

***In the Senate of the United States,***

*December 9, 2020.*

*Resolved*, That the bill from the House of Representatives (H.R. 7105) entitled “An Act to provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

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

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Johnny Isakson and David P. Roe, M.D. Veterans Health*  
4 *Care and Benefits Improvement Act of 2020”.*

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

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

*Sec. 2. Determination of budgetary effects.*

## TITLE I—EDUCATION

## Subtitle A—Education Generally

- Sec. 1001. Improvements to Edith Nourse Rogers STEM Scholarship program of Department of Veterans Affairs.*
- Sec. 1002. Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.*
- Sec. 1003. Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.*
- Sec. 1004. Phase out of All-Volunteer Educational Assistance Program.*
- Sec. 1005. Requirements for in-State tuition.*
- Sec. 1006. Expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs to include outreach services provided through congressional offices.*
- Sec. 1007. Restoration of entitlement to rehabilitation programs for veterans affected by school closure or disapproval.*
- Sec. 1008. Technical correction to clarify eligibility for participation in Yellow Ribbon Program of Department of Veterans Affairs.*
- Sec. 1009. Clarification of educational assistance for individuals who pursue an approved program of education leading to a degree while on active duty.*
- Sec. 1010. Verification of enrollment for purposes of receipt of Post-9/11 Educational Assistance benefits.*
- Sec. 1011. Clarification regarding the dependents to whom entitlement to educational assistance may be transferred under the Post 9/11 Educational Assistance Program.*
- Sec. 1012. Expansion of reasons for which a course of education may be disapproved.*
- Sec. 1013. Oversight of educational institutions with approved programs: risk-based surveys.*
- Sec. 1014. Oversight of educational institutions subject to Government action for purposes of the educational assistance programs of the Department of Veterans Affairs.*
- Sec. 1015. Additional requirement for approval of educational institutions for purposes of the educational assistance programs of the Department of Veterans Affairs.*
- Sec. 1016. Clarification of accreditation for law schools for purposes of the educational assistance programs of the Department of Veterans Affairs.*
- Sec. 1017. Clarification of grounds for disapproval of a course for purposes of the educational assistance programs of the Department of Veterans Affairs.*
- Sec. 1018. Requirements for educational institutions participating in the educational assistance programs of the Department of Veterans Affairs.*
- Sec. 1019. Overpayments to eligible persons or veterans.*
- Sec. 1020. Improvements to limitation on certain advertising, sales, and enrollment practices.*
- Sec. 1021. Charge to entitlement to educational assistance for individuals who do not transfer credits from certain closed or disapproved programs of education.*
- Sec. 1022. Department of Veterans Affairs treatment of for-profit educational institutions converted to nonprofit educational institutions.*

- Sec. 1023. Authority of State approving agencies to conduct outreach activities.*  
*Sec. 1024. Limitation on colocation and administration of State approving agencies.*  
*Sec. 1025. Elimination of period of eligibility for training and rehabilitation for certain veterans with service-connected disabilities.*

*Subtitle B—Pandemic Assistance*

- Sec. 1101. Definitions.*  
*Sec. 1102. Continuation of Department of Veterans Affairs educational assistance benefits during COVID–19 emergency.*  
*Sec. 1103. Effects of closure of educational institution and modification of courses by reason of COVID–19 emergency.*  
*Sec. 1104. Payment of educational assistance in cases of withdrawal.*  
*Sec. 1105. Modification of time limitations on use of entitlement.*  
*Sec. 1106. Apprenticeship or on-job training requirements.*  
*Sec. 1107. Inclusion of training establishments in certain provisions related to COVID–19 emergency.*  
*Sec. 1108. Treatment of payment of allowances under Student Veteran Coronavirus Response Act.*

