC. 264. IMPROVEMENT OF AWARENESS OF PATIENT AD-**
2 **VOCACY PROGRAM AND PATIENT BILL OF**
3 **RIGHTS OF DEPARTMENT OF VETERANS AF-**
4 **FAIRS.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of Veterans Affairs shall,
7 in as many prominent locations as appropriate to be seen
8 by the largest percentage of patients and family members
9 of patients at each medical facility of the Department of
10 Veterans Affairs—

11 (1) display the purposes of the Patient Advoca-
12 cacy Program of the Department and the contact in-
13 formation for the patient advocate at such medical
14 facility; and

15 (2) display the rights and responsibilities of—

16 (A) patients and family members of pa-
17 tients at such medical facility; and

18 (B) with respect to community living cen-
19 ters and other residential facilities of the De-
20 partment, residents and family members of resi-
21 dents at such medical facility.

22 **SEC. 265. COMPTROLLER GENERAL REPORT ON PATIENT**
23 **ADVOCACY PROGRAM OF DEPARTMENT OF**
24 **VETERANS AFFAIRS.**

25 (a) IN GENERAL.—Not later than three years after
26 the date of the enactment of this Act, the Comptroller

1 General of the United States shall submit to the Com-
2 mittee on Veterans' Affairs of the Senate and the Com-
3 mittee on Veterans' Affairs of the House of Representa-
4 tives a report on the Patient Advocacy Program of the
5 Department of Veterans Affairs (in this section referred
6 to as the "Program").

7 (b) ELEMENTS.—The report required by subsection

8 (a)—

9 (1) shall include—

10 (A) such recommendations and proposals
11 for improving or modifying the Program as the
12 Comptroller General considers appropriate; and

13 (B) such other information with respect to
14 the Program as the Comptroller General con-
15 sidered appropriate; and

16 (2) may include—

17 (A) a description of the Program, includ-
18 ing—

19 (i) the purposes of the Program;

20 (ii) the activities carried out under the
21 Program; and

22 (iii) an assessment by the Secretary of
23 Veterans Affairs of the sufficiency of the
24 Program in achieving the purposes of the
25 Program;

1 (B) an assessment of the sufficiency of
2 staffing of employees of the Department re-
3 sponsible for carrying out the Program;

4 (C) an assessment of the sufficiency of the
5 training of such employees; and

6 (D) an assessment of—

7 (i) awareness of the Program among
8 veterans and their family members; and

9 (ii) the use of the Program by vet-
10 erans and their family members.

11 **Subtitle H—Administration of Non-**
12 **Department Health Care**

13 **SEC. 271. PAYMENT OF NON-DEPARTMENT OF VETERANS**
14 **AFFAIRS HEALTH CARE PROVIDERS.**

15 (a) PAYMENT OF PROVIDERS.—

16 (1) IN GENERAL.—Subchapter I of chapter 17
17 of title 38, United States Code, is amended by in-
18 serting after section 1703 the following new section:

19 **“§ 1703A. Payment of non-Department health care**
20 **providers**

21 “(a) PROMPT PAYMENT COMPLIANCE.—The Sec-
22 retary shall ensure that payments made to non-Depart-
23 ment health care providers pursuant to an agreement
24 under this chapter comply with chapter 39 of title 31
25 (commonly referred to as the ‘Prompt Payment Act’) and

1 the requirements of this section. If there is a conflict be-
2 tween the requirements of the Prompt Payment Act and
3 the requirements of this section, the Secretary shall com-
4 ply with the requirements of this section.

5 “(b) SUBMITTAL OF CLAIM.—(1) A non-Department
6 health care provider that seeks reimbursement under this
7 section for care or services furnished under the laws ad-
8 ministered by the Secretary shall submit to the Secretary
9 a claim for reimbursement not later than 180 days after
10 furnishing such care or services.

11 “(2) On and after January 1, 2019, the Secretary
12 shall not accept any claim under this section that is sub-
13 mitted to the Secretary in a manner other than electroni-
14 cally.

15 “(c) PAYMENT SCHEDULE.—(1) The Secretary shall
16 reimburse a non-Department health care provider for care
17 or services furnished under the laws administered by the
18 Secretary—

19 “(A) in the case of a clean claim submitted to
20 the Secretary electronically, not later than 30 days
21 after receiving the claim; or

22 “(B) in the case of a clean claim submitted to
23 the Secretary in a manner other than electronically,
24 not later than 45 days after receiving the claim.

1 “(2)(A) If the Secretary determines that a claim re-
2 ceived from a non-Department health care provider for
3 care or services furnished under the laws administered by
4 the Secretary is a non-clean claim, the Secretary shall sub-
5 mit to the provider, not later than 30 days after receiving
6 the claim—

7 “(i) a notification that the claim is a non-clean
8 claim;

9 “(ii) an explanation of why the claim has been
10 determined to be a non-clean claim; and

11 “(iii) an identification of the information or
12 documentation that is required to make the claim a
13 clean claim.

14 “(B) If the Secretary does not comply with the re-
15 quirements of subparagraph (A) with respect to a claim,
16 the claim shall be deemed a clean claim for purposes of
17 paragraph (1).

18 “(3) Upon receipt by the Secretary of information or
19 documentation described in subparagraph (A)(iii) with re-
20 spect to a claim, the Secretary shall reimburse a non-De-
21 partment health care provider for care or services fur-
22 nished under the laws administered by the Secretary—

23 “(A) in the case of a claim submitted to the
24 Secretary electronically, not later than 30 days after
25 receiving such information or documentation; or

1 “(B) in the case of a claim submitted to the
2 Secretary in a manner other than electronically, not
3 later than 45 days after receiving such information
4 or documentation.

5 “(4) If the Secretary fails to comply with the dead-
6 lines for payment set forth in this subsection with respect
7 to a claim, interest shall accrue on the amount owed under
8 such claim in accordance with section 3902 of title 31,
9 United States Code.

10 “(d) INFORMATION AND DOCUMENTATION RE-
11 QUIRED.—(1) The Secretary shall provide to all non-De-
12 partment health care providers that furnish care or serv-
13 ices under the laws administered by the Secretary a list
14 of information and documentation that is required to es-
15 tablish a clean claim under this section.

16 “(2) The Secretary shall consult with entities in the
17 health care industry, in the public and private sector, to
18 determine the information and documentation to include
19 in the list under paragraph (1).

20 “(3) If the Secretary modifies the information and
21 documentation included in the list under paragraph (1),
22 the Secretary shall notify all non-Department health care
23 providers that furnish care or services under the laws ad-
24 ministered by the Secretary not later than 30 days before
25 such modifications take effect.

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘clean claim’ means a claim for
3 reimbursement for care or services furnished by a
4 non-Department health care provider under the laws
5 administered by the Secretary, on a nationally recog-
6 nized standard format, that includes the information
7 and documentation necessary to adjudicate the
8 claim.

9 “(2) The term ‘non-clean claim’ means a claim
10 for reimbursement for care or services furnished by
11 a non-Department health care provider under the
12 laws administered by the Secretary, on a nationally
13 recognized standard format, that does not include
14 the information and documentation necessary to ad-
15 judicate the claim.

16 “(3) The term ‘non-Department health care
17 provider’ means a health care provider that is not a
18 health care provider of the Department.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 17 of such title is
21 amended by inserting after the item related to sec-
22 tion 1703 the following new item:

“1703A. Payment of non-Department health care providers.”.

23 (b) ELECTRONIC SUBMITTAL OF CLAIMS FOR REIM-
24 BURSEMENT.—

1 (1) PROHIBITION ON ACCEPTANCE OF NON-
2 ELECTRONIC CLAIMS.—

3 (A) IN GENERAL.—Except as provided in
4 subparagraph (B), on and after January 1,
5 2019, the Secretary of Veterans Affairs shall
6 not accept any claim for reimbursement under
7 section 1703A of title 38, United States Code,
8 as added by subsection (a), that is submitted to
9 the Secretary in a manner other than electroni-
10 cally, including medical records in connection
11 with such a claim.

12 (B) EXCEPTION.—If the Secretary deter-
13 mines that accepting claims and medical
14 records in a manner other than electronically is
15 necessary for the timely processing of claims for
16 reimbursement under such section 1703A due
17 to a failure or malfunction of the electronic
18 interface established under paragraph (2), the
19 Secretary—

20 (i) may accept claims and medical
21 records in a manner other than electroni-
22 cally for a period not to exceed 90 days;
23 and

24 (ii) shall submit to the Committee on
25 Veterans' Affairs of the Senate and the

1 Committee on Veterans' Affairs of the
2 House of Representatives a report setting
3 forth—

4 (I) the reason for accepting
5 claims and medical records in a man-
6 ner other than electronically;

7 (II) the duration of time that the
8 Department of Veterans Affairs will
9 accept claims and medical records in a
10 manner other than electronically; and

11 (III) the steps that the Depart-
12 ment is taking to resolve such failure
13 or malfunction.

14 (2) ELECTRONIC INTERFACE.—

15 (A) IN GENERAL.—Not later than January
16 1, 2019, the Chief Information Officer of the
17 Department of Veterans Affairs shall establish
18 an electronic interface for health care providers
19 to submit claims for reimbursement under such
20 section 1703A.

21 (B) FUNCTIONS.—The electronic interface
22 established under subparagraph (A) shall in-
23 clude the following functions:

24 (i) A function through which a health
25 care provider may input all relevant data

1 required for claims submittal and reim-
2 bursement.

3 (ii) A function through which a health
4 care provider may upload medical records
5 to accompany a claim for reimbursement.

6 (iii) A function through which a
7 health care provider may ascertain the sta-
8 tus of a pending claim for reimbursement
9 that—

10 (I) indicates whether the claim is
11 a clean claim or a non-clean claim;
12 and

13 (II) in the event that a submitted
14 claim is indicated as a non-clean
15 claim, provides—

16 (aa) an explanation of why
17 the claim has been determined to
18 be a non-clean claim; and

19 (bb) an identification of the
20 information or documentation
21 that is required to make the
22 claim a clean claim.

23 (iv) A function through which a
24 health care provider is notified when a

1 claim for reimbursement is accepted or re-
2 jected.

3 (v) Such other features as the Sec-
4 retary considers necessary.

5 (C) PROTECTION OF INFORMATION.—

6 (i) IN GENERAL.—The electronic
7 interface established under subparagraph
8 (A) shall be developed and implemented
9 based on industry-accepted information se-
10 curity and privacy engineering principles
11 and best practices and shall provide for the
12 following:

13 (I) The elicitation, analysis, and
14 prioritization of functional and non-
15 functional information security and
16 privacy requirements for such inter-
17 face, including specific security and
18 privacy services and architectural re-
19 quirements relating to security and
20 privacy based on a thorough analysis
21 of all reasonably anticipated cyber and
22 noncyber threats to the security and
23 privacy of electronic protected health
24 information made available through
25 such interface.

1 (II) The elicitation, analysis, and
2 prioritization of secure development
3 requirements relating to such inter-
4 face.

5 (III) The assurance that the
6 prioritized information security and
7 privacy requirements of such inter-
8 face—

9 (aa) are correctly imple-
10 mented in the design and imple-
11 mentation of such interface
12 throughout the system develop-
13 ment lifecycle; and

14 (bb) satisfy the information
15 objectives of such interface relat-
16 ing to security and privacy
17 throughout the system develop-
18 ment lifecycle.

19 (ii) DEFINITIONS.—In this subpara-
20 graph:

21 (I) ELECTRONIC PROTECTED
22 HEALTH INFORMATION.—The term
23 “electronic protected health informa-
24 tion” has the meaning given that term
25 in section 160.103 of title 45, Code of

1 Federal Regulations, as in effect on
2 the date of the enactment of this Act.

3 (II) SECURE DEVELOPMENT RE-
4 QUIREMENTS.—The term “secure de-
5 velopment requirements” means, with
6 respect to the electronic interface es-
7 tablished under subparagraph (A), ac-
8 tivities that are required to be com-
9 pleted during the system development
10 lifecycle of such interface, such as se-
11 cure coding principles and test meth-
12 odologies.

13 (3) ANALYSIS OF AVAILABLE TECHNOLOGY FOR
14 ELECTRONIC INTERFACE.—

15 (A) IN GENERAL.—Not later than January
16 1, 2017, or before entering into a contract to
17 procure or design and build the electronic inter-
18 face described in paragraph (2) or making a de-
19 cision to internally design and build such elec-
20 tronic interface, whichever occurs first, the Sec-
21 retary shall—

22 (i) conduct an analysis of commer-
23 cially available technology that may satisfy
24 the requirements of such electronic inter-
25 face set forth in such paragraph; and

1 (ii) submit to the Committee on Vet-
2 erans' Affairs of the Senate and the Com-
3 mittee on Veterans' Affairs of the House
4 of Representatives a report setting forth
5 such analysis.

6 (B) ELEMENTS.—The report required
7 under subparagraph (A)(ii) shall include the
8 following:

9 (i) An evaluation of commercially
10 available systems that may satisfy the re-
11 quirements of paragraph (2).

12 (ii) The estimated cost of procuring a
13 commercially available system if a suitable
14 commercially available system exists.

15 (iii) If no suitable commercially avail-
16 able system exists, an assessment of the
17 feasibility of modifying a commercially
18 available system to meet the requirements
19 of paragraph (2), including the estimated
20 cost associated with such modifications.

21 (iv) If no suitable commercially avail-
22 able system exists and modifying a com-
23 mercially available system is not feasible,
24 an assessment of the estimated cost and
25 time that would be required to contract

1 with a commercial entity to design and
2 build an electronic interface that meets the
3 requirements of paragraph (2).

4 (v) If the Secretary determines that
5 the Department has the capabilities re-
6 quired to design and build an electronic
7 interface that meets the requirements of
8 paragraph (2), an assessment of the esti-
9 mated cost and time that would be re-
10 quired to design and build such electronic
11 interface.

12 (vi) A description of the decision of
13 the Secretary regarding how the Depart-
14 ment plans to establish the electronic inter-
15 face required under paragraph (2) and the
16 justification of the Secretary for such deci-
17 sion.

18 (4) LIMITATION ON USE OF AMOUNTS.—The
19 Secretary may not spend any amounts to procure or
20 design and build the electronic interface described in
21 paragraph (2) until the date that is 60 days after
22 the date on which the Secretary submits the report
23 required under paragraph (3)(A)(ii).

1 **SEC. 272. AUTHORIZATION OF AGREEMENTS BETWEEN THE**
2 **DEPARTMENT OF VETERANS AFFAIRS AND**
3 **NON-DEPARTMENT PROVIDERS.**

4 (a) IN GENERAL.—Subchapter I of chapter 17 of title
5 38, United States Code, as amended by section 271(a)(1),
6 is further amended by inserting after section 1703A the
7 following new section:

8 **“§ 1703B. Veterans Care Agreements**

9 “(a) AGREEMENTS TO FURNISH CARE.—(1) In addi-
10 tion to the authority of the Secretary under this chapter
11 to furnish hospital care, medical services, and extended
12 care at facilities of the Department and under contracts
13 or sharing agreements entered into under authorities other
14 than this section, the Secretary may furnish hospital care,
15 medical services, and extended care through the use of
16 agreements entered into under this section. An agreement
17 entered into under this section may be referred to as a
18 ‘Veterans Care Agreement’.

19 “(2)(A) The Secretary may enter into agreements
20 under this section with eligible providers that are certified
21 under subsection (d) if the Secretary is not feasibly able
22 to furnish care or services described in paragraph (1) at
23 facilities of the Department.

24 “(B) The Secretary is not feasibly able to furnish
25 care or services described in paragraph (1) at facilities of
26 the Department if the Secretary determines that the med-

1 ical condition of the veteran, the travel involved, the na-
2 ture of the care or services required, or a combination of
3 those factors make the use of facilities of the Department
4 impracticable or inadvisable.

5 “(3) An eligible provider, at its discretion, may opt
6 to enter into an agreement under this section instead of
7 a contract or sharing agreement under authorities other
8 than this section.

9 “(b) RECEIPT OF CARE.—(1) Eligibility of a veteran
10 under this section for care or services described in sub-
11 section (a)(1) shall be determined as if such care or serv-
12 ices were furnished in a facility of the Department and
13 provisions of this title applicable to veterans receiving such
14 care or services in a facility of the Department shall apply
15 to veterans receiving such care or services under this sec-
16 tion.

17 “(2) In carrying out this section, the Secretary—

18 “(A) may not direct veterans seeking care or
19 services described in subsection (a)(1) to health care
20 providers that have entered into contracts or sharing
21 agreements under authorities other than this section,
22 except for agreements under section 101 of the Vet-
23 erans Access, Choice, and Accountability Act of
24 2014 (Public Law 113–146; 38 U.S.C. 1701 note);
25 and

1 “(B) shall ensure that veterans have the option
2 to determine whether to receive such care or services
3 from a health care provider described in subpara-
4 graph (A) or an eligible provider that has entered
5 into an agreement under this section.

6 “(c) ELIGIBLE PROVIDERS.—For purposes of this
7 section, an eligible provider is one of the following:

8 “(1) A provider of services that has enrolled
9 and entered into a provider agreement under section
10 1866(a) of the Social Security Act (42 U.S.C.
11 1395cc(a)).

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

15 “(3) A provider of items and services receiving
16 payment under a State plan under title XIX of such
17 Act (42 U.S.C. 1396 et seq.) or a waiver of such a
18 plan.

19 “(4) A health care provider that is—

20 “(A) an Aging and Disability Resource
21 Center, an area agency on aging, or a State
22 agency (as defined in section 102 of the Older
23 Americans Act of 1965 (42 U.S.C. 3002)); or

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

4 “(5) A provider that is located in—

5 “(A) an area that is designated as a health
6 professional shortage area (as defined in section
7 332 of the Public Health Service Act (42
8 U.S.C. 254e)); or

9 “(B) a county that is not in a metropolitan
10 statistical area.

11 “(6) Such other health care providers as the
12 Secretary considers appropriate for purposes of this
13 section.

14 “(d) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1)
15 The Secretary shall establish a process for the certification
16 of eligible providers under this section that shall, at a min-
17 imum, set forth the following.

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

21 “(B) Standards and procedures for approval
22 and denial of certification, duration of certification,
23 revocation of certification, and recertification.

24 “(C) Procedures for assessing eligible providers
25 based on the risk of fraud, waste, and abuse of such

1 providers similar to the level of screening under sec-
2 tion 1866(j)(2)(B) of the Social Security Act (42
3 U.S.C. 1395cc(j)(2)(B)) and the standards set forth
4 under section 9.104 of title 48, Code of Federal
5 Regulations, or any successor regulation.

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

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

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

17 “(e) TERMS OF AGREEMENTS.—Each agreement en-
18 tered into with an eligible provider under this section shall
19 include provisions requiring the eligible provider to do the
20 following:

21 “(1) To accept payment for care or services fur-
22 nished under this section at rates established by the
23 Secretary for purposes of this section, which shall
24 be, to the extent practicable, the rates paid by the
25 United States for such care or services to providers

1 of services and suppliers under the Medicare pro-
2 gram under title XVIII of the Social Security Act
3 (42 U.S.C. 1395 et seq.).

4 “(2) To accept payment under paragraph (1) as
5 payment in full for care or services furnished under
6 this section and to not seek any payment for such
7 care or services from the recipient of such care or
8 services.

9 “(3) To furnish under this section only the care
10 or services authorized by the Department under this
11 section unless the eligible provider receives prior
12 written consent from the Department to furnish care
13 or services outside the scope of such authorization.

14 “(4) To bill the Department for care or services
15 furnished under this section in accordance with a
16 methodology established by the Secretary for pur-
17 poses of this section.

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

23 “(6) To provide medical records for veterans
24 furnished care or services under this section to the

1 Department in a time frame and format specified by
2 the Secretary for purposes of this section.

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

6 “(f) TERMINATION OF AGREEMENTS.—(1) An eligi-
7 ble provider may terminate an agreement with the Sec-
8 retary under this section at such time and upon such no-
9 tice to the Secretary as the Secretary may specify for pur-
10 poses of this section.

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

15 “(A) determines that the eligible provider failed
16 to comply substantially with the provisions of the
17 agreement or with the provisions of this section and
18 the regulations prescribed thereunder;

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

20 “(i) excluded from participation in a Fed-
21 eral health care program (as defined in section
22 1128B(f) of the Social Security Act (42 U.S.C.
23 1320a–7b(f))) under section 1128 or 1128A of
24 the Social Security Act (42 U.S.C. 1320a–7
25 and 1320a–7a); or

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

4 “(C) ascertains that the eligible provider has
5 been convicted of a felony or other serious offense
6 under Federal or State law and determines that the
7 continued participation of the eligible provider would
8 be detrimental to the best interests of veterans or
9 the Department; or

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

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

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

1 “(B) A Veterans Care Agreement entered into after
2 September 30, 2016, for the purchase of extended care
3 services is of material size if the purchase of such services
4 under the agreement exceeds \$1,000,000 annually. The
5 Secretary may adjust such amount to account for changes
6 in the cost of health care based upon recognized health
7 care market surveys and other available data and shall
8 publish any such adjustments in the Federal Register.

9 “(h) TREATMENT OF CERTAIN LAWS.—(1) An agree-
10 ment under this section may be entered into without re-
11 gard to any law that would require the Secretary to use
12 competitive procedures in selecting the party with which
13 to enter into the agreement.

14 “(2)(A) Except as provided in subparagraph (B), and
15 unless otherwise provided in this section or section 277
16 of the Jason Simcakoski Memorial Act or regulations pre-
17 scribed pursuant to this section or such section 277, an
18 eligible provider that enters into an agreement under this
19 section is not subject to, in the carrying out of the agree-
20 ment, any law to which an eligible provider described in
21 subsection (b)(1), (b)(2), or (b)(3) is not subject under
22 the original Medicare fee-for-service program under parts
23 A and B of title XVIII of the Social Security Act (42
24 U.S.C. 1395 et seq.) or the Medicaid program under title
25 XIX of such Act (42 U.S.C. 1396 et seq.).

1 “(B) The exclusion under subparagraph (A) does not
2 apply to laws regarding integrity, ethics, fraud, or that
3 subject a person to civil or criminal penalties.

4 “(3) Title VII of the Civil Rights Act of 1964 (42
5 U.S.C. 2000e et seq.) shall apply with respect to an eligi-
6 ble provider that enters into an agreement under this sec-
7 tion to the same extent as such title applies with respect
8 to the eligible provider in providing care or services
9 through an agreement or arrangement other than under
10 this section.

11 “(i) MONITORING OF QUALITY OF CARE.—The Sec-
12 retary shall establish a system or systems, consistent with
13 survey and certification procedures used by the Centers
14 for Medicare & Medicaid Services and State survey agen-
15 cies to the extent practicable—

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

18 “(2) to assess the quality of care and services
19 furnished by an eligible provider under this section
20 for purposes of determining whether to renew an
21 agreement under this section with the eligible pro-
22 vider.

23 “(j) DISPUTE RESOLUTION.—The Secretary shall es-
24 tablish administrative procedures for eligible providers
25 with which the Secretary has entered into an agreement

1 under this section to present any dispute arising under
2 or related to the agreement.

3 “(k) TERMINATION OF AUTHORITY.—The Secretary
4 may not enter into an agreement under this section, other
5 than for the provision of extended care or hospice care,
6 after September 30, 2017.

7 “(l) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to alter any contract or agreement
9 entered into between the Department and a State home
10 (as that term is used in subchapter V of this chapter) be-
11 fore the date of the enactment of the Jason Simcakoski
12 Memorial Act.

13 “(m) ANNUAL REPORT.—Not later than one year
14 after the date of the enactment of the Jason Simcakoski
15 Memorial Act, and not less frequently than annually there-
16 after, the Secretary shall submit to the Committee on Vet-
17 erans’ Affairs of the Senate and the Committee on Vet-
18 erans’ Affairs of the House of Representatives a report
19 that contains the following:

20 “(1) The total number of agreements entered
21 into with eligible providers under this section.

22 “(2) A list of the medical centers of the Depart-
23 ment that have entered into agreements with eligible
24 providers under this section.”.

1 (b) REGULATIONS.—The Secretary of Veterans Af-
2 fairs shall prescribe an interim final rule to carry out sec-
3 tion 1703B of such title, as added by subsection (a), not
4 later than one year after the date of the enactment of this
5 Act.

6 (c) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 17 of such title, as amended
8 by section 271(a)(2), is further amended by inserting after
9 the item related to section 1703A the following new item:

“1703B. Veterans Care Agreements.”.

10 **SEC. 273. ELIMINATION OF REQUIREMENT TO ACT AS SEC-**
11 **ONDARY PAYER FOR CARE RELATING TO**
12 **NON-SERVICE-CONNECTED DISABILITIES**
13 **UNDER CHOICE PROGRAM.**

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

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

18 (2) by redesignating paragraph (4) as para-
19 graph (3); and

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

22 “(2) RESPONSIBILITY FOR COSTS OF CERTAIN
23 CARE.—In any case in which an eligible veteran is
24 furnished hospital care or medical services under
25 this section for a non-service-connected disability de-

1 scribed in subsection (a)(2) of section 1729 of title
2 38, United States Code, the Secretary shall recover
3 or collect reasonable charges for such care or serv-
4 ices from a health-care plan described in paragraph
5 (3) in accordance with such section.”.

6 (b) CONFORMING AMENDMENT.—Paragraph (1) of
7 such section is amended by striking “paragraph (4)” and
8 inserting “paragraph (3)”.

9 (c) EMERGENCY DESIGNATIONS.—

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

14 (2) DESIGNATION IN SENATE.—In the Senate,
15 this section is designated as an emergency require-
16 ment pursuant to section 403(a) of S. Con. Res. 13
17 (111th Congress), the concurrent resolution on the
18 budget for fiscal year 2010.