*TITLE II—BENEFITS*

*Subtitle A—Benefits Generally*

- Sec. 2001. Revision of definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs.*  
*Sec. 2002. Matters relating to Department of Veterans Affairs medical disability examinations.*  
*Sec. 2003. Medal of Honor special pension for surviving spouses.*  
*Sec. 2004. Modernization of service-disabled veterans insurance.*  
*Sec. 2005. Denial of claims for traumatic injury protection under Servicemembers' Group Life Insurance.*  
*Sec. 2006. Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.*  
*Sec. 2007. Threshold for reporting debts to consumer reporting agencies.*  
*Sec. 2008. Removal of dependents from award of compensation or pension.*  
*Sec. 2009. Eligibility for dependency and indemnity compensation for surviving spouses who remarry after age 55.*  
*Sec. 2010. Study on exposure by members of the Armed Forces to toxicants at Karshi-Khanabad Air Base in Uzbekistan.*  
*Sec. 2011. Comptroller General briefing and report on repealing manifestation period for presumptions of service connection for certain diseases associated with exposure to certain herbicide agents.*  
*Sec. 2012. Extension of authority of Secretary of Veterans Affairs to use income information from other agencies.*  
*Sec. 2013. Extension on certain limits on payments of pension.*

*Subtitle B—Housing*

- Sec. 2101. Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.*  
*Sec. 2102. Reducing loan fees for certain veterans affected by major disasters.*  
*Sec. 2103. Extension of certain housing loan fees.*  
*Sec. 2104. Collection of overpayments of specially adapted housing assistance.*

*Subtitle C—Burial Matters*

- Sec. 2201. Transportation of deceased veterans to veterans' cemeteries.*
- Sec. 2202. Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.*
- Sec. 2203. Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.*
- Sec. 2204. Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.*
- Sec. 2205. Aid to counties for establishment, expansion, and improvement of veterans' cemeteries.*
- Sec. 2206. Increase in maximum amount of grants to States, counties, and tribal organizations for operating and maintaining veterans' cemeteries.*
- Sec. 2207. Provision of urns and commemorative plaques for remains of certain veterans whose cremated remains are not interred in certain cemeteries.*
- Sec. 2208. Training of State and tribal veterans' cemetery personnel by National Cemetery Administration.*

*TITLE III—HEALTH CARE**Subtitle A—Health Care Generally*

- Sec. 3001. Expansion of modifications to Veteran Directed Care program.*
- Sec. 3002. Prohibition on collection of a health care copayment by the Secretary of Veterans Affairs from a veteran who is a member of an Indian tribe.*
- Sec. 3003. Oversight for State homes regarding COVID-19 infections, response capacity, and staffing levels.*
- Sec. 3004. Grants for State homes located on tribal lands.*
- Sec. 3005. Continuation of Women's Health Transition Training program of Department of Veterans Affairs.*
- Sec. 3006. Authority for Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans.*
- Sec. 3007. Waiver of requirements of Department of Veterans Affairs for receipt of per diem payments for domiciliary care at State homes and modification of eligibility for such payments.*
- Sec. 3008. Expansion of quarterly update of information on staffing and vacancies at facilities of the Department of Veterans Affairs to include information on duration of hiring process.*
- Sec. 3009. Requirement for certain Department of Veterans Affairs medical facilities to have physical location for the disposal of controlled substances medications.*
- Sec. 3010. Department of Veterans Affairs pilot program for clinical observation by undergraduate students.*

*Subtitle B—Scheduling and Consult Management*

- Sec. 3101. Process and requirements for scheduling appointments for health care from Department of Veterans Affairs and non-Department health care.*

*Sec. 3102. Audits regarding scheduling of appointments and management of consultations for health care from Department of Veterans Affairs and non-Department health care.*

*Sec. 3103. Administration of non-Department of Veterans Affairs health care.*

*Sec. 3104. Examination of health care consultation and scheduling positions of Department of Veterans Affairs.*

*TITLE IV—NAVY SEAL BILL MULDER*

*Sec. 4001. Short title.*

*Subtitle A—Service-connection and COVID-19*

*Sec. 4101. Presumptions of service-connection for members of Armed Forces who contract Coronavirus Disease 2019 under certain circumstances.*

*Subtitle B—Assistance for Homeless Veterans*

*Sec. 4201. Flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency.*

*Sec. 4202. Legal services for homeless veterans and veterans at risk for homelessness.*

*Sec. 4203. Gap analysis of Department of Veterans Affairs programs that provide assistance to women veterans who are homeless.*

*Sec. 4204. Improvements to grants awarded by the Secretary of Veterans Affairs to entities that provide services to homeless veterans.*

*Sec. 4205. Repeal of sunset on authority to carry out program of referral and counseling services for veterans at risk for homelessness who are transitioning from certain institutions.*

*Sec. 4206. Coordination of case management services for veterans receiving housing vouchers under Tribal Housing and Urban Development-Veterans Affairs Supportive Housing program.*

*Sec. 4207. Contracts relating to case managers for homeless veterans in supported housing program.*

*Sec. 4208. Report on staffing of Department of Housing and Urban Development-Department of Veterans Affairs supported housing program.*

*Subtitle C—Retraining Assistance for Veterans*

*Sec. 4301. Access for the Secretaries of Labor and Veterans Affairs to the Federal directory of new hires.*

*Sec. 4302. Expansion of eligible class of providers of high technology programs of education for veterans.*

*Sec. 4303. Pilot program for off-base transition training for veterans and spouses.*

*Sec. 4304. Grants for provision of transition assistance to members of the Armed Forces after separation, retirement, or discharge.*

*Sec. 4305. One-year independent assessment of the effectiveness of Transition Assistance Program.*

*Sec. 4306. Longitudinal study on changes to Transition Assistance Program.*

*TITLE V—DEBORAH SAMPSON*

*Sec. 5001. Short title.*

*Subtitle A—Improving Access for Women Veterans to the Department of Veterans Affairs*

*Sec. 5101. Office of Women's Health in Department of Veterans Affairs.*

- Sec. 5102. Women veterans retrofit initiative.*
- Sec. 5103. Establishment of environment of care standards and inspections at Department of Veterans Affairs medical centers.*
- Sec. 5104. Provision of reintegration and readjustment services to veterans and family members in group retreat settings.*
- Sec. 5105. Provision of legal services for women veterans.*
- Sec. 5106. Comptroller General surveys and report on supportive services provided for very low-income women veterans.*
- Sec. 5107. Programs on assistance for child care for certain veterans.*
- Sec. 5108. Availability of prosthetics for women veterans from Department of Veterans Affairs.*
- Sec. 5109. Requirement to improve Department of Veterans Affairs women veterans call center.*
- Sec. 5110. Study on infertility services furnished at Department of Veterans Affairs.*
- Sec. 5111. Sense of Congress on access to facilities of Department of Veterans Affairs by reservists for counseling and treatment relating to military sexual trauma.*

*Subtitle B—Increasing Staff Cultural Competency*

- Sec. 5201. Staffing of women’s health primary care providers at medical facilities of Department of Veterans Affairs.*
- Sec. 5202. Additional funding for primary care and emergency care clinicians in Women Veterans Health Care Mini-Residency Program.*
- Sec. 5203. Establishment of women veteran training module for non-Department of Veterans Affairs health care providers.*
- Sec. 5204. Study on staffing of women veteran program manager program at medical centers of Department of Veterans Affairs and training of staff.*
- Sec. 5205. Study on Women Veteran Coordinator program.*
- Sec. 5206. Staffing improvement plan for peer specialists of Department of Veterans Affairs who are women.*