19 **SEC. 274. REQUIREMENT FOR ADVANCE APPROPRIATIONS**
20 **FOR THE MEDICAL COMMUNITY CARE AC-**
21 **COUNT OF THE DEPARTMENT OF VETERANS**
22 **AFFAIRS.**

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

1 “(7) Veterans Health Administration, Medical
2 Community Care.”.

3 (b) CONFORMING AMENDMENT.—Section
4 1105(a)(37) of title 31, United States Code, is amended
5 by adding at the end the following new subparagraph:

6 “(G) Veterans Health Administration,
7 Medical Community Care.”.

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

11 **SEC. 275. ANNUAL TRANSFER OF AMOUNTS WITHIN DE-**
12 **PARTMENT OF VETERANS AFFAIRS TO PAY**
13 **FOR HEALTH CARE FROM NON-DEPARTMENT**
14 **HEALTH CARE PROVIDERS.**

15 Section 106 of the Veterans Access, Choice, and Ac-
16 countability Act of 2014 (Public Law 113–146; 38 U.S.C.
17 1701 note) is amended by adding at the end the following
18 new subsection:

19 “(c) TRANSFER OF AMOUNTS.—During a fiscal year,
20 to accommodate any variances in demand for hospital
21 care, medical services, or other health care through non-
22 Department of Veterans Affairs health care providers, the
23 Secretary of Veterans Affairs may transfer amounts be-
24 tween the Medical Services appropriations account of the
25 Department and the appropriations account of the De-

1 partment for non-Department provider programs de-
2 scribed in section 4003 of the Surface Transportation and
3 Veterans Health Care Choice Improvement Act of 2015
4 (Public Law 114–41; 38 U.S.C. 1701 note).”.

5 **SEC. 276. AUTHORIZATION OF USE OF CERTAIN AMOUNTS**
6 **APPROPRIATED TO THE VETERANS CHOICE**
7 **FUND FOR OTHER NON-DEPARTMENT OF**
8 **VETERANS AFFAIRS CARE.**

9 (a) IN GENERAL.—Section 802 of the Veterans Ac-
10 cess, Choice, and Accountability Act of 2014 (Public Law
11 113–146; 38 U.S.C. 1701 note) is amended—

12 (1) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) by striking “Except as provided by
15 paragraph (3), any” and inserting “Any”;
16 and

17 (ii) by striking “by the Secretary of
18 Veterans Affairs” and all that follows
19 through the period at the end and insert-
20 ing “by the Secretary of Veterans Af-
21 fairs—

22 “(A) to carry out section 101, including,
23 subject to paragraph (2), any administrative re-
24 quirements of such section; and

1 “(B) to furnish health care to individuals
2 under chapter 17 of title 38, United States
3 Code, at non-Department facilities, including
4 pursuant to authority other than the authority
5 under section 101.”.

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

8 “(3) TREATMENT OF AMOUNTS.—Amounts
9 made available to the Secretary under this sub-
10 section shall be used to supplement, not supplant,
11 amounts made available to the Secretary in appro-
12 priations Acts for the purpose of furnishing health
13 care at non-Department facilities.

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

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

22 (b) EMERGENCY DESIGNATIONS.—

23 (1) IN GENERAL.—This section is designated as
24 an emergency requirement pursuant to section 4(g)

1 of the Statutory Pay-As-You-Go Act of 2010 (2
2 U.S.C. 933(g)).

3 (2) DESIGNATION IN SENATE.—In the Senate,
4 this section is designated as an emergency require-
5 ment pursuant to section 403(a) of S. Con. Res. 13
6 (111th Congress), the concurrent resolution on the
7 budget for fiscal year 2010.

8 **SEC. 277. APPLICABILITY OF DIRECTIVE OF OFFICE OF**
9 **FEDERAL CONTRACT COMPLIANCE PRO-**
10 **GRAMS.**

11 (a) IN GENERAL.—Notwithstanding the treatment of
12 certain laws under subsection (h) of section 1703B of title
13 38, United States Code, as added by section 272(a) of this
14 Act, Directive 2014–01 of the Office of Federal Contract
15 Compliance Programs of the Department of Labor (effec-
16 tive as of May 7, 2014) shall apply to any entity entering
17 into an agreement under such section 1703B in the same
18 manner as such directive applies to subcontractors under
19 the TRICARE program for the duration of the morato-
20 rium provided under such directive.

21 (b) APPLICABILITY PERIOD.—The directive described
22 in subsection (a), and the moratorium provided under such
23 directive, shall not be altered or rescinded before May 7,
24 2019.

1 (c) TRICARE PROGRAM DEFINED.—In this section,
2 the term “TRICARE program” has the meaning given
3 that term in section 1072 of title 10, United States Code.

4 **Subtitle I—Research on Toxic**
5 **Exposure**

6 **SEC. 281. DEFINITIONS.**

7 In this subtitle:

8 (1) ARMED FORCES.—The term “Armed
9 Forces” means the United States Army, Navy, Ma-
10 rine Corps, Air Force, and Coast Guard.

11 (2) DESCENDANT.—The term “descendant”
12 means, with respect to an individual, the biological
13 child or grandchild of that individual.

14 (3) TOXIC EXPOSURE.—The term “toxic expo-
15 sure” means a condition in which an individual in-
16haled or ingested an agent determined to be haz-
17ardous to the health of the individual or the agent
18came in contact with the skin or eyes of the indi-
19vidual in a manner that could be hazardous to the
20health of the individual.

21 (4) VETERAN.—The term “veteran” has the
22 meaning given that term in section 101 of title 38,
23 United States Code.

1 **SEC. 282. NATIONAL ACADEMY OF MEDICINE ASSESSMENT**
2 **ON RESEARCH RELATING TO THE DESCEND-**
3 **ANTS OF INDIVIDUALS WITH TOXIC EXPO-**
4 **SURE.**

5 (a) IN GENERAL.—

6 (1) AGREEMENT.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall seek to enter into an
9 agreement with the National Academy of Medicine
10 under which the National Academy of Medicine con-
11 ducts an assessment on scientific research relating
12 to the descendants of individuals with toxic expo-
13 sure.

14 (2) ALTERNATE ORGANIZATION.—

15 (A) IN GENERAL.—If the Secretary is un-
16 able within the period prescribed in paragraph
17 (1) to enter into an agreement described in
18 such paragraph with the National Academy of
19 Medicine on terms acceptable to the Secretary,
20 the Secretary shall seek to enter into such an
21 agreement with another appropriate organiza-
22 tion that—

23 (i) is not part of the Federal Govern-
24 ment;

25 (ii) operates as a not-for-profit entity;

26 and

1 (iii) has expertise and objectivity com-
2 parable to that of the National Academy of
3 Medicine.

4 (B) TREATMENT.—If the Secretary enters
5 into an agreement with another organization as
6 described in subparagraph (A), any reference in
7 this section to the National Academy of Medi-
8 cine shall be treated as a reference to the other
9 organization.

10 (b) ELEMENTS.—The assessment conducted pursu-
11 ant to the agreement entered into under subsection (a)
12 shall include the following:

13 (1) A scientific review of the scientific literature
14 regarding toxicological and epidemiological research
15 on descendants of individuals with toxic exposure.

16 (2) An assessment of areas requiring further
17 scientific study relating to the descendants of vet-
18 erans with toxic exposure.

19 (3) An assessment of the scope and method-
20 ology required to conduct adequate scientific re-
21 search relating to the descendants of individuals
22 with toxic exposure, including—

23 (A) the types of individuals to be studied,
24 including veterans with toxic exposure and the
25 descendants of those veterans;

1 (B) the number of veterans and descend-
2 ants described in subparagraph (A) to be stud-
3 ied;

4 (C) the potential alternatives for participa-
5 tion in such a study, including whether it would
6 be necessary for participants to travel in order
7 to participate;

8 (D) the approximate amount of time and
9 resources needed to prepare and conduct the re-
10 search; and

11 (E) the appropriate Federal agencies to
12 participate in the research, including the De-
13 partment of Defense and the Department of
14 Veterans Affairs.

15 (4) The establishment of categories, including
16 definitions for each such category, to be used in as-
17 sessing the evidence that a particular health condi-
18 tion is related to toxic exposure, such as—

19 (A) sufficient evidence of a causal relation-
20 ship;

21 (B) sufficient evidence of an association;

22 (C) limited or suggestive evidence of an as-
23 sociation;

24 (D) inadequate or insufficient evidence to
25 determine whether an association exists; and

1 (E) limited or suggestive evidence of no as-
2 sociation.

3 (5) An analysis of—

4 (A) the feasibility of conducting scientific
5 research to address the areas that require fur-
6 ther study as described under paragraph (2);

7 (B) the value and relevance of the informa-
8 tion that could result from such scientific re-
9 search; and

10 (C) for purposes of conducting further re-
11 search, the feasibility and advisability of access-
12 ing additional information held by a Federal
13 agency that may be sensitive.

14 (6) An identification of a research entity or en-
15 tities with—

16 (A) expertise in conducting research on
17 health conditions of descendants of individuals
18 with toxic exposure; and

19 (B) an ability to conduct research on those
20 health conditions to address areas requiring
21 further scientific study as described under para-
22 graph (2).

23 (c) REPORT.—The agreement entered into under sub-
24 section (a) shall require the National Academy of Medicine
25 to submit, not later than two years after entering into

1 such agreement, to the Secretary of Veterans Affairs, the
2 Committee on Veterans' Affairs of the Senate, and the
3 Committee on Veterans' Affairs of the House of Rep-
4 resentatives—

5 (1) the results of the assessment conducted
6 pursuant to such agreement, including such rec-
7 ommendations as the National Academy of Medicine
8 considers appropriate regarding the scope and meth-
9 odology required to conduct adequate scientific re-
10 search relating to the descendants of veterans with
11 toxic exposure; and

12 (2) a determination regarding whether the re-
13 sults of such assessment indicate that it is feasible
14 to conduct further research regarding health condi-
15 tions of descendants of veterans with toxic exposure,
16 including an explanation of the basis for the deter-
17 mination.

18 (d) CERTIFICATION.—

19 (1) IN GENERAL.—Not later than 90 days after
20 receiving the results of the assessment and deter-
21 mination under subsection (c), the Secretary shall
22 submit to the Committee on Veterans' Affairs of the
23 Senate and the Committee on Veterans' Affairs of
24 the House of Representatives a certification of the
25 understanding of the Secretary, based on such re-

1 sults and determination, regarding the feasibility of
2 conducting further research regarding health condi-
3 tions of descendants of veterans with toxic exposure
4 that is expressed by such results and determination.

5 (2) BASIS FOR CERTIFICATION.—The certifi-
6 cation submitted under paragraph (1) shall include
7 an explanation of the basis for the certification.

8 **SEC. 283. ADVISORY BOARD ON RESEARCH RELATING TO**
9 **HEALTH CONDITIONS OF DESCENDANTS OF**
10 **VETERANS WITH TOXIC EXPOSURE WHILE**
11 **SERVING IN THE ARMED FORCES.**

12 (a) ESTABLISHMENT.—Unless the Secretary of Vet-
13 erans Affairs certifies under section 282(d) that the re-
14 sults of the assessment and determination under section
15 282(e) indicate that it is not feasible to conduct further
16 research regarding health conditions of descendants of vet-
17 erans with toxic exposure, not later than 180 days after
18 receiving such results and determination, the Secretary
19 shall establish an advisory board (in this section referred
20 to as the “Advisory Board”) to advise the Secretary in
21 the selection of a research entity or entities under section
22 284, advise such entity or entities in conducting research
23 under such section, and advise the Secretary with respect
24 to the activities of such entity or entities under such sec-
25 tion.

1 (b) MEMBERSHIP.—

2 (1) COMPOSITION.—The Secretary, in consulta-
3 tion with the National Academy of Medicine, the Di-
4 rector of the National Institute of Environmental
5 Health Sciences, and such other heads of Federal
6 agencies as the Secretary determines appropriate—

7 (A) shall select not more than 13 voting
8 members of the Advisory Board, of whom—

9 (i) not less than two shall be members
10 of organizations exempt from taxation
11 under section 501(c)(19) of the Internal
12 Revenue Code of 1986;

13 (ii) not less than two shall be descend-
14 ants of veterans with toxic exposure while
15 serving as members of the Armed Forces;
16 and

17 (iii) not less than seven shall be
18 health professionals, scientists, or aca-
19 demics who are not employees of the Fed-
20 eral Government and have expertise in—

21 (I) birth defects;

22 (II) developmental disabilities;

23 (III) epigenetics;

24 (IV) public health;

1 (V) the science of environmental
2 exposure or environmental exposure
3 assessment;

4 (VI) the science of toxic sub-
5 stances; or

6 (VII) medical and research eth-
7 ics; and

8 (B) may select not more than two non-
9 voting members who are employees of the Fed-
10 eral Government and who are otherwise de-
11 scribed in subparagraph (A)(iii).

12 (2) CHAIR.—The Secretary shall select a Chair
13 from among the members of the Advisory Board se-
14 lected under paragraph (1)(A).

15 (3) TERMS.—

16 (A) IN GENERAL.—Each member of the
17 Advisory Board shall serve a term of two or
18 three years as determined by the Secretary.

19 (B) REAPPOINTMENT.—At the end of the
20 term of a member of the Advisory Board, the
21 Secretary may reselect the member for another
22 term, except that no member may serve more
23 than four consecutive terms.

24 (c) DUTIES.—The Advisory Board shall—

1 (1) advise the Secretary in the selection of a re-
2 search entity or entities to conduct research under
3 section 284 from among those identified under sec-
4 tion 282(b)(6);

5 (2) advise such entity or entities and assess the
6 activities of such entity or entities in conducting
7 such research;

8 (3) develop a research strategy for such entity
9 or entities based on, but not limited to, the results
10 of the assessment conducted under section 282;

11 (4) advise the Secretary with respect to the ac-
12 tivities of such entity or entities under section 284;

13 (5) submit recommendations to be included by
14 such entity or entities in the report under section
15 284(d)(2)(C); and

16 (6) not less frequently than semiannually, meet
17 with the Secretary and representatives of such entity
18 or entities on the research conducted by such entity
19 or entities under section 284.

20 (d) MEETINGS.—The Advisory Board shall meet at
21 the call of the Chair, but not less frequently than semi-
22 annually.

23 (e) COMPENSATION.—The members of the Advisory
24 Board shall serve without compensation.

1 (f) EXPENSES.—The Secretary of Veterans Affairs
2 shall determine the appropriate expenses of the Advisory
3 Board.

4 (g) PERSONNEL.—

5 (1) IN GENERAL.—The Chair may, without re-
6 gard to the civil service laws and regulations, ap-
7 point an executive director of the Advisory Board,
8 who shall be a civilian employee of the Department
9 of Veterans Affairs, and such other personnel as
10 may be necessary to enable the Advisory Board to
11 perform its duties.

12 (2) APPROVAL.—The appointment of an execu-
13 tive director under paragraph (1) shall be subject to
14 approval by the Advisory Board.

15 (3) COMPENSATION.—The Chair may fix the
16 compensation of the executive director and other
17 personnel without regard to the provisions of chapter
18 51 and subchapter III of chapter 53 of title 5,
19 United States Code, except that the rate of pay for
20 the executive director and other personnel may not
21 exceed the rate payable for level V of the Executive
22 Schedule under section 5316 of such title.

1 **SEC. 284. RESEARCH RELATING TO HEALTH CONDITIONS**
2 **OF DESCENDANTS OF VETERANS WITH TOXIC**
3 **EXPOSURE WHILE SERVING IN THE ARMED**
4 **FORCES.**

5 (a) IN GENERAL.—Unless the Secretary of Veterans
6 Affairs certifies under section 282(d) that the results of
7 the assessment and determination under section 282(c) in-
8 dicate that it is not feasible to conduct further research
9 regarding health conditions of descendants of veterans
10 with toxic exposure, not later than one year after receiving
11 such results and determination, the Secretary shall (in
12 consultation with the advisory board established under
13 section 283 (in this section referred to as the “Advisory
14 Board”)) enter into an agreement with one or more re-
15 search entities identified under section 282(b)(6) (exclud-
16 ing an entity of the Department of Veterans Affairs) to
17 conduct research on health conditions of descendants of
18 veterans with toxic exposure while serving as members of
19 the Armed Forces (in this section referred to as the “re-
20 search entity or entities”).

21 (b) RESEARCH.—

22 (1) IN GENERAL.—To the extent included in
23 the research strategy developed by the Advisory
24 Board under section 283(c)(3), the research entity
25 or entities shall conduct research on health condi-

1 tions of descendants of veterans with toxic exposure
2 while serving as members of the Armed Forces.

3 (2) STUDIES.—In conducting research under
4 paragraph (1), the research entity or entities may
5 study any veteran, at the election of the veteran,
6 identified under section 282(b)(3)(A) as a type of in-
7 dividual to be studied in order to conduct adequate
8 scientific research relating to the descendants of vet-
9 erans with toxic exposure.

10 (3) CATEGORIZATION.—In conducting research
11 under paragraph (1), the research entity or entities
12 shall assess, using the categories established under
13 section 282(b)(4), the extent to which a health con-
14 dition of a descendant of a veteran is related to the
15 toxic exposure of the veteran while serving as a
16 member of the Armed Forces.

17 (c) AVAILABILITY OF RECORDS.—

18 (1) IN GENERAL.—The Secretary of Defense,
19 the Secretary of Veterans Affairs, and the head of
20 each Federal agency identified under section
21 282(b)(3)(E) shall make available to the research
22 entity or entities records held by the Department of
23 Veterans Affairs, the Department of Defense, the
24 Armed Forces, that Federal agency, or any other
25 source under the jurisdiction of any such Federal

1 agency or the Armed Forces, as appropriate, that
2 the research entity or entities determine are nec-
3 essary to carry out this section.

4 (2) MECHANISM FOR ACCESS.—The Secretary
5 of Veterans Affairs, the Secretary of Defense, and
6 the head of each Federal agency identified under
7 section 282(b)(3)(E) shall jointly establish a mecha-
8 nism for access by the research entity or entities to
9 records made available under paragraph (1).

10 (d) ANNUAL REPORT.—

11 (1) IN GENERAL.—Not later than one year
12 after commencing the conduct of research under this
13 section, and not later than September 30 each year
14 thereafter, each research entity with which the Sec-
15 retary has entered into an agreement under sub-
16 section (a) shall, in consultation with the Advisory
17 Board, submit to the Secretary of Veterans Affairs,
18 the Committee on Veterans' Affairs of the Senate,
19 and the Committee on Veterans' Affairs of the
20 House of Representatives a report on the functions
21 of such entity under this section during the year
22 preceding the submittal of the report.

23 (2) ELEMENTS.—Each report submitted under
24 paragraph (1) shall include the following:

1 (A) A summary of the research efforts that
2 have been completed during the year preceding
3 the submittal of the report and that are ongo-
4 ing as of the date of the submittal of the re-
5 port.

6 (B) A description of any findings made
7 during such year in carrying out such research
8 efforts.

9 (C) Recommendations for administrative
10 or legislative action made by the Advisory
11 Board based on such findings, which may in-
12 clude recommendations for further research
13 under this section.

14 (3) UPON REQUEST.—Upon the request of any
15 organization exempt from taxation under section
16 501(c)(19) of the Internal Revenue Code of 1986,
17 the Secretary of Veterans Affairs may transmit to
18 such organization a copy of a report received by the
19 Secretary under paragraph (1).

1 **Subtitle J—Other Health Care**
2 **Matters**

3 **SEC. 291. AUTHORIZATION OF CERTAIN MAJOR MEDICAL**
4 **FACILITY PROJECTS OF THE DEPARTMENT**
5 **OF VETERANS AFFAIRS.**

6 (a) AUTHORIZATION.—The Secretary of Veterans Af-
7 fairs may carry out the following major medical facility
8 projects, with each project to be carried out in an amount
9 not to exceed the amount specified for that project:

10 (1) Seismic corrections to buildings, including
11 retrofitting and replacement of high-risk buildings,
12 in San Francisco, California, in an amount not to
13 exceed \$180,480,000.

14 (2) Seismic corrections to facilities, including
15 facilities to support homeless veterans, at the med-
16 ical center in West Los Angeles, California, in an
17 amount not to exceed \$105,500,000.

18 (3) Seismic corrections to the mental health
19 and community living center in Long Beach, Cali-
20 fornia, in an amount not to exceed \$287,100,000.

21 (4) Construction of an outpatient clinic, admin-
22 istrative space, cemetery, and columbarium in Ala-
23 meda, California, in an amount not to exceed
24 \$87,332,000.

1 (5) Realignment of medical facilities in Liver-
2 more, California, in an amount not to exceed
3 \$194,430,000.

4 (6) Construction of a medical center in Louis-
5 ville, Kentucky, in an amount not to exceed
6 \$150,000,000.

7 (7) Construction of a replacement community
8 living center in Perry Point, Maryland, in an
9 amount not to exceed \$92,700,000.

10 (8) Seismic corrections and other renovations to
11 several buildings and construction of a specialty care
12 building in American Lake, Washington, in an
13 amount not to exceed \$16,260,000.

14 (b) AUTHORIZATION OF APPROPRIATIONS FOR CON-
15 STRUCTION.—There is authorized to be appropriated to
16 the Secretary of Veterans Affairs for fiscal year 2016 or
17 the year in which funds are appropriated for the Construc-
18 tion, Major Projects, account, \$1,113,802,000 for the
19 projects authorized in subsection (a).

20 (c) LIMITATION.—The projects authorized in sub-
21 section (a) may only be carried out using—

22 (1) funds appropriated for fiscal year 2016 pur-
23 suant to the authorization of appropriations in sub-
24 section (b);

1 (2) funds available for Construction, Major
2 Projects, for a fiscal year before fiscal year 2016
3 that remain available for obligation;

4 (3) funds available for Construction, Major
5 Projects, for a fiscal year after fiscal year 2016 that
6 remain available for obligation;

7 (4) funds appropriated for Construction, Major
8 Projects, for fiscal year 2016 for a category of activ-
9 ity not specific to a project;

10 (5) funds appropriated for Construction, Major
11 Projects, for a fiscal year before fiscal year 2016 for
12 a category of activity not specific to a project; and

13 (6) funds appropriated for Construction, Major
14 Projects, for a fiscal year after fiscal year 2016 for
15 a category of activity not specific to a project.

16 **SEC. 292. IDENTIFICATION AND TRACKING OF BIOLOGICAL**
17 **IMPLANTS USED IN DEPARTMENT OF VET-**
18 **ERANS AFFAIRS MEDICAL FACILITIES.**

19 (a) IN GENERAL.—Subchapter II of chapter 73 of
20 title 38, United States Code, as amended by section
21 248(a), is further amended by adding at the end the fol-
22 lowing new section:

1 **“§ 7330D. Identification and tracking of biological im-**
2 **plants**

3 “(a) STANDARD IDENTIFICATION SYSTEM FOR BIO-
4 LOGICAL IMPLANTS.—(1) The Secretary shall adopt the
5 unique device identification system developed for medical
6 devices by the Food and Drug Administration under sec-
7 tion 519(f) of the Federal Food, Drug, and Cosmetic Act
8 (21 U.S.C. 360i(f)), or implement a comparable standard
9 identification system, for use in identifying biological im-
10 plants intended for use in medical procedures conducted
11 in medical facilities of the Department.

12 “(2) In adopting or implementing a standard identi-
13 fication system for biological implants under paragraph
14 (1), the Secretary shall permit a vendor to use any of the
15 accredited entities identified by the Food and Drug Ad-
16 ministration as an issuing agency pursuant to section
17 830.100 of title 21, Code of Federal Regulations, or any
18 successor regulation.

19 “(b) BIOLOGICAL IMPLANT TRACKING SYSTEM.—(1)
20 The Secretary shall implement a system for tracking the
21 biological implants described in subsection (a) from
22 human donor or animal source to implantation.

23 “(2) The tracking system implemented under para-
24 graph (1) shall be compatible with the identification sys-
25 tem adopted or implemented under subsection (a).

1 “(3) The Secretary shall implement inventory con-
2 trols compatible with the tracking system implemented
3 under paragraph (1) so that all patients who have re-
4 ceived, in a medical facility of the Department, a biological
5 implant subject to a recall can be notified of the recall
6 if, based on the evaluation by appropriate medical per-
7 sonnel of the Department of the risks and benefits, the
8 Secretary determines such notification is appropriate.

9 “(c) CONSISTENCY WITH FOOD AND DRUG ADMINIS-
10 TRATION REGULATIONS.—To the extent that a conflict
11 arises between this section and a provision of the Federal
12 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)
13 or section 351 or 361 of the Public Health Service Act
14 (42 U.S.C. 262 and 264) (including any regulations issued
15 under such provisions), the provision of the Federal Food,
16 Drug, and Cosmetic Act or Public Health Service Act (in-
17 cluding any regulations issued under such provisions) shall
18 apply.

19 “(d) BIOLOGICAL IMPLANT DEFINED.—In this sec-
20 tion, the term ‘biological implant’ means any human cell,
21 tissue, or cellular or tissue-based product or animal prod-
22 uct—

23 “(1) under the meaning given the term ‘human
24 cells, tissues, or cellular or tissue-based products’ in

1 section 1271.3 of title 21, Code of Federal Regula-
2 tions, or any successor regulation; or

3 “(2) that is regulated as a device under section
4 201(h) of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 321(h)).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 73 of such title, as amended
8 by section 248(b), is further amended by inserting after
9 the item relating to section 7330C the following new item:

“7330D. Identification and tracking of biological implants.”.