*Subtitle C—Eliminating Harassment and Assault*

- Sec. 5301. Expansion of coverage by Department of Veterans Affairs of counseling and treatment for sexual trauma.*
- Sec. 5302. Assessment of effects of intimate partner violence on women veterans by Advisory Committee on Women Veterans.*
- Sec. 5303. Anti-harassment and anti-sexual assault policy of Department of Veterans Affairs.*
- Sec. 5304. Pilot program on assisting veterans who experience intimate partner violence or sexual assault.*
- Sec. 5305. Study and task force on veterans experiencing intimate partner violence or sexual assault.*

*Subtitle D—Data Collection and Reporting*

- Sec. 5401. Requirement for collection and analysis of data on Department of Veterans Affairs benefits and services and disaggregation of such data by gender, race, and ethnicity.*
- Sec. 5402. Study on barriers for women veterans to receipt of health care from Department of Veterans Affairs.*

*Sec. 5403. Study on feasibility and advisability of offering Parenting STAIR program at all medical centers of Department of Veterans Affairs.*

*Subtitle E—Benefits Matters*

*Sec. 5501. Evaluation of service-connection of mental health conditions relating to military sexual trauma.*

*Sec. 5502. Choice of sex of Department of Veterans Affairs medical examiner for assessment of claims for compensation relating to disability resulting from physical assault of a sexual nature, battery of a sexual nature, or sexual harassment.*

*Sec. 5503. Secretary of Veterans Affairs report on implementing recommendations of Inspector General of Department of Veterans Affairs in certain report on denied posttraumatic stress disorder claims related to military sexual trauma.*

**TITLE VI—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS**

*Sec. 6001. Short title.*

*Sec. 6002. Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.*

*Sec. 6003. Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.*

*Sec. 6004. Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.*

*Sec. 6005. Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.*

*Sec. 6006. Notice regarding fees charged in connection with filing an application for veterans pension.*

*Sec. 6007. Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.*

**TITLE VII—OTHER MATTERS**

*Subtitle A—Administrative and Other Matters*

*Sec. 7001. Medical examination protocol for volunteer drivers participating in program of transportation services for veterans.*

*Sec. 7002. Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs.*

*Sec. 7003. Preference for offerors employing veterans.*

*Sec. 7004. Extension of certain employment and reemployment rights to members of the National Guard who perform State active duty.*

*Sec. 7005. Repayment of misused benefits.*

*Sec. 7006. Exemption of certain transfers.*

*Sec. 7007. Report and planned actions of the Secretary of Veterans Affairs to address certain high-risk areas of the Department of Veterans Affairs.*

*Sec. 7008. Annual report by Secretary of Veterans Affairs on implementation of priority recommendations of Comptroller General of the United States pertaining to Department of Veterans Affairs.*

*Sec. 7009. Clarification of methods used to monitor compliance with certain limitations on subcontracting.*

*Sec. 7010. Department of Veterans Affairs requirement to provide certain notice to persons filing claims for damage, injury, or death on Standard Form 95.*

*Subtitle B—Matters Relating to the Chief Financial Officer of Department of Veterans Affairs*

*Sec. 7101. Definitions.*

*Sec. 7102. Plans for addressing material weaknesses and providing sufficient authority to Chief Financial Officer of Department of Veterans Affairs.*

*Sec. 7103. Chief Financial Officer attestation.*

*Sec. 7104. Chief Financial Officer responsibility for subordinate chief financial officers.*

*Subtitle C—Servicemembers Civil Relief*

*Sec. 7201. Clarification of delivery of notice of termination of leases of premises and motor vehicles for purposes of relief under Servicemembers Civil Relief Act.*

*Sec. 7202. Technical correction regarding extension of lease protections for servicemembers under stop movement orders in response to local, national, or global emergency.*

**1 SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.**

2       *The budgetary effects of this Act, for the purpose of*  
 3 *complying with the Statutory Pay-As-You-Go Act of 2010,*  
 4 *shall be determined by reference to the latest statement titled*  
 5 *“Budgetary Effects of PAYGO Legislation” for this Act,*  
 6 *submitted for printing in the Congressional Record by the*  
 7 *Chairman of the House Budget Committee, provided that*  
 8 *such statement has been submitted prior to the vote on pas-*  
 9 *sage.*