10 (c) IMPLEMENTATION DEADLINES.—

11 (1) STANDARD IDENTIFICATION SYSTEM.—The
12 Secretary of Veterans Affairs shall adopt or imple-
13 ment the standard identification system for biologi-
14 cal implants required by subsection (a) of section
15 7330D of title 38, United States Code, as added by
16 subsection (a), with respect to biological implants
17 described in—

18 (A) subsection (d)(1) of such section, by
19 not later than the date that is 180 days after
20 the date of the enactment of this Act; and

21 (B) subsection (d)(2) of such section, in
22 compliance with the compliance dates estab-
23 lished by the Food and Drug Administration
24 under section 519(f) of the Federal Food,
25 Drug, and Cosmetic Act (21 U.S.C. 360i(f)).

1 (2) TRACKING SYSTEM.—The Secretary of Vet-
2 erans Affairs shall implement the biological implant
3 tracking system required by section 7330D(b) of
4 title 38, United States Code, as added by subsection
5 (a), by not later than the date that is 180 days after
6 the date of the enactment of this Act.

7 (d) REPORTING REQUIREMENT.—

8 (1) IN GENERAL.—If the biological implant
9 tracking system required by section 7330D(b) of
10 title 38, United States Code, as added by subsection
11 (a), is not operational by the date that is 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall submit to the Com-
14 mittee on Veterans' Affairs of the Senate and the
15 Committee on Veterans' Affairs of the House of
16 Representatives a report explaining why the system
17 is not operational for each month until such time as
18 the system is operational.

19 (2) ELEMENTS.—Each report submitted under
20 paragraph (1) shall include a description of the fol-
21 lowing:

22 (A) Each impediment to the implementa-
23 tion of the system described in such paragraph.

24 (B) Steps being taken to remediate each
25 such impediment.

1 (C) Target dates for a solution to each
2 such impediment.

3 **SEC. 293. PROCUREMENT OF BIOLOGICAL IMPLANTS USED**
4 **IN DEPARTMENT OF VETERANS AFFAIRS**
5 **MEDICAL FACILITIES.**

6 (a) PROCUREMENT.—

7 (1) IN GENERAL.—Subchapter II of chapter 81
8 of title 38, United States Code, as amended by sec-
9 tion 132(a), is further amended by adding at the
10 end the following new section:

11 **“§ 8130. Procurement of biological implants**

12 “(a) IN GENERAL.—(1) The Secretary may procure
13 biological implants of human origin only from vendors that
14 meet the following conditions:

15 “(A) The vendor uses the standard identifica-
16 tion system adopted or implemented by the Sec-
17 retary under section 7330D(a) of this title and has
18 safeguards to ensure that a distinct identifier has
19 been in place at each step of distribution of each bio-
20 logical implant from its donor.

21 “(B) The vendor is registered as required by
22 the Food and Drug Administration under subpart B
23 of part 1271 of title 21, Code of Federal Regula-
24 tions, or any successor regulation, and in the case of
25 a vendor that uses a tissue distribution intermediary

1 or a tissue processor, the vendor provides assurances
2 that the tissue distribution intermediary or tissue
3 processor is registered as required by the Food and
4 Drug Administration.

5 “(C) The vendor ensures that donor eligibility
6 determinations and such other records as the Sec-
7 retary may require accompany each biological im-
8 plant at all times, regardless of the country of origin
9 of the donor of the biological material.

10 “(D) The vendor agrees to cooperate with all
11 biological implant recalls conducted on the initiative
12 of the vendor, on the initiative of the original prod-
13 uct manufacturer used by the vendor, by the request
14 of the Food and Drug Administration, or by a statu-
15 tory order of the Food and Drug Administration.

16 “(E) The vendor agrees to notify the Secretary
17 of any adverse event or reaction report it provides
18 to the Food and Drug Administration, as required
19 by sections 1271.3 and 1271.350 of title 21, Code
20 of Federal Regulations, or any successor regulation,
21 or any warning letter from the Food and Drug Ad-
22 ministration issued to the vendor or a tissue proc-
23 essor or tissue distribution intermediary used by the
24 vendor by not later than 60 days after the vendor
25 receives such report or warning letter.

1 “(F) The vendor agrees to retain all records as-
2 sociated with the procurement of a biological implant
3 by the Department for at least 10 years after the
4 date of the procurement of the biological implant.

5 “(G) The vendor provides assurances that the
6 biological implants provided by the vendor are ac-
7 quired only from tissue processors that maintain ac-
8 tive accreditation with the American Association of
9 Tissue Banks or a similar national accreditation spe-
10 cific to biological implants.

11 “(2) The Secretary may procure biological implants
12 of nonhuman origin only from vendors that meet the fol-
13 lowing conditions:

14 “(A) The vendor uses the standard identifica-
15 tion system adopted or implemented by the Sec-
16 retary under section 7330D(a) of this title.

17 “(B) The vendor is registered as an establish-
18 ment as required by the Food and Drug Administra-
19 tion under sections 807.20 and 807.40 of title 21,
20 Code of Federal Regulations, or any successor regu-
21 lation (or is not required to register pursuant to sec-
22 tion 807.65(a) of such title, or any successor regula-
23 tion), and in the case of a vendor that is not the
24 original product manufacturer of such implants, the
25 vendor provides assurances that the original product

1 manufacturer is registered as required by the Food
2 and Drug Administration (or is not required to reg-
3 ister).

4 “(C) The vendor agrees to cooperate with all bi-
5 ological implant recalls conducted on the initiative of
6 the vendor, on the initiative of the original product
7 manufacturer used by the vendor, by the request of
8 the Food and Drug Administration, or by a statu-
9 tory order of the Food and Drug Administration.

10 “(D) The vendor agrees to notify the Secretary
11 of any adverse event report it provides to the Food
12 and Drug Administration as required under part
13 803 of title 21, Code of Federal Regulations, or any
14 successor regulation, or any warning letter from the
15 Food and Drug Administration issued to the vendor
16 or the original product manufacturer used by the
17 vendor by not later than 60 days after the vendor
18 receives such report or warning letter.

19 “(E) The vendor agrees to retain all records as-
20 sociated with the procurement of a biological implant
21 by the Department for at least 10 years after the
22 date of the procurement of the biological implant.

23 “(3)(A) The Secretary shall procure biological im-
24 plants under the Federal Supply Schedules of the General

1 Services Administration unless such implants are not
2 available under such Schedules.

3 “(B) With respect to biological implants listed on the
4 Federal Supply Schedules, the Secretary shall accommo-
5 date reasonable vendor requests to undertake outreach ef-
6 forts to educate medical professionals of the Department
7 about the use and efficacy of such biological implants.

8 “(C) In the case of biological implants that are un-
9 available for procurement under the Federal Supply
10 Schedules, the Secretary shall procure such implants using
11 competitive procedures in accordance with applicable law
12 and the Federal Acquisition Regulation, including through
13 the use of a national contract.

14 “(4) In procuring biological implants under this sec-
15 tion, the Secretary shall permit a vendor to use any of
16 the accredited entities identified by the Food and Drug
17 Administration as an issuing agency pursuant to section
18 830.100 of title 21, Code of Federal Regulations, or any
19 successor regulation.

20 “(5) Section 8123 of this title shall not apply to the
21 procurement of biological implants.

22 “(b) PENALTIES.—In addition to any applicable pen-
23 alty under any other provision of law, any procurement
24 employee of the Department who is found responsible for
25 a biological implant procurement transaction with intent

1 to avoid or with reckless disregard of the requirements of
2 this section shall be ineligible to hold a certificate of ap-
3 pointment as a contracting officer or to serve as the rep-
4 resentative of an ordering officer, contracting officer, or
5 purchase card holder.

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘biological implant’ has the
8 meaning given that term in section 7330D(d) of this
9 title.

10 “(2) The term ‘distinct identifier’ means a dis-
11 tinct identification code that—

12 “(A) relates a biological implant to the
13 human donor of the implant and to all records
14 pertaining to the implant;

15 “(B) includes information designed to fa-
16 cilitate effective tracking, using the distinct
17 identification code, from the donor to the recipi-
18 ent and from the recipient to the donor; and

19 “(C) satisfies the requirements of section
20 1271.290(e) of title 21, Code of Federal Regu-
21 lations, or any successor regulation.

22 “(3) The term ‘tissue distribution intermediary’
23 means an agency that acquires and stores human
24 tissue for further distribution and performs no other
25 tissue banking functions.

1 “(4) The term ‘tissue processor’ means an enti-
2 ty processing human tissue for use in biological im-
3 plants, including activities performed on tissue other
4 than donor screening, donor testing, tissue recovery
5 and collection functions, storage, or distribution.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 81 of such title, as
8 amended by section 132(c), is further amended by
9 inserting after the item relating to section 8129 the
10 following new item:

“8130. Procurement of biological implants.”.

11 (b) EFFECTIVE DATE.—Section 8130 of title 38,
12 United States Code, as added by subsection (a), shall take
13 effect on the date that is 180 days after the date on which
14 the tracking system required under section 7330D(b) of
15 such title, as added by section 292(a), is implemented.

16 (c) SPECIAL RULE FOR CRYOPRESERVED PROD-
17 UCTS.—During the three-year period beginning on the ef-
18 fective date of section 8130 of title 38, United States
19 Code, as added by subsection (a), biological implants pro-
20 duced and labeled before that effective date may be pro-
21 cured by the Department of Veterans Affairs without re-
22 labeling under the standard identification system adopted
23 or implemented under section 7330D of such title, as
24 added by section 292(a).

1 **SEC. 294. EXPANSION OF RESEARCH AND EDUCATION ON**
2 **AND DELIVERY OF COMPLEMENTARY AND IN-**
3 **TEGRATIVE HEALTH TO VETERANS.**

4 (a) DEVELOPMENT OF PLAN TO EXPAND RE-
5 SEARCH, EDUCATION, AND DELIVERY.—Not later than
6 180 days after the date of the enactment of this Act, the
7 Secretary of Veterans Affairs shall develop a plan to ex-
8 pand materially and substantially the scope of the effec-
9 tiveness of research and education on, and delivery and
10 integration of, complementary and integrative health serv-
11 ices into the health care services provided to veterans.

12 (b) ELEMENTS.—The plan required by subsection (a)
13 shall provide for the following:

14 (1) Research on the following:

15 (A) The effectiveness of various com-
16plementary and integrative health services, in-
17cluding the effectiveness of such services inte-
18grated with clinical services.

19 (B) Approaches to integrating complemen-
20tary and integrative health services into other
21health care services provided by the Depart-
22ment of Veterans Affairs.

23 (2) Education and training for health care pro-
24fessionals of the Department on the following:

1 (A) complementary and integrative health
2 services selected by the Secretary for purposes
3 of the plan.

4 (B) Appropriate uses of such services.

5 (C) Integration of such services into the
6 delivery of health care to veterans.

7 (3) Research, education, and clinical activities
8 on complementary and integrative health at centers
9 of innovation at medical centers of the Department.

10 (4) Identification or development of metrics and
11 outcome measures to evaluate the effectiveness of
12 the provision and integration of complementary and
13 integrative health services into the delivery of health
14 care to veterans.

15 (5) Integration and delivery of complementary
16 and integrative health services with other health care
17 services provided by the Department.

18 (c) CONSULTATION.—

19 (1) IN GENERAL.—In carrying out subsection
20 (a), the Secretary shall consult with the following:

21 (A) The Director of the National Center
22 for Complementary and Integrative Health of
23 the National Institutes of Health.

24 (B) The Commissioner of Food and Drugs.

1 (C) Institutions of higher education, pri-
2 vate research institutes, and individual re-
3 searchers with extensive experience in com-
4plementary and integrative health and the inte-
5gration of complementary and integrative health
6practices into the delivery of health care.

7 (D) Nationally recognized providers of
8complementary and integrative health.

9 (E) Such other officials, entities, and indi-
10viduals with expertise on complementary and
11integrative health as the Secretary considers ap-
12propriate.

13 (2) SCOPE OF CONSULTATION.—The Secretary
14shall undertake consultation under paragraph (1) in
15carrying out subsection (a) with respect to the fol-
16lowing:

17 (A) To develop the plan.

18 (B) To identify specific complementary and
19integrative health practices that, on the basis of
20research findings or promising clinical interven-
21tions, are appropriate to include as services to
22veterans.

23 (C) To identify barriers to the effective
24provision and integration of complementary and
25integrative health services into the delivery of

1 health care to veterans, and to identify mecha-
2 nisms for overcoming such barriers.

3 (d) COMPLEMENTARY AND INTEGRATIVE HEALTH
4 DEFINED.—In this section, the term “complementary and
5 integrative health” shall have the meaning given that term
6 in section 211(g).

7 **SEC. 295. PILOT PROGRAM ON INTEGRATION OF COM-**
8 **PLEMENTARY AND INTEGRATIVE HEALTH**
9 **WITHIN DEPARTMENT OF VETERANS AF-**
10 **FAIRS MEDICAL CENTERS.**

11 (a) PILOT PROGRAM REQUIRED.—Not later than 180
12 days after the completion of the development of the plan
13 under section 294, the Secretary of Veterans Affairs
14 shall—

15 (1) carry out, through the Office of Patient
16 Centered Care and Cultural Transformation of the
17 Department of Veterans Affairs, a pilot program to
18 assess the feasibility and advisability of integrating
19 the delivery of complementary and integrative health
20 services selected by the Secretary with other health
21 care services provided by the Department for vet-
22 erans with mental health conditions, chronic pain
23 conditions, other chronic conditions, and such other
24 conditions as the Secretary determines appropriate;
25 and

1 (2) in developing the pilot program—

2 (A) use the plan developed under section
3 294;

4 (B) identify and, to the extent practicable,
5 resolve barriers to the provision of complemen-
6 tary and integrative health services selected by
7 the Secretary and the integration of those serv-
8 ices with other health care services provided by
9 the Department;

10 (C) identify means of improving coordina-
11 tion between Federal, State, local, and commu-
12 nity providers of health care in the provision of
13 pain management and related health care serv-
14 ices to veterans;

15 (D) identify means of enhancing outreach,
16 and coordination of outreach, by and among
17 providers of health care described in subpara-
18 graph (C) regarding the pain management and
19 related health care services available to vet-
20 erans;

21 (E) identify means of using wellness-based
22 programs offered by providers of health care de-
23 scribed in subparagraph (C) to complement the
24 provision by the Department of pain manage-

1 ment and related health care services to vet-
2 erans; and

3 (F) assess whether wellness-based pro-
4 grams described in subparagraph (E)—

5 (i) are effective in enhancing the qual-
6 ity of life and well-being of veterans;

7 (ii) are effective in increasing the ad-
8 herence of veterans to the primary pain
9 management and related health care serv-
10 ices provided such veterans by the Depart-
11 ment;

12 (iii) have an effect on the sense of
13 well-being of veterans who receive primary
14 pain management and related health care
15 services from the Department; and

16 (iv) are effective in encouraging vet-
17 erans receiving health care from the De-
18 partment to adopt a more healthy lifestyle.

19 (b) DURATION OF PILOT PROGRAM.—The Secretary
20 shall carry out the pilot program during the three-year
21 period beginning on the date that is 180 days after the
22 completion of the development of the plan under section
23 294.

24 (c) LOCATIONS.—

1 (1) IN GENERAL.—The Secretary shall carry
2 out the pilot program at not fewer than 15 medical
3 centers of the Department.

4 (2) POLYTRAUMA CENTERS.—Not fewer than
5 two of the medical centers designated under para-
6 graph (1) shall be located at polytrauma rehabilita-
7 tion centers of the Department.

8 (3) MEDICAL CENTERS WITH PRESCRIPTION
9 RATE OF OPIOIDS THAT CONFLICTS WITH CARE
10 STANDARDS.—

11 (A) IN GENERAL.—In selecting medical
12 centers under paragraph (1), the Secretary
13 shall give priority to medical centers of the De-
14 partment at which there is a prescription rate
15 of opioids that conflicts with or is otherwise in-
16 consistent with the standards of appropriate
17 and safe care.

18 (B) PRESCRIPTION RATE DEFINED.—In
19 this paragraph, the term “prescription rate”
20 means, with respect to a medical center of the
21 Department, each of the following:

22 (i) The number of patients treated
23 with opioids at the medical center divided
24 by the total number of pharmacy users at
25 the medical center.

1 (ii) The average number of morphine
2 equivalents per day prescribed at the med-
3 ical center to patients being treated with
4 opioids.

5 (iii) Of the patients being treated with
6 opioids at the medical center, the average
7 number of prescriptions of opioids per pa-
8 tient.

9 (4) SELECTION OF LOCATIONS.—In carrying
10 out the pilot program, the Secretary shall select lo-
11 cations that include the following areas:

12 (A) Rural areas.

13 (B) Areas that are not in close proximity
14 to an active duty military installation.

15 (C) Areas representing different geo-
16 graphic locations, such as census tracts estab-
17 lished by the Bureau of the Census.

18 (d) PROVISION OF SERVICES.—Under the pilot pro-
19 gram, the Secretary shall provide covered services to cov-
20 ered veterans by integrating complementary and integra-
21 tive health services with other services provided by the De-
22 partment at the medical centers designated under sub-
23 section (c)(1).

24 (e) COVERED VETERANS.—For purposes of the pilot
25 program, a covered veteran is any veteran who—

1 (1) has a mental health condition diagnosed by
2 a clinician of the Department;

3 (2) experiences chronic pain;

4 (3) has a chronic condition being treated by a
5 clinician of the Department; or

6 (4) is not described in paragraph (1), (2), or
7 (3) and requests to participate in the pilot program
8 or is referred by a clinician of the Department who
9 is treating the veteran.

10 (f) COVERED SERVICES.—

11 (1) IN GENERAL.—For purposes of the pilot
12 program, covered services are services consisting of
13 complementary and integrative health services as se-
14 lected by the Secretary.

15 (2) ADMINISTRATION OF SERVICES.—Covered
16 services shall be administered under the pilot pro-
17 gram as follows:

18 (A) Covered services shall be administered
19 by professionals or other instructors with ap-
20 propriate training and expertise in complemen-
21 tary and integrative health services who are em-
22 ployees of the Department or with whom the
23 Department enters into an agreement to pro-
24 vide such services.

1 (B) Covered services shall be included as
2 part of the Patient Aligned Care Teams initia-
3 tive of the Office of Patient Care Services, Pri-
4 mary Care Program Office, in coordination with
5 the Office of Patient Centered Care and Cul-
6 tural Transformation.

7 (C) Covered services shall be made avail-
8 able to—

9 (i) covered veterans who have received
10 conventional treatments from the Depart-
11 ment for the conditions for which the cov-
12 ered veteran seeks complementary and in-
13 tegrative health services under the pilot
14 program; and

15 (ii) covered veterans who have not re-
16 ceived conventional treatments from the
17 Department for such conditions.

18 (g) VOLUNTARY PARTICIPATION.—The participation
19 of a veteran in the pilot program shall be at the election
20 of the veteran and in consultation with a clinician of the
21 Department.

22 (h) REPORT.—

23 (1) IN GENERAL.—Not later than 30 months
24 after the date of the commencement of the pilot pro-
25 gram, the Secretary shall submit to the Committee

1 on Veterans' Affairs of the Senate and the Com-
2 mittee on Veterans' Affairs of the House of Rep-
3 resentatives a report on the pilot program.

4 (2) ELEMENTS.—The report submitted under
5 paragraph (1) shall include the following:

6 (A) The findings and conclusions of the
7 Secretary with respect to the pilot program, in-
8 cluding with respect to—

9 (i) the use and efficacy of the com-
10 plementary and integrative health services
11 established under the pilot program;

12 (ii) the outreach conducted by the
13 Secretary to inform veterans and commu-
14 nity organizations about the pilot program;
15 and

16 (iii) an assessment of the benefit of
17 the pilot program to covered veterans in
18 mental health diagnoses, pain manage-
19 ment, and treatment of chronic illness.

20 (B) A description of barriers identified
21 under subsection (a)(2)(B) that were not re-
22 solved.

23 (C) Such recommendations for the continu-
24 ation or expansion of the pilot program as the
25 Secretary considers appropriate.

1 (i) COMPLEMENTARY AND INTEGRATIVE HEALTH
2 DEFINED.—In this section, the term “complementary and
3 integrative health” shall have the meaning given that term
4 in section 211(g).

5 **SEC. 296. REPORT ON PUBLIC ACCESS TO RESEARCH BY**
6 **DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Not later than each of 180 days
8 and one year after the date of the enactment of this Act,
9 the Secretary of Veterans Affairs shall submit to the Com-
10 mittee on Veterans’ Affairs of the Senate and the Com-
11 mittee on Veterans’ Affairs of the House of Representa-
12 tives a report on increasing public access to scientific pub-
13 lications and digital data from research funded by the De-
14 partment of Veterans Affairs.

15 (b) ELEMENTS.—Each report submitted under sub-
16 section (a) shall include the following:

17 (1) An identification of the location or locations
18 in which the public will be able to access the results
19 of research funded by the Department, whether on
20 an Internet website of the Department or through
21 another source.

22 (2) A description of the progress made by the
23 Department in meeting public access requirements
24 set forth in the notice entitled “Policy and Imple-
25 mentation Plan for Public Access to Scientific Publi-

1 cations and Digital Data from Research Funded by
2 the Department of Veterans Affairs” (80 Fed. Reg.
3 60751), including the following:

4 (A) Compliance of Department investiga-
5 tors with requirements relating to ensuring that
6 research funded by the Department is accessible
7 by the public.

8 (B) Ensuring data management plans of
9 the Department include provisions for long-term
10 preservation of the scientific data resulting
11 from research funded by the Department.

12 (3) An explanation of the factors used to evalu-
13 ate the merit of data management plans of research
14 funded by the Veterans Health Administration.

15 (4) An explanation of the process of the De-
16 partment in effect that enables stakeholders to peti-
17 tion a change to the embargo period for a specific
18 field and the factors considered during such process.

19 **TITLE III—DISABILITY**
20 **COMPENSATION AND PENSION**

21 **SEC. 301. EXPEDITED PAYMENT OF SURVIVOR’S BENEFITS.**

22 (a) IN GENERAL.—Section 5101(a)(1) of title 38,
23 United States Code, is amended—

1 (1) by striking “A specific” and inserting “(A)
2 Except as provided in subparagraph (B), a specific”;
3 and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(B)(i) The Secretary may pay benefits under chap-
7 ters 13 and 15 and sections 2302, 2307, and 5121 of this
8 title to a survivor of a veteran who has not filed a formal
9 claim if the Secretary determines that the record contains
10 sufficient evidence to establish the entitlement of the sur-
11 vivor to such benefits.

12 “(ii) For purposes of this subparagraph and section
13 5110 of this title, the earlier of the following dates shall
14 be treated as the date of the receipt of the survivor’s appli-
15 cation for benefits described in clause (i):

16 “(I) The date on which the survivor of a vet-
17 eran (or the representative of such a survivor) noti-
18 fies the Secretary of the death of the veteran
19 through a death certificate or other relevant evidence
20 that establishes entitlement to survivors benefits
21 identified in clause (i).

22 “(II) The head of any other department or
23 agency of the Federal Government notifies the Sec-
24 retary of the death of the veteran.

1 “(iii) In notifying the Secretary of the death of a vet-
2 eran as described in clause (ii)(I), the survivor (or the rep-
3 resentative of such a survivor) may submit to the Sec-
4 retary additional documents relating to such death without
5 being required to file a formal claim.”.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of Veterans Affairs 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 benefits paid pursuant
13 to covered claims.

14 (2) CONTENTS.—The report under paragraph
15 (1) shall include the following:

16 (A) The number of covered claims adju-
17 dicated during the one-year period preceding
18 the date of the report, disaggregated by the fol-
19 lowing:

20 (i) Claims in which the claimant
21 claimed entitlement to benefits under chap-
22 ters 13 or 15 or sections 2302, 2307, or
23 5121 of title 38, United States Code, on
24 the basis of the claimant’s status as the
25 spouse of a deceased veteran.

1 (ii) Claims in which the claimant
2 claimed entitlement to such benefits on the
3 basis of the claimant's status as the child
4 of a deceased veteran.

5 (iii) Claims in which the claimant
6 claimed entitlement to such benefits on the
7 basis of the claimant's status as the parent
8 of a deceased veteran.

9 (B) The number of covered claims that
10 were adjudicated during such period and for
11 which such benefits were not awarded,
12 disaggregated by clauses (i) through (iii) of
13 subparagraph (A).

14 (C) A comparison of the accuracy and
15 timeliness of covered claims adjudicated during
16 such period with noncovered claims filed by sur-
17 vivors of a veteran.

18 (D) The findings of the Secretary with re-
19 spect to adjudicating covered claims.

20 (E) Such recommendations as the Sec-
21 retary may have for legislative or administrative
22 action to improve the adjudication of claims
23 submitted to the Secretary for benefits under
24 chapters 13 and 15 and sections 2302, 2307,
25 and 5121 of title 38, United States Code.

1 (3) COVERED CLAIM DEFINED.—In this sub-
2 section, the term “covered claim” means a claim
3 covered by section 5101(a)(1)(B) of title 38, United
4 States Code, as added by subsection (a).

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply with respect to claims for bene-
7 fits based on a death occurring on or after the date of
8 the enactment of this Act.

9 **SEC. 302. INCREASE IN SPECIAL PENSION FOR MEDAL OF**
10 **HONOR RECIPIENTS.**

11 (a) IN GENERAL.—Section 1562(a) of title 38,
12 United States Code, is amended by striking “\$1,000” and
13 inserting “\$3,000”.

14 (b) EFFECTIVE DATE.—

15 (1) IN GENERAL.—The amendment made by
16 subsection (a) shall take effect on the date that is—

17 (A) except as provided in subparagraph
18 (B), one year after the date of the enactment
19 of this Act; and

20 (B) in the case that the date that is one
21 year after the date of the enactment of this Act
22 is not the first day of a month, the first day of
23 the first month beginning after the date that is
24 one year after the date of the enactment of this
25 Act.