# **TITLE I—EDUCATION**

## **Subtitle A—Education Generally**

### **SEC. 1001. IMPROVEMENTS TO EDITH NOURSE ROGERS**

#### **STEM SCHOLARSHIP PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) CLARIFICATION AND EXPANSION OF ELIGIBILITY.—Subsection (b)(4) of section 3320 of title 38, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) in the matter preceding subclause (I), by inserting “, or a dual degree program that includes such an undergraduate college degree,” after “undergraduate college degree”;

(B) by striking subclause (IX); and

(C) by redesignating subclauses (X) and (XI) as subclauses (IX) and (X), respectively;

(2) in subparagraph (B)—

(A) by inserting “covered clinical training program for health care professionals or a” before “program of education”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

1           “(C) is an individual who has earned a  
2           graduate degree in a field referred to in subpara-  
3           graph (A)(i) and is enrolled in a covered clinical  
4           training program for health care professionals.”.

5           (b) *PRIORITY*.—Subsection (c) of such section is  
6           amended to read as follows:

7           “(c) *PRIORITY*.—(1) If the Secretary determines that  
8           there are insufficient funds available in a fiscal year to pro-  
9           vide additional benefits under this section to all eligible in-  
10          dividuals, the Secretary may give priority to the following  
11          eligible individuals:

12           “(A) Individuals who require the most credit  
13          hours described in subsection (b)(4).

14           “(B) Individuals who are entitled to educational  
15          assistance under this chapter by reason of paragraph  
16          (1), (2), (8), or (9) of section 3311(b) of this title.

17           “(2) The Secretary shall give priority to individuals  
18          under paragraph (1) in the following order:

19           “(A) Individuals who are enrolled in a program  
20          of education leading to an undergraduate degree in a  
21          field referred to in subsection (b)(4)(A)(i).

22           “(B) Individuals who are enrolled in a program  
23          of education leading to a teaching certificate.

24           “(C) Individuals who are enrolled in a dual-de-  
25          gree program leading to both an undergraduate and

1     *graduate degree in a field referred to in subsection*  
2     *(b)(4)(A)(i).*

3             *“(D) Individuals who have earned an under-*  
4     *graduate degree and are enrolled in a covered clinical*  
5     *training program for health care professionals.*

6             *“(E) Individuals who have earned a graduate*  
7     *degree and are enrolled in a covered clinical training*  
8     *program for health care professionals.”.*

9     *(c) AMOUNTS NOT SUBJECT TO CERTAIN LIMITA-*  
10  *TION.—Subsection (d) of such section is amended by adding*  
11  *at the end the following new paragraph:*

12             *“(4) Notwithstanding any other provision of this chap-*  
13  *ter or chapter 36 of this title, any additional benefits under*  
14  *this section may not be counted toward the aggregate period*  
15  *for which section 3695 of this title limits an individual’s*  
16  *receipt of allowance or assistance.”.*

17     *(d) COVERED CLINICAL TRAINING PROGRAM DE-*  
18  *FINED.—Such section is further amended by adding at the*  
19  *end the following new subsection:*

20             *“(h) COVERED CLINICAL TRAINING PROGRAM DE-*  
21  *FINED.—In this section, the term ‘covered clinical training*  
22  *program’ means any clinical training required by a health*  
23  *care professional to be licensed to practice in a State or*  
24  *locality.”.*

1 **SEC. 1002. EXPANSION OF ELIGIBILITY FOR FRY SCHOLAR-**  
2 **SHIP TO CHILDREN AND SPOUSES OF CER-**  
3 **TAIN DECEASED MEMBERS OF THE ARMED**  
4 **FORCES.**

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

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

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

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

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

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

23 (1) *In section 3311(f), by striking “paragraph*  
24 *(8)” each place it appears and inserting “paragraphs*  
25 *(8), (9), and (10)”.*