1 (2) DELAY OF ANNUAL COST OF LIVING AD-
2 JUSTMENT.—

3 (A) IN GENERAL.—The Secretary shall not
4 make an increase pursuant to section 1562(e)
5 of such title effective December 1, 2016, if the
6 amendment made by subsection (a) takes effect
7 before such date.

8 (B) RESUMPTION.—In the case that the
9 Secretary, pursuant to subparagraph (A), does
10 not make an increase pursuant to section
11 1562(e) of such title effective December 1,
12 2016, the Secretary shall resume making in-
13 creases pursuant to such section with the first
14 such increase effective December 1, 2017.

15 **SEC. 303. BOARD OF VETERANS' APPEALS VIDEO HEAR-**
16 **INGS.**

17 Section 7107 of title 38, United States Code, is
18 amended—

19 (1) in subsection (d), by amending paragraph
20 (1) to read as follows:

21 “(1)(A)(i) Upon request for a hearing, the Board
22 shall determine, for purposes of scheduling the hearing for
23 the earliest possible date, whether a hearing before the
24 Board will be held at its principal location or at a facility
25 of the Department or other appropriate Federal facility

1 located within the area served by a regional office of the
2 Department.

3 “(ii) The Board shall also determine whether to pro-
4 vide a hearing through the use of the facilities and equip-
5 ment described in subsection (e)(1) or by the appellant
6 personally appearing before a Board member or panel.

7 “(B)(i) The Board shall notify the appellant of the
8 determinations of the location and type of hearing made
9 under subparagraph (A).

10 “(ii) Upon notification, the appellant may request a
11 different location or type of hearing as described in such
12 subparagraph.

13 “(iii) If so requested, the Board shall grant such re-
14 quest and ensure that the hearing is scheduled at the ear-
15 liest possible date without any undue delay or other preju-
16 dice to the appellant.”; and

17 (2) in subsection (e), by amending paragraph
18 (2) to read as follows:

19 “(2) Any hearing provided through the use of the fa-
20 cilities and equipment described in paragraph (1) shall be
21 conducted in the same manner as, and shall be considered
22 the equivalent of, a personal hearing.”.

1 **SEC. 304. IMPROVEMENTS TO AUTHORITY FOR PERFORM-**
2 **ANCE OF MEDICAL DISABILITIES EXAMINA-**
3 **TIONS BY CONTRACT PHYSICIANS.**

4 (a) **EXTENSION OF TEMPORARY AUTHORITY.**—Sub-
5 section (c) of section 704 of the Veterans Benefits Act
6 of 2003 (38 U.S.C. 5101 note) is amended by striking
7 “December 31, 2016” and inserting “December 31,
8 2017”.

9 (b) **LICENSURE OF CONTRACT PHYSICIANS.**—

10 (1) **TEMPORARY AUTHORITY.**—Such section
11 704 is further amended—

12 (A) by redesignating subsection (d) as sub-
13 section (e); and

14 (B) by inserting after subsection (c) the
15 following new subsection (d):

16 “(d) **LICENSURE OF CONTRACT PHYSICIANS.**—

17 “(1) **IN GENERAL.**—Notwithstanding any law
18 regarding the licensure of physicians, a physician de-
19 scribed in paragraph (2) may conduct an examina-
20 tion pursuant to a contract entered into under sub-
21 section (b) at any location in any State, the District
22 of Columbia, or a Commonwealth, territory, or pos-
23 session of the United States, so long as the examina-
24 tion is within the scope of the authorized duties
25 under such contract.

1 “(2) PHYSICIAN DESCRIBED.—A physician de-
2 scribed in this paragraph is a physician who—

3 “(A) has a current unrestricted license to
4 practice the health care profession of the physi-
5 cian;

6 “(B) is not barred from practicing such
7 health care profession in any State, the District
8 of Columbia, or a Commonwealth, territory, or
9 possession of the United States; and

10 “(C) is performing authorized duties for
11 the Department of Veterans Affairs pursuant to
12 a contract entered into under subsection (b).”.

13 (2) PILOT PROGRAM.—Section 504 of the Vet-
14 erans’ Benefits Improvement Act of 1996 (38
15 U.S.C. 5101 note) is amended—

16 (A) by redesignating subsections (c) and
17 (d) as subsections (d) and (e), respectively; and

18 (B) by inserting after subsection (b) the
19 following new subsection (c):

20 “(c) LICENSURE OF CONTRACT PHYSICIANS.—

21 “(1) IN GENERAL.—Notwithstanding any law
22 regarding the licensure of physicians, a physician de-
23 scribed in paragraph (2) may conduct an examina-
24 tion pursuant to a contract entered into under sub-
25 section (a) at any location in any State, the District

1 of Columbia, or a Commonwealth, territory, or pos-
2 session of the United States, so long as the examina-
3 tion is within the scope of the authorized duties
4 under such contract.

5 “(2) PHYSICIAN DESCRIBED.—A physician de-
6 scribed in this paragraph is a physician who—

7 “(A) has a current unrestricted license to
8 practice the health care profession of the physi-
9 cian;

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

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

17 **SEC. 305. DEPARTMENT OF VETERANS AFFAIRS PILOT PRO-**
18 **GRAM ON FULLY DEVELOPED APPEALS.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs
20 shall carry out a pilot program to provide the option of
21 an alternative appeals process that shall more quickly de-
22 termine such appeals in accordance with this section.

23 (b) ELECTION.—

24 (1) FILING.—In accordance with paragraph

25 (2), a claimant may elect to file a fully developed ap-

1 peal under the pilot program by filing with the Sec-
2 retary all of the following:

3 (A) The notice of disagreement under
4 chapter 71 of title 38, United States Code,
5 along with the written election of the claimant
6 to have the appeal determined under the pilot
7 program.

8 (B) All evidence that the claimant believes
9 is needed for the appeal as of the date of the
10 filing.

11 (C) A statement of the argument in sup-
12 port of the claim, if any.

13 (2) TIMING.—A claimant shall make an election
14 under paragraph (1) as part of the notice of dis-
15 agreement filed by the claimant in accordance with
16 paragraph (1)(A).

17 (3) TRIAGE.—The Secretary shall, upon expira-
18 tion of the period specified in subsection (c)(3)(C),
19 ensure that an assessment is undertaken of whether
20 an appeal filed under paragraph (1) of this sub-
21 section satisfies the requirements for appeal under
22 the pilot program and provide appropriate notifica-
23 tion to the claimant of the results of that assess-
24 ment.

25 (4) REVERSION.—

1 (A) ELECTED REVERSION.—At any time, a
2 claimant who makes an election under para-
3 graph (1) may elect to revert to the standard
4 appeals process. Such a reversion shall be final.

5 (B) AUTOMATIC REVERSION.—A claimant
6 described in subparagraph (A), or a claimant
7 who makes an election under paragraph (1) but
8 is later determined to be ineligible for the pilot
9 program under subsection (a), shall revert to
10 the standard appeals process without any pen-
11 alty to the claimant other than the loss of the
12 docket number associated with the fully devel-
13 oped appeal.

14 (5) OUTREACH.—In providing claimants with
15 notices of the determination of a claim during the
16 period in which the pilot program under subsection
17 (a) is carried out, the Secretary shall conduct out-
18 reach as follows:

19 (A) The Secretary shall provide to the
20 claimant (and to the representative of record of
21 the claimant, if any) information regarding—

22 (i) the pilot program, including the
23 advantages and disadvantages of the pro-
24 gram;

1 (ii) how to make an election under
2 paragraph (1);

3 (iii) the limitation on the use of new
4 evidence described in paragraph (3) of sub-
5 section (c) and the development of infor-
6 mation under paragraph (4) of such sub-
7 section;

8 (iv) the ability of the claimant to seek
9 advice and education regarding such proc-
10 ess from veterans service organizations, at-
11 torneys, and claims agents recognized
12 under chapter 59 of title 38, United States
13 Code; and

14 (v) the circumstances under which the
15 appeal will automatically revert to the
16 standard appeals process, including by
17 making a request for a hearing.

18 (B) The Secretary shall collaborate, part-
19 ner with, and give weight to the advice of the
20 three veterans service organizations with the
21 most members and such other stakeholders as
22 the Secretary considers appropriate to publish
23 on the Internet website of the Department of
24 Veterans Affairs an online tutorial explaining

1 the advantages and disadvantages of the pilot
2 program.

3 (c) TREATMENT BY DEPARTMENT AND BOARD.—

4 (1) PROCESS.—Upon the election of a claimant
5 to file a fully developed appeal pursuant to sub-
6 section (b)(1), the Secretary shall—

7 (A) not provide the claimant with a state-
8 ment of the case nor require the claimant to file
9 a substantive appeal; and

10 (B) transfer jurisdiction over the fully de-
11 veloped appeal directly to the Board of Vet-
12 erans' Appeals.

13 (2) DOCKET.—

14 (A) IN GENERAL.—The Board of Veterans'
15 Appeals shall—

16 (i) maintain fully developed appeals
17 on a separate docket than standard ap-
18 peals;

19 (ii) decide fully developed appeals in
20 the order that the fully developed appeals
21 are received on the fully developed appeal
22 docket;

23 (iii) except as provided by subpara-
24 graph (B), decide not more than one fully

1 developed appeal for each four standard
2 appeals decided; and

3 (iv) to the extent practicable, decide
4 each fully developed appeal by the date
5 that is one year following the date on
6 which the claimant files the notice of dis-
7 agreement.

8 (B) ADJUSTMENT.—Beginning one year
9 after the date on which the pilot program com-
10 mences, the Board may adjust the number of
11 standard appeals decided for each fully devel-
12 oped appeal under subparagraph (A)(iii) if the
13 Board determines that such adjustment is fair
14 for both standard appeals and fully developed
15 appeals.

16 (3) LIMITATION ON USE OF NEW EVIDENCE.—

17 (A) IN GENERAL.—Except as provided by
18 subparagraphs (B) and (C)—

19 (i) a claimant may not submit or iden-
20 tify to the Board of Veterans' Appeals any
21 new evidence relating to a fully developed
22 appeal after filing such appeal unless the
23 claimant reverts to the standard appeals
24 process pursuant to subsection (b)(4); and

1 (ii) if a claimant submits or identifies
2 any such new evidence, such submission or
3 identification shall be deemed to be an
4 election to make such a reversion pursuant
5 to subsection (b)(4).

6 (B) EVIDENCE GATHERED BY BOARD.—
7 Subparagraph (A) shall not apply to evidence
8 developed pursuant to paragraphs (4) and (5).
9 The Board shall consider such evidence in the
10 first instance without consideration by the Vet-
11 erans Benefits Administration.

12 (C) REPRESENTATIVE OF RECORD.—The
13 representative of record of a claimant for ap-
14 peals purposes, if any, shall be provided an op-
15 portunity to review the fully developed appeal of
16 the claimant and submit any additional argu-
17 ments or evidence that the representative deter-
18 mines necessary during a period specified by
19 the Board for purposes of this subparagraph.

20 (4) PROHIBITION ON REMAND FOR ADDITIONAL
21 DEVELOPMENT.—If the Board of Veterans' Appeals
22 determines that a fully developed appeal requires
23 Federal records, independent medical opinions, or
24 new medical examinations, the Board shall—

1 (A) in accordance with paragraph (5), take
2 such actions as may be necessary to develop
3 such records, opinions, or examinations in ac-
4 cordance with section 5103A of title 38, United
5 States Code;

6 (B) retain jurisdiction of the fully devel-
7 oped appeal without requiring a determination
8 by the Veterans Benefits Administration based
9 on such records, opinions, or examinations;

10 (C) ensure the claimant, and the represent-
11 ative of record of a claimant, if any, receives a
12 copy of such records, opinions, or examinations;
13 and

14 (D) provide the claimant a period of 90
15 days after the date of mailing such records,
16 opinions, or examinations during which the
17 claimant may provide the Board any additional
18 evidence without requiring the claimant to make
19 a reversion pursuant to subsection (b)(4).

20 (5) DEVELOPMENT UNIT.—

21 (A) ESTABLISHMENT.—The Board of Vet-
22 erans' Appeals shall establish an office to de-
23 velop Federal records, independent medical
24 opinions, and new medical examinations pursu-
25 ant to paragraph (4)(A) that the Board deter-

1 mines necessary to decide a fully developed ap-
2 peal.

3 (B) REQUIREMENTS.—The Secretary
4 shall—

5 (i) ensure that the Veterans Benefits
6 Administration cooperates with the Board
7 of Veterans' Appeals in carrying out sub-
8 paragraph (A); and

9 (ii) transfer employees of the Veterans
10 Benefits Administration who, prior to the
11 enactment of this Act, were responsible for
12 processing claims remanded by the Board
13 of Veterans' Appeals to positions within
14 the office of the Board established under
15 subparagraph (A) in a number the Sec-
16 retary determines sufficient to carry out
17 such subparagraph.

18 (6) HEARINGS.—Notwithstanding section 7107
19 of title 38, United States Code, the Secretary may
20 not provide hearings with respect to fully developed
21 appeals under the pilot program. If a claimant re-
22 quests to hold a hearing pursuant to such section
23 7107, such request shall be deemed to be an election
24 to revert to the standard appeals process pursuant
25 to subsection (b)(4).

1 (d) DURATION; APPLICABILITY.—

2 (1) DURATION.—The Secretary shall carry out
3 the pilot program during a five-year period begin-
4 ning not later than one year after the date of the
5 enactment of this Act.

6 (2) APPLICABILITY.—This section shall apply
7 only to fully developed appeals that are filed during
8 the period in which the pilot program is carried out
9 pursuant to paragraph (1).

10 (e) ANNUAL REPORTS.—

11 (1) IN GENERAL.—During each year in which
12 the pilot program is carried out, the Secretary shall
13 submit to the Committee on Veterans' Affairs of the
14 Senate and the Committee on Veterans' Affairs of
15 the House of Representatives a report on the pilot
16 program. The first such report shall be submitted by
17 not later than 180 days after the date on which the
18 pilot program commences.

19 (2) CONTENTS.—Each report submitted under
20 paragraph (1) shall include the following:

21 (A) For the period covered by the report—

22 (i) the number of fully developed ap-
23 peals filed under the pilot program;

24 (ii) the average processing time for
25 each such appeal adjudicated by the Board

1 of Veterans' Appeals, disaggregated by
2 each phase of the appeal, and, if the proc-
3 essing time for appeals exceed one year,
4 the reasons for such processing time;

5 (iii) a summary of reasons for which
6 the development of evidence was required
7 under subsection (c)(5);

8 (iv) the number of issues decided,
9 disaggregated by the disposition of the
10 issue;

11 (v) of the number identified in clause
12 (iv), the number of issues for which evi-
13 dence was not so developed, disaggregated
14 by the disposition of the issue;

15 (vi) of the number of fully developed
16 appeals decided by the Board of Veterans'
17 Appeals, the number of cases from each
18 agency of original jurisdiction, the total
19 number of issues allowed, and the total
20 number of issues denied from those cases;

21 (vii) the number of fully developed ap-
22 peals appealed to the Court of Appeals for
23 Veterans Claims, disaggregated by the dis-
24 position of the case;

1 (viii) the number of reversions made
2 under subsection (b)(4);

3 (ix) any reasons for why a claimant
4 was determined to be ineligible to partici-
5 pate in the pilot program; and

6 (x) to the extent practicable, a quali-
7 tative assessment of the results achieved
8 by claimants through the pilot program
9 compared to results achieved by claimants
10 through the standard appeal process.

11 (B) A review, made in conjunction with
12 veterans service organizations and such other
13 stakeholders as the Secretary considers appro-
14 priate, of the efforts of the Secretary to provide
15 clear rating decisions and improve disability
16 rating notification letters, including with re-
17 spect to—

18 (i) the opinions of veterans service or-
19 ganizations and such other stakeholders as
20 the Secretary considers appropriate regard-
21 ing such efforts; and

22 (ii) how the pilot program improves
23 such efforts.

1 (C) A recommendation for such legislative
2 or administrative action as the Secretary con-
3 siders may improve the pilot program.

4 (D) An assessment of the feasibility and
5 advisability of expanding the pilot program.

6 (f) REGULATIONS.—The Secretary shall prescribe
7 such regulations as may be necessary to carry out the pilot
8 program.

9 (g) DEFINITIONS.—In this section:

10 (1) CLAIMANT.—The term “claimant” has the
11 meaning given that term in section 5100 of title 38,
12 United States Code.

13 (2) COMPENSATION.—The term “compensa-
14 tion” has the meaning given that term in section
15 101 of title 38, United States Code.

16 (3) FULLY DEVELOPED APPEAL.—The term
17 “fully developed appeal” means an appeal of a claim
18 for disability compensation that is—

19 (A) filed by a claimant in accordance with
20 subsection (b)(1); and

21 (B) considered in accordance with this sec-
22 tion.

23 (4) STANDARD APPEAL.—The term “standard
24 appeal” means an appeal of a claim for disability
25 compensation that is not a fully developed appeal.

1 **SEC. 306. REQUIREMENT THAT SECRETARY OF VETERANS**
2 **AFFAIRS PUBLISH THE AVERAGE TIME RE-**
3 **QUIRED TO ADJUDICATE TIMELY AND UN-**
4 **TIMELY APPEALS.**

5 (a) PUBLICATION REQUIREMENT.—

6 (1) IN GENERAL.—On an ongoing basis, the
7 Secretary of Veterans Affairs shall make available to
8 the public the following:

9 (A) The average length of time to adju-
10 dicate a timely appeal.

11 (B) The average length of time to adju-
12 dicate an untimely appeal.

13 (2) EFFECTIVE DATE.—Paragraph (1) shall
14 take effect on the date that is one year after the
15 date of the enactment of this Act and shall apply
16 until the date that is three years after the date of
17 the enactment of this Act.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 39 months
20 after the date of the enactment of this Act, the Sec-
21 retary shall submit to the Committee on Veterans'
22 Affairs of the Senate and the Committee on Vet-
23 erans' Affairs of the House of Representatives a re-
24 port on whether publication pursuant to subsection
25 (a)(1) has had an effect on the number of timely ap-
26 peals filed.

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

3 (A) The number of appeals and timely ap-
4 peals that were filed during the one-year period
5 ending on the effective date specified in sub-
6 section (a)(2).

7 (B) The number of appeals and timely ap-
8 peals that were filed during the one-year period
9 ending on the date that is two years after the
10 effective date specified in subsection (a)(2).

11 (c) DEFINITIONS.—In this section:

12 (1) APPEAL.—The term “appeal” means a no-
13 tice of disagreement filed pursuant to section
14 7105(a) of title 38, United States Code, in response
15 to notice of the result of an initial review or deter-
16 mination regarding a claim for a benefit under a law
17 administered by the Secretary of Veterans Affairs.

18 (2) TIMELY.—The term “timely” with respect
19 to an appeal means that the notice of disagreement
20 was filed not more than 180 days after the date of
21 mailing of the notice of the result of the initial re-
22 view or determination described in paragraph (1).

23 (3) UNTIMELY.—The term “untimely” with re-
24 spect to an appeal means the notice of disagreement
25 was filed more than 180 days after the date of mail-

1 ing of the notice of the result of the initial review
2 or determination described in paragraph (1).

3 **SEC. 307. COMPTROLLER GENERAL REVIEW OF CLAIMS**
4 **PROCESSING PERFORMANCE OF REGIONAL**
5 **OFFICES OF VETERANS BENEFITS ADMINIS-**
6 **TRATION.**

7 (a) REVIEW REQUIRED.—Not later than 15 months
8 after the effective date specified in subsection (e), the
9 Comptroller General of the United States shall complete
10 a review of the regional offices of the Veterans Benefits
11 Administration to help the Veterans Benefits Administra-
12 tion achieve more consistent performance in the processing
13 of claims for disability compensation.

14 (b) ELEMENTS.—The review required by subsection
15 (a) shall include the following:

16 (1) An identification of the following:

17 (A) The factors, including management
18 practices, that distinguish higher performing re-
19 gional offices from other regional offices with
20 respect to claims for disability compensation.

21 (B) The best practices employed by higher
22 performing regional offices that distinguish the
23 performance of such offices from other regional
24 offices.

1 (C) Such other management practices or
2 tools as the Comptroller General determines
3 could be used to improve the performance of re-
4 gional offices.

5 (2) An assessment of the effectiveness of com-
6 munication with respect to the processing of claims
7 for disability compensation between the regional of-
8 fices and veterans service organizations and case-
9 workers employed by Members of Congress.

10 (c) REPORT.—Not later than 15 months after the ef-
11 fective date specified in subsection (e), the Comptroller
12 General shall submit to the Committee on Veterans' Af-
13 fairs of the Senate and the Committee on Veterans' Af-
14 fairs of the House of Representatives a report on the re-
15 sults of the review completed under subsection (a).

16 (d) VETERANS SERVICE ORGANIZATION DEFINED.—
17 In this section, the term “veterans service organization”
18 means any organization recognized by the Secretary for
19 the representation of veterans under section 5902 of title
20 38, United States Code.

21 (e) EFFECTIVE DATE.—This section shall take effect
22 on the date that is 270 days after the date of the enact-
23 ment of this Act.

1 **SEC. 308. REPORT ON PARTICIPATION OF VETERANS SERV-**
2 **ICE ORGANIZATIONS IN TRANSITION ASSIST-**
3 **ANCE PROGRAM.**

4 (a) **REPORT REQUIRED.**—Not later than 540 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to Congress a report on participa-
7 tion of veterans service organizations in the program car-
8 ried out under section 1144 of title 10, United States
9 Code.

10 (b) **CONTENTS.**—The report required by subsection
11 (a) shall include the following:

12 (1) An assessment of the compliance of facili-
13 ties of the Department of Defense with the direc-
14 tives included in the memorandum of the Secretary
15 of Defense entitled “Installation Access and Support
16 Services for Nonprofit Non-Federal Entities” and
17 dated December 23, 2014.

18 (2) The number of military bases that have
19 complied with such directives.

20 (3) How many veterans service organizations
21 have been present at a portion of a program as de-
22 scribed in subsection (a).

23 (c) **VETERANS SERVICE ORGANIZATION DEFINED.**—
24 In this section, the term “veterans service organization”
25 means any organization recognized by the Secretary for

1 the representation of veterans under section 5902 of title
2 38, United States Code.

3 **SEC. 309. INCLUSION IN ANNUAL BUDGET SUBMISSION OF**
4 **INFORMATION ON CAPACITY OF VETERANS**
5 **BENEFITS ADMINISTRATION TO PROCESS**
6 **BENEFITS CLAIMS.**

7 (a) IN GENERAL.—Along with the supporting infor-
8 mation included in the budget submitted to Congress by
9 the President pursuant to section 1105(a) of title 31,
10 United States Code, the President shall include informa-
11 tion on the capacity of the Veterans Benefits Administra-
12 tion to process claims for benefits under the laws adminis-
13 tered by the Secretary of Veterans Affairs, including infor-
14 mation described in subsection (b), during the fiscal year
15 covered by the budget with which the information is sub-
16 mitted.

17 (b) INFORMATION DESCRIBED.—The information de-
18 scribed in this subsection is the following:

19 (1) An estimate of the average number of
20 claims for benefits under the laws administered by
21 the Secretary, excluding such claims completed dur-
22 ing mandatory overtime, that a single full-time
23 equivalent employee of the Administration should be
24 able to process in a year, based on the following:

1 (A) A time and motion study that the Sec-
2 retary shall conduct on the processing of such
3 claims.

4 (B) Such other information relating to
5 such claims as the Secretary considers appro-
6 priate.

7 (2) A description of the actions the Secretary
8 will take to improve the processing of such claims.

9 (3) An assessment of the actions identified by
10 the Secretary under paragraph (2) in the previous
11 year and an identification of the effects of those ac-
12 tions.

13 (c) EFFECTIVE DATE.—This section shall apply with
14 respect to any budget submitted as described in subsection
15 (a) with respect to any fiscal year after fiscal year 2017.

16 **SEC. 310. REPORT ON STAFFING LEVELS AT REGIONAL OF-**
17 **FICES OF DEPARTMENT OF VETERANS AF-**
18 **FAIRS AFTER TRANSITION TO NATIONAL**
19 **WORK QUEUE.**

20 Not later than 15 months after the date of the enact-
21 ment of this Act, the Secretary of Veterans Affairs shall
22 submit to the Committee on Veterans' Affairs of the Sen-
23 ate and the Committee on Veterans' Affairs of the House
24 of Representatives a report on the criteria and procedures
25 that the Secretary will use to determine appropriate staff-

1 ing levels at the regional offices of the Department once
2 the Department has transitioned to using the National
3 Work Queue for the distribution of the claims processing
4 workload.

5 **SEC. 311. ANNUAL REPORT ON PROGRESS IN IMPLE-**
6 **MENTING VETERANS BENEFITS MANAGE-**
7 **MENT SYSTEM.**

8 (a) IN GENERAL.—Not later than each of one year,
9 two years, and three years after the date of the enactment
10 of this Act, the Secretary of Veterans Affairs shall submit
11 to Congress a report on the progress of the Secretary in
12 implementing the Veterans Benefits Management System.

13 (b) CONTENTS.—Each report required by subsection
14 (a) shall include the following:

15 (1) An assessment of the current functionality
16 of the Veterans Benefits Management System.

17 (2) Recommendations submitted to the Sec-
18 retary by employees of the Department of Veterans
19 Affairs who are involved in processing claims for
20 benefits under the laws administered by the Sec-
21 retary, including veterans service representatives,
22 rating veterans service representatives, and decision
23 review officers, for such legislative or administrative
24 action as the employees consider appropriate to im-
25 prove the processing of such claims.