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

3           (3) *In section 3317(a), in the second sentence, by*  
4 *striking “paragraphs (1), (2), (8), and (9)” and in-*  
5 *serting “paragraphs (1), (2), (8), (9), (10), and (11)”.*

6           (4) *In section 3320, as amended by section 1001*  
7 *of this title, in subsection (c)(1)(B), by striking “(8),*  
8 *or (9)” and inserting “(8), (9), (10), or (11)”.*

9           (5) *In section 3322—*

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

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

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

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

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

3 **SEC. 1003. PERIOD FOR ELECTION TO RECEIVE BENEFITS**  
4 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**  
5 **SISTANCE PROGRAM OF DEPARTMENT OF**  
6 **VETERANS AFFAIRS.**

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

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

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

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

1 **SEC. 1004. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL**  
2 **ASSISTANCE PROGRAM.**

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

7 **SEC. 1005. REQUIREMENTS FOR IN-STATE TUITION.**

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

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

13 *(2) in paragraph (4)—*

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

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

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

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

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

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

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

11 **SEC. 1006. EXPANSION OF AUTHORITY FOR CERTAIN QUALI-**  
 12 **FYING WORK-STUDY ACTIVITIES FOR PUR-**  
 13 **POSES OF THE EDUCATIONAL ASSISTANCE**  
 14 **PROGRAMS OF THE DEPARTMENT OF VET-**  
 15 **ERANS AFFAIRS TO INCLUDE OUTREACH**  
 16 **SERVICES PROVIDED THROUGH CONGRES-**  
 17 **SIONAL OFFICES.**

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

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

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

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

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

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

11          ***SEC. 1007. RESTORATION OF ENTITLEMENT TO REHABILI-***  
12                                ***TATION PROGRAMS FOR VETERANS AF-***  
13                                ***FECTED BY SCHOOL CLOSURE OR DIS-***  
14                                ***APPROVAL.***

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

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

21                (1) *by inserting “or a subsistence allowance de-*  
22                *scribed in section 3108” before “, during”; and*

23                (2) *by inserting “or allowance” after “such a sti-*  
24                *pend”.*

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

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

8   **SEC. 1008. TECHNICAL CORRECTION TO CLARIFY ELIGI-**  
 9                   **BILITY FOR PARTICIPATION IN YELLOW RIB-**  
 10                   **BON PROGRAM OF DEPARTMENT OF VET-**  
 11                   **ERANS AFFAIRS.**

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

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

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

20   **SEC. 1009. CLARIFICATION OF EDUCATIONAL ASSISTANCE**  
 21                   **FOR INDIVIDUALS WHO PURSUE AN AP-**  
 22                   **PROVED PROGRAM OF EDUCATION LEADING**  
 23                   **TO A DEGREE WHILE ON ACTIVE DUTY.**

24       (a) *IN GENERAL.*—Section 3313(e) of title 38, United  
 25   *States Code, is amended—*

1           (1) *in the heading, by inserting “FOR A PERIOD*  
2 *OF MORE THAN 30 DAYS” after “ACTIVE DUTY”;*

3           (2) *in paragraph (1), by inserting “for a period*  
4 *of more than 30 days” after “active duty”; and*

5           (3) *in paragraph (2), in the matter preceding*  
6 *subparagraph (A), by inserting “for a period of more*  
7 *than 30 days” after “active duty”.*

8           (b) *EFFECTIVE DATE.—The amendments made by sub-*  
9 *section (a) shall take effect on August 1, 2022.*

10 **SEC. 1010. VERIFICATION OF ENROLLMENT FOR PURPOSES**

11                           **OF RECEIPT OF POST-9/11 EDUCATIONAL AS-**

12                           **SISTANCE BENEFITS.**

13           (a) *IN GENERAL.—Section 3313 of title 38, United*  
14 *States Code, is amended by adding at the end the following*  
15 *new subsection:*

16           “*(l) VERIFICATION OF ENROLLMENT.—(1) The Sec-*  
17 *retary shall require—*

18                   “*(A) each educational institution to submit to*  
19 *the Secretary verification of each individual who is*  
20 *enrolled in a course or program of education at the*  
21 *educational institution and is receiving educational*  
22 *assistance under this chapter—*

23                           “*(i) not later than such time as the Sec-*  
24 *retary determines reasonable after the date on*  
25 *which the individual is enrolled; and*

1           “(i) not later than such time as the Sec-  
2           retary determines reasonable after the last date  
3           on which a student is able to withdraw from the  
4           course or program of education without penalty;  
5           and

6           “(B) each individual who is enrolled in a course  
7           or program of education and is receiving educational  
8           assistance under this chapter to submit to the Sec-  
9           retary verification of such enrollment for each month  
10          during which the individual is so enrolled and receiv-  
11          ing such educational assistance.

12          “(2) Verification under this subsection shall be in an  
13          electronic form prescribed by the Secretary.

14          “(3) If an individual fails to submit the verification  
15          required under paragraph (1)(B) for two consecutive  
16          months, the Secretary may not make a monthly stipend  
17          payment to the individual under this section until the indi-  
18          vidual submits such verification.”.

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

1 **SEC. 1011. CLARIFICATION REGARDING THE DEPENDENTS**  
2 **TO WHOM ENTITLEMENT TO EDUCATIONAL**  
3 **ASSISTANCE MAY BE TRANSFERRED UNDER**  
4 **THE POST 9/11 EDUCATIONAL ASSISTANCE**  
5 **PROGRAM.**

6 (a) *IN GENERAL.*—Section 3319(c) of title 38, United  
7 States Code, is amended to read as follows:

8 “(c) *ELIGIBLE DEPENDENTS.*—

9 “(1) *TRANSFER.*—An individual approved to  
10 transfer an entitlement to educational assistance  
11 under this section may transfer the individual’s enti-  
12 tlement to an eligible dependent or a combination of  
13 eligible dependents.

14 “(2) *DEFINITION OF ELIGIBLE DEPENDENT.*—  
15 For purposes of this subsection, the term ‘eligible de-  
16 pendent’ has the meaning given the term ‘dependent’  
17 under subparagraphs (A), (I), and (D) of section  
18 1072(2) of title 10.”.

19 (b) *APPLICABILITY.*—The amendment made by sub-  
20 section (a) shall apply with respect to educational assist-  
21 ance payable under chapter 33 of title 38, United States  
22 Code, before, on, or after the date that is 90 days after the  
23 date of the enactment of this Act.

1 **SEC. 1012. EXPANSION OF REASONS FOR WHICH A COURSE**  
 2 **OF EDUCATION MAY BE DISAPPROVED.**

3 (a) *IN GENERAL.*—Section 3672(b)(2) of title 38,  
 4 *United States Code, is amended—*

5 (1) *in subparagraph (A)(i), by inserting or “or*  
 6 *(D)” after “subparagraph (C)”;* and

7 (2) *by adding at the end the following new sub-*  
 8 *paragraph:*

9 “(D) *A program that is described in subparagraph*  
 10 *(A)(i) of this paragraph and offered by an educational in-*  
 11 *stitution that is at risk of losing accreditation shall not be*  
 12 *deemed to be approved for purposes of this chapter. For pur-*  
 13 *poses of this subparagraph, an educational institution is*  
 14 *at risk of losing accreditation if that educational institution*  
 15 *has received from the relevant accrediting agency or asso-*  
 16 *ciation a notice described in section 3673(e)(2)(D) of this*  
 17 *title.”.*

18 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
 19 *section (a) shall take effect on August 1, 2021.*