1 (3) Recommendations submitted to the Sec-
2 retary by veterans service organizations who use the
3 Veterans Benefits Management System for such leg-
4 islative or administrative action as the veterans serv-
5 ice organizations consider appropriate to improve
6 such system.

7 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
8 In this section, the term “veterans service organization”
9 means any organization recognized by the Secretary for
10 the representation of veterans under section 5902 of title
11 38, United States Code.

12 **SEC. 312. REPORT ON PLANS OF SECRETARY OF VETERANS**
13 **AFFAIRS TO REDUCE INVENTORY OF NON-**
14 **RATING WORKLOAD.**

15 Not later than 120 days after the date of the enact-
16 ment of this Act, the Secretary of Veterans Affairs shall
17 submit to the Committee on Veterans’ Affairs of the Sen-
18 ate and the Committee on Veterans’ Affairs of the House
19 of Representatives a report that details the plans of the
20 Secretary to reduce the inventory of work items listed in
21 the Monday Morning Workload Report under End Prod-
22 ucts 130, 137, 173, 290, 400, 600, 607, 690, 930, and
23 960.

1 **SEC. 313. SENSE OF CONGRESS ON INCREASED TRANS-**
2 **PARENCY RELATING TO CLAIMS FOR BENE-**
3 **FITS AND APPEALS OF DECISIONS RELATING**
4 **TO BENEFITS IN MONDAY MORNING WORK-**
5 **LOAD REPORT.**

6 It is the sense of Congress that the Secretary of Vet-
7 erans Affairs should include in each Monday Morning
8 Workload Report published by the Secretary the following:

9 (1) With respect to each regional office of the
10 Department of Veterans Affairs, the following:

11 (A) The number of fully developed claims
12 for benefits under the laws administered by the
13 Secretary that have been received.

14 (B) The number of claims described in
15 subparagraph (A) that are pending a decision.

16 (C) The number of claims described in
17 subparagraph (A) that have been pending a de-
18 cision for more than 125 days.

19 (2) Enhanced information on appeals of deci-
20 sions relating to claims for benefits under the laws
21 administered by the Secretary that are pending, in-
22 cluding information contained in the reports of the
23 Department entitled “Appeals Pending” and “Ap-
24 peals Workload By Station”.

1 **SEC. 314. SENSE OF CONGRESS REGARDING AMERICAN**
2 **VETERANS DISABLED FOR LIFE.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) There are at least 4,200,000 veterans cur-
6 rently living with service-connected disabilities.

7 (2) As a result of their service, many veterans
8 are permanently disabled throughout their lives and
9 in many cases must rely on the support of their fam-
10 ilies and friends when these visible and invisible bur-
11 dens become too much to bear alone.

12 (3) October 5, which is the anniversary of the
13 dedication of the American Veterans Disabled for
14 Life Memorial, has been recognized as an appro-
15 priate day on which to honor American veterans dis-
16 abled for life each year.

17 (b) SENSE OF CONGRESS.—Congress—

18 (1) expresses its appreciation to the men and
19 women left permanently wounded, ill, or injured as
20 a result of their service in the Armed Forces;

21 (2) supports the annual recognition of Amer-
22 ican veterans disabled for life each year; and

23 (3) encourages the American people to honor
24 American veterans disabled for life each year with
25 appropriate programs and activities.

1 **SEC. 315. SENSE OF CONGRESS ON SUBMITTAL OF INFOR-**
2 **MATION RELATING TO CLAIMS FOR DISABIL-**
3 **ITIES INCURRED OR AGGRAVATED BY MILI-**
4 **TARY SEXUAL TRAUMA.**

5 (a) **IN GENERAL.**—It is the sense of Congress that
6 the Secretary of Veterans Affairs should submit to Con-
7 gress information on the covered claims submitted to the
8 Secretary during each fiscal year, including the informa-
9 tion specified in subsection (b).

10 (b) **ELEMENTS.**—The information specified in this
11 subsection with respect to each fiscal year is the following:

12 (1) The number of covered claims submitted to
13 or considered by the Secretary during such fiscal
14 year.

15 (2) Of the covered claims under paragraph (1),
16 the number and percentage of such claims—

17 (A) submitted by each sex;

18 (B) that were approved, including the
19 number and percentage of such approved claims
20 submitted by each sex; and

21 (C) that were denied, including the number
22 and percentage of such denied claims submitted
23 by each sex.

24 (3) Of the covered claims under paragraph (1)
25 that were approved, the number and percentage, list-

1 ed by each sex, of claims assigned to each rating
2 percentage of disability.

3 (4) Of the covered claims under paragraph (1)
4 that were denied—

5 (A) the three most common reasons given
6 by the Secretary under section 5104(b)(1) of
7 title 38, United States Code, for such denials;
8 and

9 (B) the number of denials that were based
10 on the failure of a veteran to report for a med-
11 ical examination.

12 (5) The number of covered claims that, as of
13 the end of such fiscal year, are pending and, sepa-
14 rately, the number of such claims on appeal.

15 (6) The average number of days that covered
16 claims take to complete beginning on the date on
17 which the claim is submitted.

18 (7) A description of the training that the Sec-
19 retary provides to employees of the Veterans Bene-
20 fits Administration specifically with respect to cov-
21 ered claims, including the frequency, length, and
22 content of such training.

23 (c) DEFINITIONS.—In this section:

24 (1) COVERED CLAIMS.—The term “covered
25 claims” means claims for disability compensation

1 submitted to the Secretary based on post-traumatic
2 stress disorder alleged to have been incurred or ag-
3 gravated by military sexual trauma.

4 (2) MILITARY SEXUAL TRAUMA.—The term
5 “military sexual trauma” shall have the meaning
6 specified by the Secretary for purposes of this sec-
7 tion and shall include “sexual harassment” (as so
8 specified).

9 **TITLE IV—EDUCATION**
10 **Subtitle A—Educational Assistance**
11 **and Vocational Rehabilitation**

12 **SEC. 401. CLARIFICATION OF ELIGIBILITY FOR MARINE**
13 **GUNNERY SERGEANT JOHN DAVID FRY**
14 **SCHOLARSHIP.**

15 (a) IN GENERAL.—Section 701(d) of the Veterans
16 Access, Choice, and Accountability Act of 2014 (Public
17 Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is
18 amended to read as follows:

19 “(d) APPLICABILITY.—

20 “(1) IN GENERAL.—The amendments made by
21 this section shall apply with respect to a quarter, se-
22 mester, or term, as applicable, commencing on or
23 after January 1, 2015.

24 “(2) DEATHS THAT OCCURRED BETWEEN SEP-
25 TEMBER 11, 2001, AND DECEMBER 31, 2005.—For

1 purposes of section 3311(f)(2) of title 38, United
2 States Code, any member of the Armed Forces who
3 died during the period beginning on September 11,
4 2001, and ending on December 31, 2005, is deemed
5 to have died on January 1, 2006.”.

6 (b) ELECTION ON RECEIPT OF CERTAIN BENE-
7 FITS.—Section 3311(f) of title 38, United States Code,
8 is amended—

9 (1) in paragraph (3), by striking “A surviving
10 spouse” and inserting “Except as provided in para-
11 graph (4), a surviving spouse”;

12 (2) by redesignating paragraph (4) as para-
13 graph (5); and

14 (3) by inserting after paragraph (3) the fol-
15 lowing new paragraph (4):

16 “(4) EXCEPTION FOR CERTAIN ELECTIONS.—

17 “(A) IN GENERAL.—An election made
18 under paragraph (3) by a spouse described in
19 subparagraph (B) may not be treated as irrev-
20 ovable if such election occurred before the date
21 of the enactment of this paragraph.

22 “(B) ELIGIBLE SURVIVING SPOUSE.—A
23 spouse described in this subparagraph is an in-
24 dividual—

1 “(i) who is entitled to assistance
2 under subsection (a) pursuant to para-
3 graph (9) of subsection (b); and

4 “(ii) who was the spouse of a member
5 of the Armed Forces who died during the
6 period beginning on September 11, 2001,
7 and ending on December 31, 2005.”.

8 (c) TECHNICAL AMENDMENT.—Paragraph (5) of
9 subsection (f) of section 3311 of title 38, United States
10 Code, as redesignated by subsection (b)(2), is amended by
11 striking “that paragraph” and inserting “paragraph (9)
12 of subsection (b)”.

13 (d) YELLOW RIBBON G.I. EDUCATION ENHANCE-
14 MENT PROGRAM.—Section 3317(a) of such title is amend-
15 ed by striking “paragraphs (1) and (2) of section
16 3311(b)” and inserting “paragraphs (1), (2), and (9) of
17 section 3311(b) of this title”.

18 **SEC. 402. RESTORATION OF ENTITLEMENT TO POST-9/11**
19 **EDUCATIONAL ASSISTANCE FOR VETERANS**
20 **AFFECTED BY CLOSURES OF EDUCATIONAL**
21 **INSTITUTIONS.**

22 (a) EDUCATIONAL ASSISTANCE.—

23 (1) IN GENERAL.—Section 3312 of title 38,
24 United States Code, is amended by adding at the
25 end the following new subsection:

1 “(d) DISCONTINUATION OF EDUCATION DUE TO
2 CLOSURE OF EDUCATIONAL INSTITUTION.—

3 “(1) IN GENERAL.—Any payment of edu-
4 cational assistance described in paragraph (2) shall
5 not—

6 “(A) be charged against any entitlement to
7 educational assistance of the individual con-
8 cerned under this chapter; or

9 “(B) be counted against the aggregate pe-
10 riod for which section 3695 of this title limits
11 the individual’s receipt of educational assistance
12 under this chapter.

13 “(2) DESCRIPTION OF PAYMENT OF EDU-
14 CATIONAL ASSISTANCE.—Subject to paragraph (3),
15 the payment of educational assistance described in
16 this paragraph is the payment of such assistance to
17 an individual for pursuit of a course or courses
18 under this chapter if the Secretary finds that the in-
19 dividual—

20 “(A) was forced to discontinue such course
21 pursuit as a result of a permanent closure of an
22 educational institution; and

23 “(B) did not receive credit, or lost training
24 time, toward completion of the program of edu-

1 cation being pursued at the time of such clo-
2 sure.

3 “(3) PERIOD FOR WHICH PAYMENT NOT
4 CHARGED.—The period for which, by reason of this
5 subsection, educational assistance is not charged
6 against entitlement or counted toward the applicable
7 aggregate period under section 3695 of this title
8 shall not exceed the aggregate of—

9 “(A) the portion of the period of enroll-
10 ment in the course or courses from which the
11 individual failed to receive credit or with respect
12 to which the individual lost training time, as de-
13 termined under paragraph (2)(B), and

14 “(B) the period by which a monthly sti-
15 pend is extended under section 3680(a)(2)(B)
16 of this title.”.

17 (2) APPLICABILITY.—Subsection (d) of such
18 section, as added by paragraph (1), shall apply with
19 respect to courses and programs of education discon-
20 tinued as described in paragraph (2) of such sub-
21 section in fiscal year 2015 or any fiscal year there-
22 after.

23 (b) MONTHLY HOUSING STIPEND.—

24 (1) IN GENERAL.—Section 3680(a) of such title
25 is amended—

1 (A) by striking the matter after paragraph
2 (3)(B);

3 (B) in paragraph (3), by redesignating
4 subparagraphs (A) and (B) as clauses (i) and
5 (ii), respectively;

6 (C) by redesignating paragraphs (1)
7 through (3) as subparagraphs (A) through (C),
8 respectively;

9 (D) in the matter before subparagraph
10 (A), as redesignated, in the first sentence, by
11 striking “Payment of” and inserting “(1) Ex-
12 cept as provided in paragraph (2), payment of”;
13 and

14 (E) by adding at the end the following new
15 paragraph (2):

16 “(2) Notwithstanding paragraph (1), the Secretary
17 may, pursuant to such regulations as the Secretary shall
18 prescribe, continue to pay allowances to eligible veterans
19 and eligible persons enrolled in courses set forth in para-
20 graph (1)(A)—

21 “(A) during periods when schools are tempo-
22 rarily closed under an established policy based on an
23 Executive order of the President or due to an emer-
24 gency situation, except that the total number of
25 weeks for which allowances may continue to be so

1 payable in any 12-month period may not exceed four
2 weeks; or

3 “(B) solely for the purpose of awarding a
4 monthly housing stipend described in section 3313
5 of this title, during periods following a permanent
6 school closure, except that payment of such a sti-
7 pend may only be continued until the earlier of—

8 “(i) the date of the end of the term, quar-
9 ter, or semester during which the school closure
10 occurred; and

11 “(ii) the date that is 4 months after the
12 date of the school closure.”.

13 (2) CONFORMING AMENDMENT.—Paragraph
14 (1)(C)(ii) of such section, as redesignated, is amend-
15 ed by striking “described in subclause (A) of this
16 clause” and inserting “described in clause (i)”.

17 **SEC. 403. CONSIDERATION OF ELIGIBILITY FOR POST-9/11**
18 **EDUCATIONAL ASSISTANCE FOR CERTAIN**
19 **TIME ON ACTIVE DUTY IN RESERVE COMPO-**
20 **NENTS OF ARMED FORCES.**

21 (a) IN GENERAL.—Section 3301(1)(B) of title 38,
22 United States Code, is amended by striking “12302, or
23 12304” and inserting “12301(h), 12302, 12304, 12304a,
24 or 12304b”.

1 (b) EFFECTIVE DATE AND APPLICABILITY.—The
2 amendment made by subsection (a) shall—

3 (1) take effect on the date that is one year after
4 the date of the enactment of this Act;

5 (2) apply with respect to assistance provided
6 under chapter 33 of such title on and after the date
7 that is one year after the date of the enactment of
8 this Act; and

9 (3) apply with respect to any member of a re-
10 serve component of the Armed Forces who serves or
11 has served on active duty under section 12301(h),
12 12304a, or 12304b of title 10, United States Code,
13 before, on, or after the date of the enactment of this
14 Act.

15 **SEC. 404. APPROVAL OF COURSES OF EDUCATION AND**
16 **TRAINING FOR PURPOSES OF THE VOCA-**
17 **TIONAL REHABILITATION PROGRAM OF THE**
18 **DEPARTMENT OF VETERANS AFFAIRS.**

19 (a) IN GENERAL.—Section 3104(b) of title 38,
20 United States Code, is amended—

21 (1) by inserting “(1)” before “A rehabilitation”;
22 and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2)(A) Except as provided in subparagraph (B), to
2 the maximum extent practicable, a course of education or
3 training may be pursued by a veteran as part of a rehabili-
4 tation program under this chapter only if the course is
5 approved for purposes of chapter 30 or 33 of this title.

6 “(B) The Secretary may waive the requirement under
7 subparagraph (A) to the extent the Secretary determines
8 appropriate.”.

9 (b) **EFFECTIVE DATE.**—The amendments made by
10 subsection (a) shall apply with respect to a course of edu-
11 cation or training pursued by a veteran who first begins
12 a program of rehabilitation under chapter 31 of title 38,
13 United States Code, on or after the date that is one year
14 after the date of the enactment of this Act.

15 **SEC. 405. AUTHORITY TO PRIORITIZE VOCATIONAL REHA-**
16 **BILITATION SERVICES BASED ON NEED.**

17 Section 3104 of title 38, United States Code, as
18 amended by section 404, is further amended by adding
19 at the end the following new subsection:

20 “(c)(1) The Secretary shall have the authority to ad-
21 minister this chapter by prioritizing the provision of serv-
22 ices under this chapter based on need, as determined by
23 the Secretary.

24 “(2) In evaluating need for purposes of this sub-
25 section, the Secretary shall consider disability ratings, the

1 severity of employment handicaps, qualification for a pro-
2 gram of independent living services and assistance, in-
3 come, and such other factors as the Secretary considers
4 appropriate.

5 “(3) Not later than 90 days before making any
6 changes to the prioritization of the provision of services
7 under this chapter as authorized under paragraph (1), the
8 Secretary shall submit to Congress a plan describing such
9 changes.”.

10 **SEC. 406. CODIFICATION AND IMPROVEMENT OF ELECTION**

11 **PROCESS FOR POST-9/11 EDUCATIONAL AS-**
12 **SISTANCE PROGRAM.**

13 (a) IN GENERAL.—Subchapter III of chapter 33 of
14 title 38, United States Code, is amended—

15 (1) by redesignating section 3325 as section
16 3326; and

17 (2) by inserting after section 3324 the following
18 new section 3325:

19 **“§ 3325. Election to receive educational assistance**

20 **“(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-**
21 **TION IN POST-9/11 EDUCATIONAL ASSISTANCE.—**An indi-
22 vidual may elect to receive educational assistance under
23 this chapter if such individual—

24 “(1) as of August 1, 2009—

1 “(A) is entitled to basic educational assist-
2 ance under chapter 30 of this title and has
3 used, but retains unused, entitlement under
4 that chapter;

5 “(B) is entitled to educational assistance
6 under chapter 107, 1606, or 1607 of title 10
7 and has used, but retains unused, entitlement
8 under the applicable chapter;

9 “(C) is entitled to basic educational assist-
10 ance under chapter 30 of this title but has not
11 used any entitlement under that chapter;

12 “(D) is entitled to educational assistance
13 under chapter 107, 1606, or 1607 of title 10
14 but has not used any entitlement under such
15 chapter;

16 “(E) is a member of the Armed Forces
17 who is eligible for receipt of basic educational
18 assistance under chapter 30 of this title and is
19 making contributions toward such assistance
20 under section 3011(b) or 3012(c) of this title;
21 or

22 “(F) is a member of the Armed Forces
23 who is not entitled to basic educational assist-
24 ance under chapter 30 of this title by reason of

1 an election under section 3011(c)(1) or
2 3012(d)(1) of this title; and

3 “(2) as of the date of the individual’s election
4 under this paragraph, meets the requirements for
5 entitlement to educational assistance under this
6 chapter.

7 “(b) CESSATION OF CONTRIBUTIONS TOWARD GI
8 BILL.—Effective as of the first month beginning on or
9 after the date of an election under subsection (a) of an
10 individual described by paragraph (1)(E) of that sub-
11 section, the obligation of the individual to make contribu-
12 tions under section 3011(b) or 3012(c) of this title, as
13 applicable, shall cease, and the requirements of such sec-
14 tion shall be deemed to be no longer applicable to the indi-
15 vidual.

16 “(c) REVOCATION OF REMAINING TRANSFERRED
17 ENTITLEMENT.—

18 “(1) ELECTION TO REVOKE.—If, on the date an
19 individual described in paragraph (1)(A) or (1)(C) of
20 subsection (a) makes an election under that sub-
21 section, a transfer of the entitlement of the indi-
22 vidual to basic educational assistance under section
23 3020 of this title is in effect and a number of
24 months of the entitlement so transferred remain un-
25 utilized, the individual may elect to revoke all or a

1 portion of the entitlement so transferred that re-
2 mains unutilized.

3 “(2) AVAILABILITY OF REVOKED ENTITLE-
4 MENT.—Any entitlement revoked by an individual
5 under this paragraph shall no longer be available to
6 the dependent to whom transferred, but shall be
7 available to the individual instead for educational as-
8 sistance under chapter 33 of this title in accordance
9 with the provisions of this section.

10 “(3) AVAILABILITY OF UNREVOKED ENTITLE-
11 MENT.—Any entitlement described in paragraph (1)
12 that is not revoked by an individual in accordance
13 with that paragraph shall remain available to the de-
14 pendent or dependents concerned in accordance with
15 the current transfer of such entitlement under sec-
16 tion 3020 of this title.

17 “(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

18 “(1) IN GENERAL.—Subject to paragraph (2)
19 and except as provided in subsection (e), an indi-
20 vidual making an election under subsection (a) shall
21 be entitled to educational assistance under this chap-
22 ter in accordance with the provisions of this chapter,
23 instead of basic educational assistance under chapter
24 30 of this title, or educational assistance under
25 chapter 107, 1606, or 1607 of title 10, as applicable.

1 “(2) LIMITATION ON ENTITLEMENT FOR CER-
2 TAIN INDIVIDUALS.—In the case of an individual
3 making an election under subsection (a) who is de-
4 scribed by paragraph (1)(A) of that subsection, the
5 number of months of entitlement of the individual to
6 educational assistance under this chapter shall be
7 the number of months equal to—

8 “(A) the number of months of unused enti-
9 tlement of the individual under chapter 30 of
10 this title, as of the date of the election, plus

11 “(B) the number of months, if any, of enti-
12 tlement revoked by the individual under sub-
13 section (c)(1).

14 “(e) CONTINUING ENTITLEMENT TO EDUCATIONAL
15 ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE
16 PROGRAM.—

17 “(1) IN GENERAL.—In the event educational
18 assistance to which an individual making an election
19 under subsection (a) would be entitled under chapter
20 30 of this title, or chapter 107, 1606, or 1607 of
21 title 10, as applicable, is not authorized to be avail-
22 able to the individual under the provisions of this
23 chapter the individual shall remain entitled to such
24 educational assistance in accordance with the provi-
25 sions of the applicable chapter.

1 “(2) CHARGE FOR USE OF ENTITLEMENT.—

2 The utilization by an individual of entitlement under
3 paragraph (1) shall be chargeable against the enti-
4 tlement of the individual to educational assistance
5 under this chapter at the rate of one month of enti-
6 tlement under this chapter for each month of entitle-
7 ment utilized by the individual under paragraph (1)
8 (as determined as if such entitlement were utilized
9 under the provisions of chapter 30 of this title, or
10 chapter 107, 1606, or 1607 of title 10, as applica-
11 ble).

12 “(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-
13 BERS HAVING MADE CONTRIBUTIONS TOWARD GI
14 BILL.—

15 “(1) ADDITIONAL ASSISTANCE.—In the case of
16 an individual making an election under subsection
17 (a) who is described by subparagraph (A), (C), or
18 (E) of paragraph (1) of that subsection, the amount
19 of educational assistance payable to the individual
20 under this chapter as a monthly stipend payable
21 under paragraph (1)(B) of section 3313(c) of this
22 title, or under paragraphs (2) through (7) of that
23 section (as applicable), shall be the amount other-
24 wise payable as a monthly stipend under the applica-
25 ble paragraph increased by the amount equal to—

1 “(A) the total amount of contributions to-
2 ward basic educational assistance made by the
3 individual under section 3011(b) or 3012(c) of
4 this title, as of the date of the election, multi-
5 plied by

6 “(B) the fraction—

7 “(i) the numerator of which is—

8 “(I) the number of months of en-
9 titlement to basic educational assist-
10 ance under chapter 30 of this title re-
11 maining to the individual at the time
12 of the election; plus

13 “(II) the number of months, if
14 any, of entitlement under chapter 30
15 revoked by the individual under sub-
16 section (c)(1); and

17 “(ii) the denominator of which is 36
18 months.

19 “(2) MONTHS OF REMAINING ENTITLEMENT
20 FOR CERTAIN INDIVIDUALS.—In the case of an indi-
21 vidual covered by paragraph (1) who is described by
22 subsection (a)(1)(E), the number of months of enti-
23 tlement to basic educational assistance remaining to
24 the individual for purposes of paragraph
25 (1)(B)(i)(II) shall be 36 months.

1 “(3) TIMING OF PAYMENT.—The amount pay-
2 able with respect to an individual under paragraph
3 (1) shall be paid to the individual together with the
4 last payment of the monthly stipend payable to the
5 individual under paragraph (1)(B) of section
6 3313(c) of this title, or under paragraphs (2)
7 through (7) of that section (as applicable), before
8 the exhaustion of the individual’s entitlement to edu-
9 cational assistance under this chapter.

10 “(g) CONTINUING ENTITLEMENT TO ADDITIONAL
11 ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND
12 ADDITIONAL SERVICE.—An individual making an election
13 under subsection (a)(1) who, at the time of the election,
14 is entitled to increased educational assistance under sec-
15 tion 3015(d) of this title, or section 16131(i) of title 10,
16 or supplemental educational assistance under subchapter
17 III of chapter 30 of this title, shall remain entitled to such
18 increased educational assistance or supplemental edu-
19 cational assistance in the utilization of entitlement to edu-
20 cational assistance under this chapter, in an amount equal
21 to the quarter, semester, or term, as applicable, equivalent
22 of the monthly amount of such increased educational as-
23 sistance or supplemental educational assistance payable
24 with respect to the individual at the time of the election.

25 “(h) ALTERNATIVE ELECTION BY SECRETARY.—

1 “(1) IN GENERAL.—In the case of an individual
2 who, on or after January 1, 2016, submits to the
3 Secretary an election under this section that the
4 Secretary determines is clearly against the interests
5 of the individual, or who fails to make an election
6 under this section, the Secretary may make an alter-
7 native election on behalf of the individual that the
8 Secretary determines is in the best interests of the
9 individual.

10 “(2) NOTICE.—If the Secretary makes an elec-
11 tion on behalf of an individual under this subsection,
12 the Secretary shall notify the individual by not later
13 than seven days after making such election and shall
14 provide the individual with a 30-day period, begin-
15 ning on the date of the individual’s receipt of such
16 notice, during which the individual may modify or
17 revoke the election made by the Secretary on the in-
18 dividual’s behalf. The Secretary shall include, as
19 part of such notice, a clear statement of why the al-
20 ternative election made by the Secretary is in the
21 best interests of the individual as compared to the
22 election submitted by the individual. The Secretary
23 shall provide the notice required under this para-
24 graph by electronic means whenever possible.

1 “(i) IRREVOCABILITY OF ELECTIONS.—An election
2 under subsection (a) or (c)(1) is irrevocable.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by striking
5 the item relating to section 3325 and inserting the fol-
6 lowing new items:

 “3325. Election to receive educational assistance.

 “3326. Reporting requirement.”.

7 (c) CONFORMING REPEAL.—Subsection (c) of section
8 5003 of the Post-9/11 Veterans Educational Assistance
9 Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note)
10 is hereby repealed.

11 **SEC. 407. WORK-STUDY ALLOWANCE.**

12 Section 3485(a)(4) of title 38, United States Code,
13 is amended by striking “June 30, 2013” each place it ap-
14 pears and inserting “June 30, 2013, or the period begin-
15 ning on June 30, 2016, and ending on June 30, 2021”.

16 **SEC. 408. RETENTION OF ENTITLEMENT TO EDUCATIONAL**
17 **ASSISTANCE DURING CERTAIN ADDITIONAL**
18 **PERIODS OF ACTIVE DUTY.**

19 (a) EDUCATIONAL ASSISTANCE ALLOWANCE.—Sec-
20 tion 16131(c)(3)(B)(i) of title 10, United States Code, is
21 amended by striking “or 12304” and inserting “12304,
22 12304a, or 12304b”.

1 (b) EXPIRATION DATE.—Section 16133(b)(4) of
2 such title is amended by striking “or 12304” and inserting
3 “12304, 12304a, or 12304b”.

4 **SEC. 409. ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-**
5 **SISTANCE FOR CERTAIN MEMBERS OF RE-**
6 **SERVE COMPONENTS OF ARMED FORCES**
7 **WHO LOST ENTITLEMENT TO EDUCATIONAL**
8 **ASSISTANCE UNDER RESERVE EDUCATIONAL**
9 **ASSISTANCE PROGRAM.**

10 (a) ELECTION.—Section 16167 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new subsection:

13 “(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-
14 SISTANCE.—A member who loses eligibility for benefits
15 under this chapter pursuant to subsection (b) shall be al-
16 lowed to elect (in such form and manner as the Secretary
17 of Veterans Affairs may prescribe) to have such service
18 previously credited toward this chapter credited towards
19 establishing eligibility for educational assistance under
20 chapter 33 of title 38, United States Code, notwith-
21 standing the provisions of section 16163(e) of this title
22 or section 3322(h)(1) of title 38.”.

23 (b) QUALIFICATION OF SERVICE.—Section 3301(1)
24 of title 38, United States Code, shall be construed to in-
25 clude, in the case of a member of a reserve component

1 of the Armed Forces who, before November 25, 2015, es-
2 tablished eligibility for educational assistance under chap-
3 ter 1607 of title 10, United States Code, pursuant to sec-
4 tion 16163(a)(1) of such title, but lost eligibility for such
5 educational assistance pursuant to section 16167(b) of
6 such title, service on active duty (as defined in section 101
7 of such title) that satisfies the requirements of section
8 16163(a)(1) of such title.

9 (c) ENTITLEMENT.—Section 3311(b)(8) of title 38,
10 United States Code, shall be construed to include an indi-
11 vidual who, before November 25, 2015, established eligi-
12 bility for educational assistance under chapter 1607 of
13 title 10, United States Code, pursuant to section 16163(b)
14 of such title, but lost such eligibility pursuant to section
15 16167(b) of such title.

16 (d) DURATION.—Notwithstanding section 3312 of
17 title 38, United States Code, an individual who establishes
18 eligibility for educational assistance under chapter 33 of
19 such title by crediting towards such chapter service pre-
20 viously credited towards chapter 1607 of title 10, United
21 States Code, is only entitled to a number of months of
22 educational assistance under section 3313 of title 38,
23 United States Code, equal to the number of months of
24 entitlement remaining under chapter 1607 of title 10,

1 United States Code, at the time of conversion to chapter
2 33 of title 38, United States Code.

3 **SEC. 410. REPORTS ON PROGRESS OF STUDENTS RECEIV-**
4 **ING POST-9/11 EDUCATIONAL ASSISTANCE.**

5 (a) IN GENERAL.—Chapter 33 of title 38, United
6 States Code, as amended by section 406, is further amend-
7 ed—

8 (1) in subsection 3326(c), as redesignated—

9 (A) in paragraph (2), by striking “and”
10 after the semicolon;

11 (B) by redesignating paragraph (3) as
12 paragraph (4); and

13 (C) by inserting after paragraph (2) the
14 following new paragraph (3):

15 “(3) the information received by the Secretary
16 under section 3327 of this title; and”;

17 (2) by adding at the end the following new sec-
18 tion:

19 **“§ 3327. Report on student progress**

20 “As a condition on approval under chapter 36 of this
21 title of a course offered by an educational institution (as
22 defined in section 3452 of this title), each year, each edu-
23 cational institution (as so defined) that received a payment
24 in that year on behalf of an individual entitled to edu-
25 cational assistance under this chapter shall submit to the

1 Secretary such information regarding the academic
2 progress of the individual as the Secretary may require.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter, as amended by section
5 406, is further amended by adding at the end the following
6 new item:

“3327. Report on student progress.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date that is one year
9 after the date of the enactment of this Act.

10 **Subtitle B—Administration of** 11 **Educational Assistance**

12 **SEC. 421. CENTRALIZED REPORTING OF VETERAN ENROLL-** 13 **MENT BY CERTAIN GROUPS, DISTRICTS, AND** 14 **CONSORTIUMS OF EDUCATIONAL INSTITU-** 15 **TIONS.**

16 (a) IN GENERAL.—Section 3684(a) of title 38,
17 United States Code, is amended—

18 (1) in paragraph (1), by inserting “32, 33,”
19 after “31,”; and

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

22 “(4) For purposes of this subsection, the term ‘edu-
23 cational institution’ may include a group, district, or con-
24 sortium of separately accredited educational institutions
25 located in the same State that are organized in a manner

1 that facilitates the centralized reporting of the enrollments
2 in such group, district, or consortium of institutions.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall apply with respect to reports sub-
5 mitted on or after the date of the enactment of this Act.

6 **SEC. 422. PROVISION OF INFORMATION REGARDING VET-**
7 **ERAN ENTITLEMENT TO EDUCATIONAL AS-**
8 **SISTANCE.**

9 (a) IN GENERAL.—Subchapter II of chapter 36 of
10 title 38, United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 3699. Provision of certain information to edu-**
13 **catinal institutions**

14 “(a) IN GENERAL.—For each veteran or other indi-
15 vidual pursuing a course of education that has been ap-
16 proved under this chapter using educational assistance to
17 which the veteran or other individual is entitled under
18 chapter 30, 32, 33, or 35 of this title, the Secretary shall
19 make available to the educational institution offering the
20 course information about the amount of such educational
21 assistance to which the veteran or other individual is enti-
22 tled.

23 “(b) MANNER INFORMATION IS PROVIDED.—The
24 Secretary shall ensure that information made available to
25 an educational institution under subsection (a) is provided

1 to such educational institution pursuant to such sub-
2 section through a secure information technology system
3 accessible by the educational institution.

4 “(c) REGULAR UPDATES.—The Secretary shall regu-
5 larly update information provided under this section to re-
6 flect any amounts used by veterans and other individ-
7 uals.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 3698 the following new
11 item:

“3699. Provision of certain information to educational institutions.”.

12 **SEC. 423. ROLE OF STATE APPROVING AGENCIES.**

13 (a) APPROVAL OF CERTAIN COURSES.—Section
14 3672(b)(2)(A) of title 38, United States Code, is amended
15 by striking “the following” and all that follows through
16 the colon and inserting the following: “a program of edu-
17 cation is deemed to be approved for purposes of this chap-
18 ter if a State approving agency, or the Secretary when
19 acting in the role of a State approving agency, determines
20 that the program is one of the following programs:”.

21 (b) APPROVAL OF OTHER COURSES.—Section 3675
22 of such title is amended—

23 (1) in subsection (a)(1)—

24 (A) by striking “The Secretary or a State
25 approving agency” and inserting “A State ap-

1 proving agency, or the Secretary when acting in
2 the role of a State approving agency,”; and

3 (B) by striking “offered by proprietary for-
4 profit educational institutions” and inserting
5 “not covered by section 3672 of this title”; and
6 (2) in subsection (b)—

7 (A) in the matter before paragraph (1), by
8 striking “the Secretary or the State approving
9 agency” and inserting “the State approving
10 agency, or the Secretary when acting in the role
11 of a State approving agency,”; and

12 (B) in paragraph (1), by striking “the Sec-
13 retary or the State approving agency” and in-
14 serting “the State approving agency, or the
15 Secretary when acting in the role of a State ap-
16 proving agency”.

17 **SEC. 424. CRITERIA USED TO APPROVE COURSES.**

18 (a) NONACCREDITED COURSES.—Section
19 3676(c)(14) of title 38, United States Code, is amended
20 by inserting before the period the following: “if the Sec-
21 retary, in consultation with the State approving agency
22 and pursuant to regulations prescribed to carry out this
23 paragraph, determines such criteria are necessary and
24 treat public, private, and proprietary for-profit educational
25 institutions equitably”.

1 (b) ACCREDITED COURSES.—Section 3675(b)(3) of
2 such title is amended by striking “and (3)” and inserting
3 “(3), and (14)”.

4 (c) APPLICATION.—The amendment made by sub-
5 section (a) shall apply with respect to—

6 (1) criteria developed pursuant to paragraph
7 (14) of subsection (c) of section 3676 of title 38,
8 United States Code, on or after January 1, 2013;
9 and

10 (2) an investigation conducted under such sub-
11 section that is covered by a reimbursement of ex-
12 penses paid by the Secretary of Veterans Affairs to
13 a State pursuant to section 3674 of such title on or
14 after October 1, 2015.

15 **SEC. 425. MODIFICATION OF REQUIREMENTS FOR AP-**
16 **PROVAL FOR PURPOSES OF EDUCATIONAL**
17 **ASSISTANCE PROVIDED BY DEPARTMENT OF**
18 **VETERANS AFFAIRS OF PROGRAMS DE-**
19 **SIGNED TO PREPARE INDIVIDUALS FOR LI-**
20 **CENSURE OR CERTIFICATION.**

21 (a) APPROVAL OF NONACCREDITED COURSES.—Sub-
22 section (c) of section 3676 of title 38, United States Code,
23 as amended by this subtitle, is further amended—

24 (1) by redesignating paragraph (14) as para-
25 graph (16); and

1 (2) by inserting after paragraph (13) the fol-
2 lowing new paragraphs:

3 “(14) In the case of a course designed to pre-
4 pare an individual for licensure or certification in a
5 State, the course—

6 “(A) meets all instructional curriculum li-
7 censure or certification requirements of such
8 State; and

9 “(B) in the case of a course designed to
10 prepare an individual for licensure to practice
11 law in a State, is accredited by an accrediting
12 agency or association recognized by the Sec-
13 retary of Education under subpart 2 of part H
14 of title IV of the Higher Education Act of 1965
15 (20 U.S.C. 1099b).

16 “(15) In the case of a course designed to pre-
17 pare an individual for employment pursuant to
18 standards developed by a board or agency of a State
19 in an occupation that requires approval, licensure, or
20 certification, the course—

21 “(A) meets such standards; and

22 “(B) in the case of a course designed to
23 prepare an individual for licensure to practice
24 law in a State, is accredited by an accrediting
25 agency or association recognized by the Sec-

1 retary of Education under subpart 2 of part H
2 of title IV of the Higher Education Act of 1965
3 (20 U.S.C. 1099b).”.

4 (b) EXCEPTIONS.—Such section is further amended
5 by adding at the end the following new subsection:

6 “(f)(1) The Secretary may waive the requirements of
7 paragraph (14) or (15) of subsection (c) in the case of
8 a course of education offered by an educational institution
9 (either accredited or not accredited) if the Secretary deter-
10 mines all of the following:

11 “(A) The educational institution is not accred-
12 ited by an agency or association recognized by the
13 Secretary of Education.

14 “(B) The course did not meet the requirements
15 of such paragraph at any time during the two-year
16 period preceding the date of the waiver.

17 “(C) The waiver furthers the purposes of the
18 educational assistance programs administered by the
19 Secretary or would further the education interests of
20 individuals eligible for assistance under such pro-
21 grams.

22 “(D) The educational institution does not pro-
23 vide any commission, bonus, or other incentive pay-
24 ment based directly or indirectly on success in secur-
25 ing enrollments or financial aid to any persons or

1 entities engaged in any student recruiting or admis-
2 sion activities or in making decisions regarding the
3 award of student financial assistance, except for the
4 recruitment of foreign students residing in foreign
5 countries who are not eligible to receive Federal stu-
6 dent assistance.

7 “(2) Not later than 30 days after the date on which
8 the Secretary issues a waiver under paragraph (1), the
9 Secretary shall submit to Congress notice of such waiver
10 and a justification for issuing such waiver.”

11 (c) APPROVAL OF ACCREDITED COURSES.—Section
12 3675(b)(3) of such title, as amended by this subtitle, is
13 further amended—

14 (1) by striking “and (14)” and inserting “(14),
15 (15), and (16)”; and

16 (2) by inserting before the period at the end the
17 following: “(or, with respect to such paragraphs (14)
18 and (15), the requirements under such paragraphs
19 are waived pursuant to subsection (f)(1) of section
20 3676 of this title)”.

21 (d) APPROVAL OF ACCREDITED STANDARD COLLEGE
22 DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-
23 PROFIT EDUCATIONAL INSTITUTIONS.—Section
24 3672(b)(2) of such title is amended—

1 (1) in subparagraph (A)(i), by striking “An ac-
2 credited” and inserting “Except as provided in sub-
3 paragraph (C), an accredited”; and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(C) A course that is described in both subparagraph
7 (A)(i) of this paragraph and in paragraph (14) or (15)
8 of section 3676(c) of this title shall not be deemed to be
9 approved for purposes of this chapter unless—

10 “(i) a State approving agency, or the Secretary
11 when acting in the role of a State approving agency,
12 determines that the course meets the applicable cri-
13 teria in such paragraphs; or

14 “(ii) the Secretary issues a waiver for such
15 course under section 3676(f)(1) of this title.”.

16 (e) DISAPPROVAL OF COURSES.—Section 3679 of
17 such title is amended by adding at the end the following
18 new subsection:

19 “(d) Notwithstanding any other provision of this
20 chapter, the Secretary or the applicable State approving
21 agency shall disapprove a course of education described
22 in paragraph (14) or (15) of section 3676(c) of this title
23 unless the educational institution providing the course of
24 education—

1 “(1) publicly discloses any conditions or addi-
2 tional requirements, including training, experience,
3 or examinations, required to obtain the license, cer-
4 tification, or approval for which the course of edu-
5 cation is designed to provide preparation; and

6 “(2) makes each disclosure required by para-
7 graph (1) in a manner that the Secretary considers
8 prominent (as specified by the Secretary in regula-
9 tions prescribed for purposes of this subsection).”.

10 (f) **APPLICABILITY.**—If after enrollment in a course
11 of education that is subject to disapproval by reason of
12 an amendment made by this Act, an individual pursues
13 one or more courses of education at the same educational
14 institution while remaining continuously enrolled (other
15 than during regularly scheduled breaks between courses,
16 semesters, or terms) at that institution, any course so pur-
17 sued by the individual at that institution while so continu-
18 ously enrolled shall not be subject to disapproval by reason
19 of such amendment.

20 **SEC. 426. COMPLIANCE SURVEYS.**

21 (a) **IN GENERAL.**—Section 3693 of title 38, United
22 States Code, is amended—

23 (1) by striking subsection (a) and inserting the
24 following new subsection (a):

1 “(a)(1) Except as provided in subsection (b), the Sec-
2 retary shall conduct an annual compliance survey of edu-
3 cational institutions and training establishments offering
4 one or more courses approved for the enrollment of eligible
5 veterans or persons if at least 20 such veterans or persons
6 are enrolled in any such course.

7 “(2) The Secretary shall—

8 “(A) design the compliance surveys required by
9 paragraph (1) to ensure that such institutions or es-
10 tablishments described in such paragraph, as the
11 case may be, and approved courses are in compliance
12 with all applicable provisions of chapters 30 through
13 36 of this title;

14 “(B) survey each such educational institution
15 and training establishment not less than once during
16 every two-year period; and

17 “(C) assign not fewer than one education com-
18 pliance specialist to work on compliance surveys in
19 any year for each 40 compliance surveys required to
20 be made under this section for such year.

21 “(3) The Secretary, in consultation with the State ap-
22 proving agencies, shall—

23 “(A) annually determine the parameters of the
24 surveys required under paragraph (1); and

1 “(B) not later than September 1 of each year,
2 make available to the State approving agencies a list
3 of the educational institutions and training estab-
4 lishments that will be surveyed during the fiscal year
5 following the date of making such list available.”;
6 and

7 (2) by adding at the end the following new sub-
8 section:

9 “(c) In this section, the terms ‘educational institu-
10 tion’ and ‘training establishment’ have the meanings given
11 such terms in section 3452 of this title.”.

12 (b) CONFORMING AMENDMENTS.—Subsection (b) of
13 such section is amended—

14 (1) by striking “subsection (a) of this section
15 for an annual compliance survey” and inserting
16 “subsection (a)(1) for a compliance survey”;

17 (2) by striking “institution” and inserting
18 “educational institution or training establishment”;
19 and

20 (3) by striking “institution’s demonstrated
21 record of compliance” and inserting “record of com-
22 pliance of such institution or establishment”.

1 **SEC. 427. SURVEY OF INDIVIDUALS USING THEIR ENTITLE-**
2 **MENT TO EDUCATIONAL ASSISTANCE UNDER**
3 **THE EDUCATIONAL ASSISTANCE PROGRAMS**
4 **ADMINISTERED BY THE SECRETARY OF VET-**
5 **ERANS AFFAIRS.**

6 (a) SURVEY REQUIRED.—

7 (1) IN GENERAL.—By not later than 270 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Veterans Affairs shall enter into a contract
10 with a nongovernmental entity for the conduct of a
11 survey of a statistically valid sample of individuals
12 who have used or are using their entitlement to edu-
13 cational assistance under chapters 30, 32, 33, and
14 35 of title 38, United States Code, to pursue a pro-
15 gram of education or training.

16 (2) CONTRACT REQUIREMENTS.—The contract
17 shall provide that—

18 (A) not later than one month before the
19 collection of data under the survey begins, the
20 survey shall be submitted to the Committee on
21 Veterans' Affairs of the Senate and the Com-
22 mittee on Veterans' Affairs of the House of
23 Representatives;

24 (B) the nongovernmental entity shall com-
25 plete the survey and submit to the Secretary

1 the results of the survey by not later than 180
2 days after entering into the contract; and

3 (C) the survey shall be conducted by elec-
4 tronic means and by any other means the non-
5 governmental entity determines appropriate.

6 (b) INFORMATION TO BE COLLECTED.—The con-
7 tract under subsection (a) shall provide that the survey
8 shall be designed to collect the following types of informa-
9 tion about each individual surveyed, where applicable:

10 (1) Demographic information, including the
11 highest level of education completed by the indi-
12 vidual, the military occupational specialty or special-
13 ties of the individual while serving on active duty as
14 a member of the Armed Forces or as a member of
15 the National Guard or of a Reserve Component of
16 the Armed Forces, and whether the individual has a
17 service-connected disability.

18 (2) The opinion of the individual regarding par-
19 ticipation in the transition assistance program under
20 section 1144 of title 10, United States Code, and
21 the effectiveness of the program, including instruc-
22 tion on the use of the benefits under laws adminis-
23 tered by the Secretary of Veterans Affairs.

24 (3) The resources the individual used to help
25 the individual—

1 (A) decide to use the individual's entitle-
2 ment to educational assistance to enroll in a
3 program of education or training; and

4 (B) choose the program of education or
5 training the individual pursued.

6 (4) The individual's goal when the individual
7 enrolled in the program of education or training.

8 (5) The nature of the individual's experience
9 with the education benefits processing system of the
10 Department of Veterans Affairs.

11 (6) The nature of the individual's experience
12 with the school certifying official of the educational
13 institution where the individual pursued the program
14 of education or training who processed the individ-
15 ual's claim.

16 (7) Any services or benefits the educational in-
17 stitution or program of education or training pro-
18 vided to veterans while the individual pursued the
19 program of education or training.

20 (8) The type of educational institution at which
21 the individual pursued the program of education or
22 training.

23 (9) Whether the individual completed the pro-
24 gram of education or training or the number of cred-
25 it hours completed by the individual as of the time

1 of the survey, and, if applicable, any degree or cer-
2 tificate obtained by the individual for completing the
3 program.

4 (10) The employment status of the individual
5 and whether such employment status differs from
6 the employment status of the individual prior to en-
7 rolling in the program of education or training.

8 (11) Whether the individual is or was enrolled
9 in a program of education on a full-time or part-
10 time basis.

11 (12) The opinion of the individual on the effec-
12 tiveness of the educational assistance program of the
13 Department of Veterans Affairs under which the in-
14 dividual was entitled to educational assistance.

15 (13) Whether the individual was ever entitled to
16 a rehabilitation under chapter 31 of title 38, United
17 States Code, and whether the individual participated
18 in such a program.

19 (14) A description of any circumstances that
20 prevented the individual from using the individual's
21 entitlement to educational assistance to pursue a de-
22 sired career path or degree.

23 (15) Whether the individual is using the indi-
24 vidual's entitlement to educational assistance to pur-

1 sue a program of education or training or has trans-
2 ferred such an entitlement to a dependent.

3 (16) Such other matters as the Secretary deter-
4 mines appropriate.

5 (c) REPORT.—Not later than 90 days after receiving
6 the results of the survey required under this section, the
7 Secretary shall submit to the Committee on Veterans' Af-
8 fairs of the Senate and the Committee on Veterans' Af-
9 fairs of the House of Representatives a report on the re-
10 sults of the survey and any recommendations of the Sec-
11 retary relating to such results. Such report shall also in-
12 clude an unedited version of the results of the survey sub-
13 mitted by the nongovernmental entity that conducted the
14 survey.

15 **SEC. 428. TECHNICAL AMENDMENT RELATING TO IN-STATE**
16 **TUITION RATE FOR INDIVIDUALS TO WHOM**
17 **ENTITLEMENT IS TRANSFERRED UNDER ALL-**
18 **VOLUNTEER FORCE EDUCATIONAL ASSIST-**
19 **ANCE PROGRAM AND POST-9/11 EDU-**
20 **CATIONAL ASSISTANCE.**

21 (a) TECHNICAL AMENDMENT.—Subparagraph (B) of
22 section 3679(c)(2) of title 38, United States Code, is
23 amended to read as follows:

24 “(B) An individual who is entitled to assistance
25 under—

1 “(i) section 3311(b)(9) of this title; or

2 “(ii) section 3319 of this title by virtue of
3 the individual’s relationship to—

4 “(I) a veteran described in subpara-
5 graph (A); or

6 “(II) a member of the uniformed serv-
7 ices described in section 3319(b) of this
8 title who is serving on active duty.”.

9 (b) APPLICABILITY.—The amendment made by sub-
10 section (a) shall apply with respect to a course, semester,
11 or term that begins after July 1, 2017.

12 **TITLE V—EMPLOYMENT AND** 13 **TRANSITION**

14 **SEC. 501. REQUIRED COORDINATION BETWEEN DIRECTORS** 15 **FOR VETERANS’ EMPLOYMENT AND TRAIN-** 16 **ING WITH STATE DEPARTMENTS OF LABOR** 17 **AND VETERANS AFFAIRS.**

18 (a) IN GENERAL.—Section 4103 of title 38, United
19 States Code, is amended by adding at the end the fol-
20 lowing new subsection:

21 “(c) COORDINATION WITH STATE DEPARTMENTS OF
22 LABOR AND VETERANS AFFAIRS.—Each Director for Vet-
23 erans’ Employment and Training for a State shall coordi-
24 nate the Director’s activities under this chapter with the

1 State department of labor and the State department of
2 veterans affairs.”.

3 (b) EFFECTIVE DATE.—Subsection (c) of such sec-
4 tion, as added by subsection (a), shall take effect on the
5 date that is one year after the date of the enactment of
6 this Act.

7 **SEC. 502. LONGITUDINAL STUDY OF JOB COUNSELING,**
8 **TRAINING, AND PLACEMENT SERVICE FOR**
9 **VETERANS.**

10 (a) IN GENERAL.—Chapter 41 of title 38, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§4115. Longitudinal study of job counseling, train-**
14 **ing, and placement service for veterans**

15 “(a) STUDY REQUIRED.—(1) The Secretary shall
16 enter into a contract with a nongovernmental entity to
17 conduct a longitudinal study of a statistically valid sample
18 of each of the groups of individuals described in paragraph
19 (2). The contract shall provide for the study of each such
20 group over a period of at least five years.

21 “(2) The groups of individuals described in this para-
22 graph are the following:

23 “(A) Veterans who have received intensive serv-
24 ices.

1 “(B) Veterans who did not receive intensive
2 services but who otherwise received services under
3 this chapter.

4 “(C) Veterans who did not seek or receive serv-
5 ices under this chapter.

6 “(3) The study required by this subsection shall in-
7 clude the collection, for each individual who participates
8 in the study, of the following information:

9 “(A) The average number of months such indi-
10 vidual served on active duty.

11 “(B) The disability ratings of such individual.

12 “(C) Any unemployment benefits received by
13 such individual.

14 “(D) The average number of months such indi-
15 vidual was employed during the year covered by the
16 report.

17 “(E) The average annual starting and ending
18 salaries of any such individual who was employed
19 during the year covered by the report.

20 “(F) The average annual income of such indi-
21 vidual.

22 “(G) The average total household income of
23 such individual for the year covered by the report.

24 “(H) The percentage of such individuals who
25 own their principal residences.

1 “(I) The employment status of such individual.

2 “(J) In the case of such an individual who re-
3 ceived services under this chapter, whether the indi-
4 vidual believes that any service provided by a dis-
5 abled veterans’ outreach program specialist or local
6 veterans’ employment representative helped the indi-
7 vidual to become employed.

8 “(K) In the case of such an individual who be-
9 lieves such a service helped the individual to become
10 employed, whether—

11 “(i) the individual retained the position of
12 employment for a period of one year or longer;
13 and

14 “(ii) the individual believes such a service
15 helped the individual to secure a higher wage or
16 salary.

17 “(L) The conditions under which such indi-
18 vidual was discharged or released from the Armed
19 Forces.

20 “(M) Whether such individual has used any
21 educational assistance to which the individual is en-
22 titled under this title.

23 “(N) Whether such individual has participated
24 in a rehabilitation program under chapter 31 of this
25 title.

1 “(ii) The number of veterans contacted at
2 each such job fair.

3 “(B) Such information as the Secretary deter-
4 mines is necessary to determine the long-term out-
5 comes of the individuals in the groups described in
6 subsection (a)(2).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by adding
9 at the end the following new item:

 “4115. Longitudinal study of job counseling, training, and placement service for
 veterans.”.

10 **TITLE VI—HOMELESS VETERANS**

11 **Subtitle A—Homeless Matters**

12 **Generally**

13 **SEC. 601. EXPANSION OF DEFINITION OF HOMELESS VET-** 14 **ERAN FOR PURPOSES OF BENEFITS UNDER** 15 **THE LAWS ADMINISTERED BY THE SEC-** 16 **RETARY OF VETERANS AFFAIRS.**

17 Section 2002(1) of title 38, United States Code, is
18 amended by striking “in section 103(a) of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C. 11302(a))”
20 and inserting “in subsection (a) or (b) of section 103 of
21 the McKinney-Vento Homeless Assistance Act (42 U.S.C.
22 11302)”.

1 **SEC. 602. INCREASED PER DIEM PAYMENTS FOR TRANSI-**
2 **TIONAL HOUSING ASSISTANCE THAT BE-**
3 **COMES PERMANENT HOUSING FOR HOME-**
4 **LESS VETERANS.**

5 Section 2012(a)(2) of title 38, United States Code,
6 is amended—

7 (1) by redesignating subparagraphs (B)
8 through (D) as subparagraphs (C) through (E), re-
9 spectively;

10 (2) in subparagraph (C), as redesignated, by
11 striking “in subparagraph (D)” and inserting “in
12 subparagraph (E)”;

13 (3) in subparagraph (D), as redesignated, by
14 striking “under subparagraph (B)” and inserting
15 “under subparagraph (C)”;

16 (4) in subparagraph (E), as redesignated, by
17 striking “in subparagraphs (B) and (C)” and insert-
18 ing “in subparagraphs (C) and (D)”;

19 (5) in subparagraph (A)—

20 (A) by striking “The rate” and inserting
21 “Except as otherwise provided in subparagraph
22 (B), the rate”; and

23 (B) by striking “under subparagraph (B)”
24 and all that follows through the end and insert-
25 ing the following: “under subparagraph (C).

1 which rental assistance is provided pursuant to sec-
2 tion 8(o)(19) of the United States Housing Act of
3 1937 (42 U.S.C. 1437f(o)(19));

4 “(3) Native Americans (as defined in section
5 3765 of this title) who are veterans and receiving as-
6 sistance under the Native American Housing Assist-
7 ance and Self Determination Act of 1996 (25 U.S.C.
8 4101 et seq.); and

9 “(4) veterans who are transitioning from being
10 incarcerated.”.

11 **SEC. 604. PROGRAM TO IMPROVE RETENTION OF HOUSING**
12 **BY FORMERLY HOMELESS VETERANS AND**
13 **VETERANS AT RISK OF BECOMING HOME-**
14 **LESS.**

15 (a) PROGRAM REQUIRED.—

16 (1) IN GENERAL.—Subchapter II of chapter 20
17 of title 38, United States Code, is amended—

18 (A) by redesignating section 2013 as sec-
19 tion 2014; and

20 (B) by inserting after section 2012 the fol-
21 lowing new section 2013:

1 **“§ 2013. Program to improve retention of housing by**
2 **formerly homeless veterans and veterans**
3 **at risk of becoming homeless**

4 “(a) PROGRAM REQUIRED.—The Secretary shall
5 carry out a program under which the Secretary shall pro-
6 vide case management services to improve the retention
7 of housing by veterans who were previously homeless and
8 are transitioning to permanent housing and veterans who
9 are at risk of becoming homeless.

10 “(b) GRANTS.—(1) The Secretary shall carry out the
11 program through the award of grants.

12 “(2)(A) In awarding grants under paragraph (1), the
13 Secretary shall give priority to organizations that dem-
14 onstrate a capability to provide case management services
15 as described in subsection (a), particularly organizations
16 that are successfully providing or have successfully pro-
17 vided transitional housing services using amounts provided
18 by the Secretary under sections 2012 and 2061 of this
19 title.

20 “(B) In giving priority under subparagraph (A), the
21 Secretary shall give extra priority to an organization de-
22 scribed in such subparagraph that—

23 “(i) voluntarily stops receiving amounts pro-
24 vided by the Secretary under sections 2012 and
25 2061 of this title; and

1 (1) IN GENERAL.—Not later than June 1,
2 2020, the Secretary shall submit to the Committee
3 on Veterans' Affairs of the Senate and the Com-
4 mittee on Veterans' Affairs of the House of Rep-
5 resentatives a report on the program required by
6 section 2013 of such title, as added by subsection
7 (a)(1)(B).

8 (2) CONTENTS.—The report submitted under
9 paragraph (1) shall include assessments of the fol-
10 lowing:

11 (A) The percentage of veterans who re-
12 ceived case management services under the pro-
13 gram who were able to retain permanent hous-
14 ing by the end of the program, disaggregated
15 by each recipient of a grant under such section.

16 (B) The percentage of veterans who re-
17 ceived case management services under the pro-
18 gram who were not in permanent housing at
19 the end of the program, disaggregated by hous-
20 ing status and reason for failing to retain per-
21 manent housing under the program.

22 (C) The use by veterans, who received case
23 management services under the program, of
24 housing assistance furnished by the Department
25 of Veterans Affairs, including a comparison of

1 the use of such assistance by such veterans be-
2 fore and after receiving such services.

3 (D) An assessment of the employment sta-
4 tus of veterans who received case management
5 services under the program, including a com-
6 parison of the employment status of such vet-
7 erans before and after receiving such services.

8 **SEC. 605. PILOT PROGRAM ON PROVISION OF INTENSIVE**
9 **CASE MANAGEMENT INTERVENTIONS TO**
10 **HOMELESS VETERANS WHO RECEIVE THE**
11 **MOST HEALTH CARE FROM THE DEPART-**
12 **MENT OF VETERANS AFFAIRS.**

13 (a) **PILOT PROGRAM REQUIRED.**—Not later than
14 September 1, 2017, the Secretary of Veterans Affairs shall
15 commence a pilot program to assess the feasibility and ad-
16 visability of providing intensive case management inter-
17 ventions to covered veterans.

18 (b) **COVERED VETERANS.**—For purposes of the pilot
19 program, a covered veteran is a veteran who is enrolled
20 in—

21 (1) the homeless registry of the Department;
22 and

23 (2) the system of annual patient enrollment es-
24 tablished and operated by the Secretary under sec-
25 tion 1705(a) of title 38, United States Code.

1 (c) LOCATION.—

2 (1) IN GENERAL.—The Secretary shall carry
3 out the pilot program at not fewer than six locations
4 selected by the Secretary for purposes of the pilot
5 program as follows:

6 (A) Not fewer than three locations in cities
7 that have the largest populations of homeless
8 veterans in the United States.

9 (B) Not fewer than three locations in sub-
10 urban or rural settings.

11 (2) INTERACTION AND COORDINATION WITH
12 COMMUNITY ORGANIZATIONS.—In selecting locations
13 under paragraph (1), the Secretary shall only select
14 locations in areas in which the Secretary determines
15 that there is a high degree of interaction and coordi-
16 nation between the Department and community or-
17 ganizations that provide housing and social services
18 for veterans, such as outreach, employment, and fi-
19 nancial assistance for homeless veterans, veterans at
20 risk of becoming homeless, and low-income veterans.

21 (d) PROVISION OF INTENSIVE CASE MANAGEMENT
22 INTERVENTIONS.—

23 (1) MINIMUM NUMBER OF VETERANS TO RE-
24 CEIVE INTERVENTIONS.—In carrying out the pro-
25 gram at each location selected under subsection (c),

1 the Secretary shall provide intensive case manage-
2 ment interventions to not fewer than 20 covered vet-
3 erans at each such location who the Secretary deter-
4 mines are the covered veterans at such location who
5 receive the most health care and related services fur-
6 nished by the Department of Veterans Affairs.

7 (2) NATURE OF INTERVENTIONS.—The inten-
8 sive case management interventions provided to cov-
9 ered veterans under paragraph (1) shall include as-
10 sistance with gaining and maintaining access to such
11 housing and services, including benefits and services
12 to which covered veterans may be entitled or eligible
13 under the laws administered by the Secretary, as
14 may be necessary to improve the stability of their
15 housing and the appropriateness of the health care
16 that they receive.

17 (e) REPORT.—

18 (1) IN GENERAL.—Not later than December 1,
19 2019, the Secretary shall submit to the Committee
20 on Veterans' Affairs of the Senate and the Com-
21 mittee on Veterans' Affairs of the House of Rep-
22 resentatives a report on the pilot program carried
23 out under this section.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall include assessments of the fol-
3 lowing:

4 (A) The types and frequencies of intensive
5 case management interventions provided under
6 the pilot program.

7 (B) The housing status of each veteran
8 who received an intensive case management
9 intervention under the pilot program.

10 (C) The employment status of each veteran
11 who received an intensive case management
12 intervention under the pilot program, including
13 a comparison of the employment status of such
14 veteran before and after receiving such inter-
15 vention.

16 (D) The use by veterans who received in-
17 tensive case management interventions under
18 the pilot program of health care and related
19 services furnished by the Department of Vet-
20 erans Affairs and the costs incurred by the De-
21 partment in furnishing such care and services,
22 including a comparison of the use by such vet-
23 erans of such care and services and the costs
24 incurred from furnishing such care and services
25 before and after receiving such interventions.

1 (E) The number of veterans who received
2 intensive case management interventions under
3 the pilot program, disaggregated by whether the
4 intensive case management intervention was
5 provided in a location described in subpara-
6 graph (A) or (B) of subsection (c)(1).

7 (F) The costs incurred by the Department
8 in carrying out the pilot program,
9 disaggregated by provision of intensive case
10 management interventions in locations de-
11 scribed in subparagraphs (A) and (B) of such
12 subsection.

13 (G) An estimate of the costs the Depart-
14 ment would have incurred for the provision of
15 health care and associated services to covered
16 veterans but for the provision of intensive case
17 management interventions under the pilot pro-
18 gram, disaggregated by provision of intensive
19 case management interventions in locations de-
20 scribed in subparagraphs (A) and (B) of sub-
21 section (c)(1).

1 **SEC. 606. ESTABLISHMENT OF NATIONAL CENTER ON**
2 **HOMELESSNESS AMONG VETERANS.**

3 (a) IN GENERAL.—Subchapter VII of chapter 20 of
4 title 38, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 2067. National Center on Homelessness Among Vet-**
7 **erans**

8 “(a) IN GENERAL.—(1) The Secretary shall establish
9 and operate a center to carry out the functions described
10 in subsection (b).

11 “(2) The center established under paragraph (1)
12 shall be known as the ‘National Center on Homelessness
13 Among Veterans’.

14 “(3) To the degree practicable, the Secretary shall
15 operate the center established under paragraph (1) inde-
16 pendently of the other programs of the Department that
17 address homelessness among veterans.

18 “(b) FUNCTIONS.—The functions described in this
19 subsection are as follows:

20 “(1) To carry out and promote research into
21 the causes and contributing factors to veteran home-
22 lessness.

23 “(2) To assess the effectiveness of programs of
24 the Department to meet the needs of homeless vet-
25 erans.

1 “(3) To identify and disseminate best practices
2 with regard to housing stabilization, income support,
3 employment assistance, community partnerships,
4 and such other matters as the Secretary considers
5 appropriate with respect to addressing veteran
6 homelessness.

7 “(4) To integrate evidence-based and best prac-
8 tices, policies, and programs into programs of the
9 Department for homeless veterans and veterans at
10 risk of homelessness and to ensure that the staff of
11 the Department and community partners can imple-
12 ment such practices, policies, and programs.

13 “(5) To serve as a resource center for, and pro-
14 mote and seek to coordinate the exchange of infor-
15 mation regarding, all research and training activities
16 carried out by the Department and by other Federal
17 and non-Federal entities with respect to veteran
18 homelessness.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 20 of such title is amended
21 by inserting after the item relating to section 2066 the
22 following new item:

“2067. National Center on Homelessness Among Veterans.”.

1 **SEC. 607. ADMINISTRATIVE IMPROVEMENTS TO GRANT**
2 **AND PER DIEM PROGRAMS OF DEPARTMENT**
3 **OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 2012 of title 38, United
5 States Code, is amended—

6 (1) in subsection (a)(1), in the matter before
7 subparagraph (A), by inserting “and except as oth-
8 erwise provided in this section” after “such pur-
9 pose”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(e) REVIEW AND CONDITIONAL RENEWAL.—(1)
13 Each year, the Secretary shall review each grant recipient
14 and eligible entity that received a per diem payment under
15 this section for a service furnished to a veteran during
16 the one-year period preceding the review to evaluate the
17 performance of the grant recipient or eligible entity during
18 that period with respect to—

19 “(A) the success of the grant recipient or eligi-
20 ble entity in assisting veterans to obtain, transition
21 into, and retain permanent housing; and

22 “(B) increasing the income of veterans, whether
23 by helping veterans obtain employment or by helping
24 veterans obtain income-related benefits to which
25 such veterans may be eligible or entitled.

1 “(2) For any grant recipient or eligible entity whose
2 performance was evaluated for a year under paragraph
3 (1), the Secretary may only provide per diem under this
4 section to that grant recipient or eligible entity in the fol-
5 lowing year if the Secretary determines that such perform-
6 ance merits continued receipt of per diem under this sec-
7 tion.

8 “(3) The Secretary shall establish uniform perform-
9 ance targets throughout the United States for all grant
10 recipients and eligible entities that receive per diem pay-
11 ments under this section for purposes of evaluating the
12 performance of each such grant recipient and eligible enti-
13 ty under this subsection.”.

14 (b) EFFECTIVE DATE.—

15 (1) UNIFORM PERFORMANCE TARGETS.—Not
16 later than one year after the date of the enactment
17 of this Act, the Secretary shall establish uniform
18 performance targets pursuant to paragraph (3) of
19 section 2012(e) of title 38, United States Code, as
20 added by subsection (a)(2).

21 (2) REVIEW OF GRANT RECIPIENTS AND ELIGI-
22 BLE ENTITIES.—The Secretary shall complete the
23 first review of each grant recipient and eligible enti-
24 ty pursuant to paragraph (1) of such section, as so

1 added, not later than two years after the date of the
2 enactment of this Act.

3 **SEC. 608. PARTNERSHIPS WITH PUBLIC AND PRIVATE ENTI-**
4 **TIES TO PROVIDE LEGAL SERVICES TO**
5 **HOMELESS VETERANS AND VETERANS AT**
6 **RISK OF HOMELESSNESS.**

7 (a) IN GENERAL.—Chapter 20 of title 38, United
8 States Code, is amended by inserting after section 2022
9 the following new section:

10 **“§ 2022A. Partnerships with public and private enti-**
11 **ties to provide legal services to homeless**
12 **veterans and veterans at risk of home-**
13 **lessness**

14 “(a) PARTNERSHIPS AUTHORIZED.—Subject to the
15 availability of funds for that purpose, the Secretary may
16 enter into partnerships with public or private entities,
17 through the award of grants or the use of cooperative
18 agreements, to fund a portion of the general legal services
19 specified in subsection (c) that are provided by such enti-
20 ties to homeless veterans and veterans at risk of homeless-
21 ness.

22 “(b) LOCATIONS.—(1) The Secretary shall ensure
23 that, to the extent practicable, partnerships under this sec-
24 tion are made with entities equitably distributed across the
25 geographic regions of the United States, including rural

1 communities, tribal lands of the United States, Native
2 Americans, and tribal organizations.

3 “(2) In this subsection, the terms ‘Native American’
4 and ‘tribal organization’ have the meanings given such
5 terms in section 3765 of this title.

6 “(c) LEGAL SERVICES.—Legal services specified in
7 this subsection include legal services provided by public
8 or private entities that address the needs of homeless vet-
9 erans and veterans at risk of homelessness, such as the
10 following:

11 “(1) Legal services related to housing, including
12 eviction defense and representation in landlord-ten-
13 ant cases.

14 “(2) Legal services related to family law, in-
15 cluding assistance in court proceedings for child sup-
16 port, divorce, and estate planning.

17 “(3) Legal services related to income support,
18 including assistance in obtaining public benefits.

19 “(4) Legal services related to criminal defense,
20 including defense in matters symptomatic of home-
21 lessness, such as outstanding warrants, fines, and
22 driver’s license revocation, to reduce recidivism and
23 facilitate the overcoming of reentry obstacles in em-
24 ployment or housing.

1 “(d) CONSULTATION.—In developing and carrying
2 out partnerships under this section, the Secretary shall,
3 to the extent practicable, consult with public and private
4 entities—

5 “(1) for assistance in identifying and contacting
6 organizations described in subsection (c); and

7 “(2) to coordinate appropriate outreach rela-
8 tionships with such organizations.

9 “(e) REPORTS.—The Secretary may require entities
10 that have entered into partnerships under this section to
11 submit to the Secretary periodic reports on legal services
12 provided to homeless veterans and veterans at risk of
13 homelessness pursuant to such partnerships.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 20 of such title is amended
16 by adding after the item relating to section 2022 the fol-
17 lowing new item:

“2022A. Partnerships with public and private entities to provide legal services
to homeless veterans and veterans at risk of homelessness.”.

18 **SEC. 609. COMPTROLLER GENERAL OF THE UNITED**
19 **STATES STUDY ON HOMELESS VETERANS**
20 **PROGRAMS OF DEPARTMENT OF VETERANS**
21 **AFFAIRS.**

22 (a) IN GENERAL.—Not later than one year after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall—

1 (1) assess and measure the capacity of pro-
2 grams for which entities receive grants under section
3 2011 of title 38, United States Code, or per diem
4 payments under section 2012 or 2061 of such title;
5 and

6 (2) assess such programs with respect to—

7 (A) how well they achieve their stated
8 goals at a national level;

9 (B) placements in permanent housing;

10 (C) placements in employment; and

11 (D) increases in the regular income of par-
12 ticipants in the programs.

13 (b) ASSESSMENT AT NATIONAL AND LOCAL LEV-
14 ELS.—In assessing and measuring under subsection
15 (a)(1), the Secretary shall develop and use tools to exam-
16 ine the capacity of programs described in such subsection
17 at both the national and local level in order to assess the
18 following:

19 (1) Whether sufficient capacity exists to meet
20 the needs of homeless veterans in each geographic
21 area.

22 (2) Whether existing capacity meets the needs
23 of the subpopulations of homeless veterans located in
24 each geographic area.

1 (3) The amount of capacity that recipients of
2 grants under sections 2011 and 2061 and per diem
3 payments under section 2012 of such title have to
4 provide services for which the recipients are eligible
5 to receive per diem under section 2012(a)(2)(B)(ii)
6 of title 38, United States Code, as added by section
7 602(5)(B).

8 (c) CONSIDERATION OF OTHER RESOURCES.—In as-
9 sessing and measuring programs under subsection (a)(1),
10 the Secretary shall consider the availability to such pro-
11 grams of resources made available to such programs and
12 to homeless veterans, including resources provided by the
13 Department of Veterans Affairs and by entities other than
14 the Department.

15 (d) USE OF INFORMATION.—The Secretary shall use
16 the information collected under this section as follows:

17 (1) To set specific goals to ensure that pro-
18 grams described in subsection (a) are effectively
19 serving the needs of homeless veterans.

20 (2) To assess whether programs described in
21 subsection (a) are meeting goals set under para-
22 graph (1).

23 (3) To inform funding allocations for programs
24 described in subsection (a).

1 (4) To improve the referral of homeless vet-
2 erans to programs described in subsection (a).

3 (e) REPORT.—Not later than 180 days after the date
4 on which the assessment required by subsection (a) is
5 completed, the Secretary shall submit to the Committee
6 on Veterans' Affairs of the Senate and the Committee on
7 Veterans' Affairs of the House of Representatives a report
8 on such assessment and such recommendations for legisla-
9 tive and administrative action as the Secretary may have
10 to improve the programs and per diem payments described
11 in subsection (a).

12 **SEC. 611. REPORT ON OUTREACH RELATING TO INCREAS-**
13 **ING THE AMOUNT OF HOUSING AVAILABLE**
14 **TO VETERANS.**

15 Not later than one year after the date of the enact-
16 ment of this Act, the Secretary of Veterans Affairs shall
17 submit to the Committee on Veterans' Affairs of the Sen-
18 ate and the Committee on Veterans' Affairs of the House
19 of Representatives a report describing and assessing the
20 outreach conducted by the Secretary to realtors, landlords,
21 property management companies, and developers to edu-
22 cate them about the housing needs of veterans and the
23 benefits of having veterans as tenants.

1 **Subtitle B—Eligibility of Homeless**
2 **Veterans for Benefits**

3 **SEC. 621. WAIVER OF MINIMUM PERIOD OF CONTINUOUS**
4 **ACTIVE DUTY IN ARMED FORCES FOR CER-**
5 **TAIN BENEFITS FOR HOMELESS VETERANS.**

6 Section 5303A(b)(3) of title 38, United States Code,
7 is amended—

8 (1) by redesignating subparagraphs (F) and
9 (G) as subparagraphs (G) and (H), respectively; and

10 (2) by inserting after subparagraph (E) the fol-
11 lowing new subparagraph (F):

12 “(F) to benefits under section 2011, 2012,
13 2013, 2044, or 2061 of this title;”.

14 **SEC. 622. AUTHORIZATION TO FURNISH CERTAIN BENEFITS**
15 **TO HOMELESS VETERANS WITH DISCHARGES**
16 **OR RELEASES UNDER OTHER THAN HONOR-**
17 **ABLE CONDITIONS.**

18 Section 5303(d) of title 38, United States Code, is
19 amended—

20 (1) by striking “not apply to any war-risk in-
21 surance” and inserting the following: “not apply to
22 the following:

23 “(1) Any war-risk insurance”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(2) Benefits under section 2011, 2012, 2013,
2 2044, or 2061 of this title (except for benefits for
3 individuals discharged or dismissed from the Armed
4 Forces by reason of the sentence of a general court-
5 martial).”.

6 **SEC. 623. MODIFICATION OF DEFINITION OF VETERAN FOR**
7 **PURPOSES OF PROVIDING CERTAIN BENE-**
8 **FITS TO HOMELESS VETERANS.**

9 Section 2002 of title 38, United States Code, is
10 amended—

11 (1) by striking “In this chapter” and inserting
12 “(a) IN GENERAL.—In this chapter”; and

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

14 “(b) VETERAN DEFINED.—(1) Notwithstanding sec-
15 tion 101(2) of this title and except as provided in para-
16 graph (2), for purposes of sections 2011, 2012, 2013,
17 2044, and 2061 of this title, the term ‘veteran’ means a
18 person who served in the active military, naval, or air serv-
19 ice, regardless of length of service, and who was dis-
20 charged or released therefrom.

21 “(2) For purposes of paragraph (1), the term ‘vet-
22 eran’ excludes a person who—

23 “(A) received a dishonorable discharge from the
24 Armed Forces; or

1 “(B) was discharged or dismissed from the
2 Armed Forces by reason of the sentence of a general
3 court-martial.”.

4 **SEC. 624. TRAINING OF PERSONNEL OF THE DEPARTMENT**
5 **OF VETERANS AFFAIRS AND GRANT RECIPI-**
6 **ENTS.**

7 The Secretary of Veterans Affairs shall conduct a
8 program of training and education to ensure that the fol-
9 lowing persons are aware of and implement this subtitle
10 and the amendments made by this subtitle:

11 (1) Personnel of the Department of Veterans
12 Affairs who are supporting or administering a pro-
13 gram under chapter 20 of title 38, United States
14 Code.

15 (2) Recipients of grants or other amounts for
16 purposes of carrying out such a program.

17 **SEC. 625. AUTHORIZATION OF PER DIEM PAYMENTS FOR**
18 **FURNISHING CARE TO DEPENDENTS OF CER-**
19 **TAIN HOMELESS VETERANS.**

20 Section 2012(a) of title 38, United States Code, is
21 amended by adding at the end the following new para-
22 graph:

23 “(4) Services for which a recipient of a grant under
24 section 2011 of this title (or an entity described in para-
25 graph (1)) may receive per diem payments under this sub-

1 section may include furnishing care for a dependent of a
2 homeless veteran who is under the care of such homeless
3 veteran while such homeless veteran receives services from
4 the grant recipient (or entity).”.

5 **SEC. 626. REGULATIONS.**

6 Not later than 270 days after the date of the enact-
7 ment of this Act, the Secretary of Veterans Affairs shall
8 prescribe regulations, including such modifications to sec-
9 tion 3.12 of title 38, Code of Federal Regulations (or any
10 successor regulation), as the Secretary considers appro-
11 priate, to ensure that the Department of Veterans Affairs
12 is in full compliance with this subtitle and the amend-
13 ments made by this subtitle.

14 **SEC. 627. EFFECTIVE DATE.**

15 This subtitle and the amendments made by this sub-
16 title shall apply to individuals seeking benefits under chap-
17 ter 20 of title 38, United States Code, before, on, and
18 after the date of the enactment of this Act.

1 **TITLE VII—UNITED STATES**
2 **COURT OF APPEALS FOR VET-**
3 **ERANS CLAIMS**

4 **SEC. 701. EXTENSION OF TEMPORARY INCREASE IN NUM-**
5 **BER OF JUDGES ON UNITED STATES COURT**
6 **OF APPEALS FOR VETERANS CLAIMS.**

7 (a) IN GENERAL.—Subsection (i)(2) of section 7253
8 of title 38, United States Code, is amended by striking
9 “January 1, 2013” and inserting “January 1, 2021”.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than June 30,
12 2020, the chief judge of the United States Court of
13 Appeals for Veterans Claims shall submit to the
14 Committee on Veterans’ Affairs of the Senate and
15 the Committee on Veterans’ Affairs of the House of
16 Representatives a report on the temporary expan-
17 sions of the Court under section 7253 of title 38,
18 United States Code.

19 (2) CONTENTS.—The report required by para-
20 graph (1) shall include the following:

21 (A) An assessment of the effect of the ex-
22 pansions on ensuring appeals are handled in a
23 timely manner.

24 (B) A description of the ways in which the
25 complexity levels of the appeals acted on by the

1 Court may have changed based on service dur-
2 ing recent conflicts compared to those based on
3 service from previous eras.

4 (C) A recommendation on whether the
5 number of judges should be adjusted at the end
6 of the temporary expansion period, including
7 statistics, projections, trend analyses, and other
8 information to support the recommendation.

9 **SEC. 702. LIFE INSURANCE PROGRAM RELATING TO**
10 **JUDGES OF UNITED STATES COURT OF AP-**
11 **PEALS FOR VETERANS CLAIMS.**

12 (a) IN GENERAL.—Section 7281 of title 38, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(j) For purposes of chapter 87 of title 5, a judge
16 who is in regular active service and a judge who is retired
17 under section 7296 of this title or under chapter 83 or
18 84 of title 5 shall be treated as an employee described
19 in section 8701(a)(5) of title 5.

20 “(k) Notwithstanding any other provision of law, the
21 Court may pay on behalf of its judges, who are age 65
22 or older, any increase in the cost of Federal Employees’
23 Group Life Insurance imposed after April 24, 1999, in-
24 cluding any expenses generated by such payments, as au-
25 thorized by the chief judge of the Court in a manner con-

1 sistent with such payment authorized by the Judicial Con-
2 ference of the United States pursuant to section 604(a)(5)
3 of title 28.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to any payment
6 made on or after the first day of the first applicable pay
7 period beginning on or after the date of the enactment
8 of this Act.

9 **SEC. 703. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**
10 **VIVORS’ ANNUITY.**

11 Section 7297 of title 38, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(p)(1) A covered judge who makes an election under
15 subsection (b) may purchase, in 3-month increments, up
16 to an additional year of service credit for each year of Fed-
17 eral judicial service completed, under the terms set forth
18 in this section.

19 “(2) In this subsection, the term ‘covered judge’
20 means any of the following:

21 “(A) A judge in regular active service.

22 “(B) A retired judge who is a recall-eligible re-
23 tired judge pursuant to subsection (a) of section
24 7257 of this title.

1 “(C) A retired judge who would be a recall-eli-
2 gible retired judge pursuant to subsection (a) of sec-
3 tion 7257 but for—

4 “(i) meeting the aggregate recall service
5 requirements under subsection (b)(3) of such
6 section; or

7 “(ii) being permanently disabled as de-
8 scribed by subsection (b)(4) of such section.”.

9 **SEC. 704. SELECTION OF CHIEF JUDGE OF UNITED STATES**

10 **COURT OF APPEALS FOR VETERANS CLAIMS.**

11 (a) IN GENERAL.—Section 7253(d) of title 38,
12 United States Code, is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A), by striking
15 “and”;

16 (B) by redesignating subparagraph (B) as
17 subparagraph (C); and

18 (C) by inserting after subparagraph (A)
19 the following new subparagraph (B):

20 “(B) have at least three years remaining in
21 term of office; and”; and

22 (2) by amending paragraph (2) to read as fol-
23 lows:

24 “(2)(A) In any case in which there is no judge of
25 the Court in regular active service who meets the require-

1 ments under paragraph (1), the judge of the Court in reg-
2 ular active service who is senior in commission and meets
3 subparagraph (A) or (B) and subparagraph (C) of para-
4 graph (1) shall act as the chief judge.

5 “(B) In any case under subparagraph (A) of this
6 paragraph in which there is no judge of the Court in reg-
7 ular active service who meets subparagraph (A) or (B) and
8 subparagraph (C) of paragraph (1), the judge of the Court
9 in regular active service who is senior in commission and
10 meets subparagraph (C) shall act as the chief judge.”.

11 (b) APPLICABILITY.—The amendments made by sub-
12 section (a) shall apply with respect to the selection of a
13 chief judge occurring on or after January 1, 2020.

14 **TITLE VIII—BURIAL BENEFITS**

15 **SEC. 801. EXPANSION OF ELIGIBILITY FOR MEDALLIONS.**

16 Section 2306(d)(4) of title 38, United States Code,
17 is amended to read as follows:

18 “(4)(A) In lieu of furnishing a headstone or marker
19 under this subsection to a deceased individual described
20 in subparagraph (B), the Secretary may furnish, upon re-
21 quest, a medallion or other device of a design determined
22 by the Secretary to signify the deceased individual’s status
23 as a veteran, to be attached to a headstone or marker fur-
24 nished at private expense.

1 “(B) A deceased individual described in this sub-
2 section is an individual who—

3 “(i) served in the Armed Forces on or after
4 April 6, 1917; and

5 “(ii) is eligible for a headstone or marker fur-
6 nished under paragraph (1) (or would be so eligible
7 but for the date of the death of the individual).”.

8 **SEC. 802. INURNMENT OF CREMATED REMAINS IN ARLING-**
9 **TON NATIONAL CEMETERY OF CERTAIN PER-**
10 **SONS WHOSE SERVICE IS DEEMED TO BE AC-**
11 **TIVE SERVICE.**

12 (a) IN GENERAL.—Section 2410 of title 38, United
13 States Code, is amended by adding at the end the fol-
14 lowing new subsection:

15 “(c)(1) The Secretary of the Army shall ensure that,
16 under such regulations as the Secretary may prescribe, the
17 cremated remains of any person described in paragraph
18 (2) are eligible for above ground inurnment in Arlington
19 National Cemetery with military honors in accordance
20 with section 1491 of title 10.

21 “(2) A person described in this paragraph is a person
22 whose service has been determined to be active duty serv-
23 ice pursuant to section 401 of the GI Bill Improvement
24 Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note)
25 as of the date of the enactment of this Act.”.

1 (b) APPLICABILITY.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply with respect to—

4 (A) the remains of a person that are not
5 formally interred or inurned as of the date of
6 the enactment of this Act; and

7 (B) a person who dies on or after the date
8 of the enactment of this Act.

9 (2) FORMALLY INTERRED OR INURNED DE-
10 FINED.—In this subsection, the term “formally in-
11 terred or inurned” means interred or inurned in a
12 cemetery, crypt, mausoleum, columbarium, niche, or
13 other similar formal location.

14 **SEC. 803. REPORT ON CAPACITY OF ARLINGTON NATIONAL**
15 **CEMETERY.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of the Army shall submit
18 to the Committees on Veterans’ Affairs and the Commit-
19 tees on Armed Services of the House of Representatives
20 and the Senate a report on the interment and inurnment
21 capacity of Arlington National Cemetery, including—

22 (1) the estimated date that the Secretary deter-
23 mines the cemetery will reach maximum interment
24 and inurnment capacity; and

1 (2) in light of the unique and iconic meaning of
2 the cemetery to the United States, recommendations
3 for legislative actions and nonlegislative options that
4 the Secretary determines necessary to ensure that
5 the maximum interment and inurnment capacity of
6 the cemetery is not reached until well into the fu-
7 ture, including such actions and options with respect
8 to—

9 (A) redefining eligibility criteria for inter-
10 ment and inurnment in the cemetery; and

11 (B) considerations for additional expansion
12 opportunities beyond the current boundaries of
13 the cemetery.

14 **SEC. 804. DEPARTMENT OF VETERANS AFFAIRS STUDY ON**
15 **MATTERS RELATING TO BURIAL OF UN-**
16 **CLAIMED REMAINS OF VETERANS IN NA-**
17 **TIONAL CEMETERIES.**

18 (a) **STUDY AND REPORT REQUIRED.**—Not later than
19 one year after the effective date specified in subsection (d),
20 the Secretary of Veterans Affairs shall—

21 (1) complete a study on matters relating to the
22 interring of unclaimed remains of veterans in na-
23 tional cemeteries under the control of the National
24 Cemetery Administration; and

1 (2) submit to Congress a report on the findings
2 of the Secretary with respect to the study required
3 under paragraph (1).

4 (b) MATTERS STUDIED.—The matters studied under
5 subsection (a)(1) shall include the following:

6 (1) Determining the scope of issues relating to
7 unclaimed remains of veterans, including an esti-
8 mate of the number of unclaimed remains of vet-
9 erans.

10 (2) Assessing the effectiveness of the proce-
11 dures of the Department of Veterans Affairs for
12 working with persons or entities having custody of
13 unclaimed remains to facilitate interment of un-
14 claimed remains of veterans in national cemeteries
15 under the control of the National Cemetery Adminis-
16 tration.

17 (3) Assessing State and local laws that affect
18 the ability of the Secretary to inter unclaimed re-
19 mains of veterans in national cemeteries under the
20 control of the National Cemetery Administration.

21 (4) Developing recommendations for such legis-
22 lative or administrative action as the Secretary con-
23 siders appropriate.

24 (c) METHODOLOGY.—

1 (1) NUMBER OF UNCLAIMED REMAINS.—In es-
2 timating the number of unclaimed remains of vet-
3 erans under subsection (b)(1), the Secretary may re-
4 view such subset of applicable entities as the Sec-
5 retary considers appropriate, including a subset of
6 funeral homes and coroner offices that possess un-
7 claimed veterans remains.

8 (2) ASSESSMENT OF STATE AND LOCAL
9 LAWS.—In assessing State and local laws under sub-
10 section (b)(3), the Secretary may assess such sample
11 of applicable State and local laws as the Secretary
12 considers appropriate in lieu of reviewing all applica-
13 ble State and local laws.

14 (d) EFFECTIVE DATE.—This section shall take effect
15 on the date that is one year after the date of the enact-
16 ment of this Act.

17 **TITLE IX—OTHER MATTERS**

18 **SEC. 901. AUTHORITY TO ENTER INTO CERTAIN LEASES AT** 19 **THE DEPARTMENT OF VETERANS AFFAIRS** 20 **WEST LOS ANGELES CAMPUS.**

21 (a) IN GENERAL.—The Secretary of Veterans Affairs
22 may carry out leases described in subsection (b) at the
23 Department of Veterans Affairs West Los Angeles Cam-
24 pus in Los Angeles, California (hereinafter in this section
25 referred to as the “Campus”).

1 (b) LEASES DESCRIBED.—Leases described in this
2 subsection are the following:

3 (1) Any enhanced-use lease of real property
4 under subchapter V of chapter 81 of title 38, United
5 States Code, for purposes of providing supportive
6 housing, as that term is defined in section 8161(3)
7 of such title, that principally benefit veterans and
8 their families.

9 (2) Any lease of real property for a term not to
10 exceed 50 years to a third party to provide services
11 that principally benefit veterans and their families
12 and that are limited to one or more of the following
13 purposes:

14 (A) The promotion of health and wellness,
15 including nutrition and spiritual wellness.

16 (B) Education.

17 (C) Vocational training, skills building, or
18 other training related to employment.

19 (D) Peer activities, socialization, or phys-
20 ical recreation.

21 (E) Assistance with legal issues and Fed-
22 eral benefits.

23 (F) Volunteerism.

24 (G) Family support services, including
25 child care.

1 (H) Transportation.

2 (I) Services in support of one or more of
3 the purposes specified in subparagraphs (A)
4 through (H).

5 (3) A lease of real property for a term not to
6 exceed 10 years to The Regents of the University of
7 California, a corporation organized under the laws of
8 the State of California, on behalf of its University of
9 California, Los Angeles (UCLA) campus (herein-
10 after in this section referred to as “The Regents”),
11 if—

12 (A) the lease is consistent with the master
13 plan described in subsection (g);

14 (B) the provision of services to veterans is
15 the predominant focus of the activities of The
16 Regents at the Campus during the term of the
17 lease;

18 (C) The Regents expressly agrees to pro-
19 vide, during the term of the lease and to an ex-
20 tent and in a manner that the Secretary con-
21 siders appropriate, additional services and sup-
22 port (for which The Regents is not compensated
23 by the Secretary or through an existing medical
24 affiliation agreement) that—

1 (i) principally benefit veterans and
2 their families, including veterans who are
3 severely disabled, women, aging, or home-
4 less; and

5 (ii) may consist of activities relating
6 to the medical, clinical, therapeutic, die-
7 tary, rehabilitative, legal, mental, spiritual,
8 physical, recreational, research, and coun-
9 seling needs of veterans and their families
10 or any of the purposes specified in any of
11 subparagraphs (A) through (I) of para-
12 graph (2); and

13 (D) The Regents maintains records docu-
14 menting the value of the additional services and
15 support that The Regents provides pursuant to
16 subparagraph (C) for the duration of the lease
17 and makes such records available to the Sec-
18 retary.

19 (c) LIMITATION ON LAND-SHARING AGREEMENTS.—
20 The Secretary may not carry out any land-sharing agree-
21 ment pursuant to section 8153 of title 38, United States
22 Code, at the Campus unless such agreement—

23 (1) provides additional health-care resources to
24 the Campus; and

1 (2) benefits veterans and their families other
2 than from the generation of revenue for the Depart-
3 ment of Veterans Affairs.

4 (d) REVENUES FROM LEASES AT THE CAMPUS.—
5 Any funds received by the Secretary under a lease de-
6 scribed in subsection (b) shall be credited to the applicable
7 Department medical facilities account and shall be avail-
8 able, without fiscal year limitation and without further ap-
9 propriation, exclusively for the renovation and mainte-
10 nance of the land and facilities at the Campus.

11 (e) EASEMENTS.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law (other than Federal laws relating to
14 environmental and historic preservation), pursuant
15 to section 8124 of title 38, United States Code, the
16 Secretary may grant easements or rights-of-way on,
17 above, or under lands at the Campus to—

18 (A) any local or regional public transpor-
19 tation authority to access, construct, use, oper-
20 ate, maintain, repair, or reconstruct public
21 mass transit facilities, including, fixed guideway
22 facilities and transportation centers; and

23 (B) the State of California, County of Los
24 Angeles, City of Los Angeles, or any agency or
25 political subdivision thereof, or any public util-

1 ity company (including any company providing
2 electricity, gas, water, sewage, or telecommuni-
3 cation services to the public) for the purpose of
4 providing such public utilities.

5 (2) IMPROVEMENTS.—Any improvements pro-
6 posed pursuant to an easement or right-of-way au-
7 thorized under paragraph (1) shall be subject to
8 such terms and conditions as the Secretary considers
9 appropriate.

10 (3) TERMINATION.—Any easement or right-of-
11 way authorized under paragraph (1) shall be termi-
12 nated upon the abandonment or nonuse of the ease-
13 ment or right-of-way and all right, title, and interest
14 in the land covered by the easement or right-of-way
15 shall revert to the United States.

16 (f) PROHIBITION ON SALE OF PROPERTY.—Notwith-
17 standing section 8164 of title 38, United States Code, the
18 Secretary may not sell or otherwise convey to a third party
19 fee simple title to any real property or improvements to
20 real property made at the Campus.

21 (g) CONSISTENCY WITH MASTER PLAN.—The Sec-
22 retary shall ensure that each lease carried out under this
23 section is consistent with the draft master plan approved
24 by the Secretary on January 28, 2016, or successor mas-
25 ter plans.

1 (h) COMPLIANCE WITH CERTAIN LAWS.—

2 (1) LAWS RELATING TO LEASES AND LAND
3 USE.—If the Inspector General of the Department of
4 Veterans Affairs determines, as part of an audit re-
5 port or evaluation conducted by the Inspector Gen-
6 eral, that the Department is not in compliance with
7 all Federal laws relating to leases and land use at
8 the Campus, or that significant mismanagement has
9 occurred with respect to leases or land use at the
10 Campus, the Secretary may not enter into any lease
11 or land-sharing agreement at the Campus, or renew
12 any such lease or land-sharing agreement that is not
13 in compliance with such laws, until the Secretary
14 certifies to the Committee on Veterans' Affairs of
15 the Senate, the Committee on Veterans' Affairs of
16 the House of Representatives, and each Member of
17 the Senate and the House of Representatives who
18 represents the area in which the Campus is located
19 that all recommendations included in the audit re-
20 port or evaluation have been implemented.

21 (2) COMPLIANCE OF PARTICULAR LEASES.—

22 Except as otherwise expressly provided by this sec-
23 tion, no lease may be entered into or renewed under
24 this section unless the lease complies with chapter
25 33 of title 41, United States Code, and all Federal

1 laws relating to environmental and historic preserva-
2 tion.

3 (i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall establish a Community Veterans En-
7 gagement Board (in this subsection referred to as
8 the “Board”) for the Campus to coordinate locally
9 with the Department of Veterans Affairs to—

10 (A) identify the goals of the community;

11 and

12 (B) provide advice and recommendations
13 to the Secretary to improve services and out-
14 comes for veterans, members of the Armed
15 Forces, and the families of such veterans and
16 members.

17 (2) MEMBERS.—The Board shall be comprised
18 of a number of members that the Secretary deter-
19 mines appropriate, of which not less than 50 percent
20 shall be veterans. The nonveteran members shall be
21 family members of veterans, veteran advocates, serv-
22 ice providers, or stakeholders.

23 (3) COMMUNITY INPUT.—In carrying out sub-
24 paragraphs (A) and (B) of paragraph (1), the Board
25 shall—

1 (A) provide the community opportunities to
2 collaborate and communicate with the Board,
3 including by conducting public forums on the
4 Campus; and

5 (B) focus on local issues regarding the De-
6 partment that are identified by the community,
7 including with respect to health care, benefits,
8 and memorial services at the Campus.

9 (j) NOTIFICATION AND REPORTS.—

10 (1) CONGRESSIONAL NOTIFICATION.—With re-
11 spect to each lease or land-sharing agreement in-
12 tended to be entered into or renewed at the Campus,
13 the Secretary shall notify the Committee on Vet-
14 erans' Affairs of the Senate, the Committee on Vet-
15 erans' Affairs of the House of Representatives, and
16 each Member of the Senate and the House of Rep-
17 resentatives who represents the area in which the
18 Campus is located of the intent of the Secretary to
19 enter into or renew the lease or land-sharing agree-
20 ment not later than 45 days before entering into or
21 renewing the lease or land-sharing agreement.

22 (2) ANNUAL REPORT.—Not later than one year
23 after the date of the enactment of this Act, and not
24 less frequently than annually thereafter, the Sec-
25 retary shall submit to the Committee on Veterans'

1 Affairs of the Senate, the Committee on Veterans'
2 Affairs of the House of Representatives, and each
3 Member of the Senate and the House of Representa-
4 tives who represents the area in which the Campus
5 is located an annual report evaluating all leases and
6 land-sharing agreements carried out at the Campus,
7 including—

8 (A) an evaluation of the management of
9 the revenue generated by the leases; and

10 (B) the records described in subsection
11 (b)(3)(D).

12 (3) INSPECTOR GENERAL REPORT.—

13 (A) IN GENERAL.—Not later than each of
14 two years and five years after the date of the
15 enactment of this Act, and as determined nec-
16 essary by the Inspector General of the Depart-
17 ment of Veterans Affairs thereafter, the Inspec-
18 tor General shall submit to the Committee on
19 Veterans' Affairs of the Senate, the Committee
20 on Veterans' Affairs of the House of Represent-
21 atives, and each Member of the Senate and the
22 House of Representatives who represents the
23 area in which the Campus is located a report on
24 all leases carried out at the Campus and the
25 management by the Department of the use of

1 land at the Campus, including an assessment of
2 the efforts of the Department to implement the
3 master plan described in subsection (g) with re-
4 spect to the Campus.

5 (B) CONSIDERATION OF ANNUAL RE-
6 PORT.—In preparing each report required by
7 subparagraph (A), the Inspector General shall
8 take into account the most recent report sub-
9 mitted to Congress by the Secretary under
10 paragraph (2).

11 (k) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed as a limitation on the authority
13 of the Secretary to enter into other agreements regarding
14 the Campus that are authorized by law and not incon-
15 sistent with this section.

16 (l) PRINCIPALLY BENEFIT VETERANS AND THEIR
17 FAMILIES DEFINED.—In this section the term “prin-
18 cipally benefit veterans and their families”, with respect
19 to services provided by a person or entity under a lease
20 of property or land-sharing agreement—

21 (1) means services—

22 (A) provided exclusively to veterans and
23 their families; or

24 (B) that are designed for the particular
25 needs of veterans and their families, as opposed

1 to the general public, and any benefit of those
2 services to the general public is distinct from
3 the intended benefit to veterans and their fami-
4 lies; and

5 (2) excludes services in which the only benefit
6 to veterans and their families is the generation of
7 revenue for the Department of Veterans Affairs.

8 (m) CONFORMING AMENDMENTS.—

9 (1) PROHIBITION ON DISPOSAL OF PROP-
10 ERTY.—Section 224(a) of the Military Construction
11 and Veterans Affairs and Related Agencies Appro-
12 priations Act, 2008 (Public Law 110–161; 121 Stat.
13 2272) is amended by striking “The Secretary of
14 Veterans Affairs” and inserting “Except as author-
15 ized under the Veterans First Act, the Secretary of
16 Veterans Affairs”.

17 (2) ENHANCED-USE LEASES.—Section 8162(c)
18 of title 38, United States Code, is amended by in-
19 serting “, other than an enhanced-use lease under
20 the Veterans First Act,” before “shall be consid-
21 ered”.

1 **SEC. 902. RESTORATION OF PRIOR REPORTING FEE MULTI-**
2 **PLIERS.**

3 During the nine-year period beginning on September
4 26, 2016, the second sentence of subsection (c) of section
5 3684 of title 38, United States Code, shall be applied—

6 (1) by substituting “\$8” for “\$12”; and

7 (2) by substituting “\$12” for “\$15”.

8 **SEC. 903. REPEAL INAPPLICABILITY OF MODIFICATION OF**
9 **BASIC ALLOWANCE FOR HOUSING TO BENE-**
10 **FITS UNDER LAWS ADMINISTERED BY SEC-**
11 **RETARY OF VETERANS AFFAIRS.**

12 (a) REPEAL.—Subsection (b) of section 604 of the
13 Carl Levin and Howard P. “Buck” McKeon National De-
14 fense Authorization Act for Fiscal Year 2015 (Public Law
15 113–291; 37 U.S.C. 403 note) is repealed.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on January 1, 2016.

18 **SEC. 904. OBSERVANCE OF VETERANS DAY.**

19 (a) TWO MINUTES OF SILENCE.—Chapter 1 of title
20 36, United States Code, is amended by adding at the end
21 the following new section:

22 **“§ 145. Veterans Day**

23 “The President shall issue each year a proclamation
24 calling on the people of the United States to observe two
25 minutes of silence on Veterans Day in honor of the service

1 and sacrifice of veterans throughout the history of the
2 United States, beginning at—

3 “(1) 3:11 p.m. Atlantic standard time;

4 “(2) 2:11 p.m. eastern standard time;

5 “(3) 1:11 p.m. central standard time;

6 “(4) 12:11 p.m. mountain standard time;

7 “(5) 11:11 a.m. Pacific standard time;

8 “(6) 10:11 a.m. Alaska standard time; and

9 “(7) 9:11 a.m. Hawaii-Aleutian standard
10 time.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 1 of title 36, United States Code, is amended
13 by adding at the end the following new item:

“145. Veterans Day.”.

14 **SEC. 905. HONORING AS VETERANS CERTAIN PERSONS**
15 **WHO PERFORMED SERVICE IN THE RESERVE**
16 **COMPONENTS OF THE ARMED FORCES.**

17 Any person who is entitled under chapter 1223 of
18 title 10, United States Code, to retired pay for nonregular
19 service or, but for age, would be entitled under such chap-
20 ter to retired pay for nonregular service shall be honored
21 as a veteran but shall not be entitled to any benefit by
22 reason of this honor.

1 **SEC. 906. EXTENSION OF REQUIREMENT FOR COLLECTION**
2 **OF FEES FOR HOUSING LOANS GUARANTEED**
3 **BY SECRETARY OF VETERANS AFFAIRS.**

4 Section 3729(b)(2) of title 38, United States Code,
5 is amended—

6 (1) in subparagraph (A)—

7 (A) in clause (iii), by striking “September
8 30, 2024” and inserting “October 1, 2026”;
9 and

10 (B) in clause (iv), by striking “September
11 30, 2024” and inserting “October 1, 2026”;

12 (2) in subparagraph (B)—

13 (A) in clause (i), by striking “September
14 30, 2024” and inserting “October 1, 2026”;
15 and

16 (B) in clause (ii), by striking “September
17 30, 2024” and inserting “October 1, 2026”;

18 (3) in subparagraph (C)—

19 (A) in clause (i), by striking “September
20 30, 2024” and inserting “October 1, 2026”;
21 and

22 (B) in clause (ii), by striking “September
23 30, 2024” and inserting “October 1, 2026”;

24 and

25 (4) in subparagraph (D)—

1 (A) in clause (i), by striking “September
2 30, 2024” and inserting “October 1, 2026”;
3 and

4 (B) in clause (ii), by striking “September
5 30, 2024” and inserting “October 1, 2026”.