20 **SEC. 1013. OVERSIGHT OF EDUCATIONAL INSTITUTIONS**  
 21 **WITH APPROVED PROGRAMS: RISK-BASED**  
 22 **SURVEYS.**

23 (a) *RISK-BASED SURVEYS.*—

24 (1) *IN GENERAL.*—*Subchapter I of chapter 36,*  
 25 *United States Code, is amended by inserting after sec-*  
 26 *tion 3673 the following new section:*

1 **“§ 3673A. Risk-based surveys**

2       “(a) *DEVELOPMENT REQUIRED.*—*The Secretary, in*  
3 *partnership with State approving agencies, shall develop a*  
4 *searchable risk-based survey for oversight of educational in-*  
5 *stitutions with courses and programs of education approved*  
6 *under this chapter.*

7       “(b) *SCOPE.*—(1) *The scope of the risk-based survey*  
8 *developed under subsection (a) shall be determined by the*  
9 *Secretary, in partnership with the State approving agency.*

10       “(2) *At a minimum the scope determined under para-*  
11 *graph (1) shall include the following:*

12               “(A) *Rapid increase in veteran enrollment.*

13               “(B) *Rapid increase in tuition and fees.*

14               “(C) *Complaints tracked and published with the*  
15 *mechanism required by section 3698(b)(2) from stu-*  
16 *dents pursuing programs of education with edu-*  
17 *cational assistance furnished under laws administered*  
18 *by the Secretary, based on severity or volume of the*  
19 *complaints.*

20               “(D) *Compliance with section 3680A(d)(1) of*  
21 *this title.*

22               “(E) *Veteran completion rates.*

23               “(F) *Indicators of financial stability.*

24               “(G) *Review of the advertising and recruiting*  
25 *practices of the educational institution, including*

1       *those by third-party contractors of the educational in-*  
2       *stitution.*

3               “(H) *Matters for which the Federal Government*  
4       *or a State Government brings an action in a court*  
5       *of competent jurisdiction against an educational in-*  
6       *stitution, including matters in cases in which the*  
7       *Federal Government or the State comes to a settled*  
8       *agreement on such matters outside of the court.*

9               “(c) *DATABASE.—The Secretary, in partnership with*  
10       *the State approving agencies under this chapter, shall estab-*  
11       *lish a database or use an existing system, as the Secretary*  
12       *considers appropriate, to serve as a central repository for*  
13       *information required for or collected during site visits for*  
14       *the risk-based survey developed under subsection (a), so as*  
15       *to improve future oversight of educational institutions with*  
16       *programs of education approved under this chapter.”.*

17               (2) *CLERICAL AMENDMENT.—The table of sec-*  
18       *tions at the beginning of chapter 36 of such title is*  
19       *amended by inserting after the item relating to sec-*  
20       *tion 3673 the following new item:*

      “3673A. *Risk-based surveys.*”.

21               (b) *USE OF STATE APPROVING AGENCIES FOR OVER-*  
22       *SIGHT ACTIVITIES.—*

23               (1) *IN GENERAL.—Section 3673(d) of title 38,*  
24       *United States Code, is amended—*

1           (A) by striking “may” and inserting  
2           “shall”; and

3           (B) by striking “compliance and risk-based  
4           surveys” and inserting “a risk-based survey de-  
5           veloped under section 3673A of this title”.

6           (2) *EFFECTIVE DATE.*—The amendment made by  
7           paragraph (1) shall take effect on October 1, 2022.

8 **SEC. 1014. OVERSIGHT OF EDUCATIONAL INSTITUTIONS**  
9           **SUBJECT TO GOVERNMENT ACTION FOR PUR-**  
10           **POSES OF THE EDUCATIONAL ASSISTANCE**  
11           **PROGRAMS OF THE DEPARTMENT OF VET-**  
12           **ERANS AFFAIRS.**

13           (a) *IN GENERAL.*—Section 3673 of title 38, United  
14           States Code, is amended by adding at the end the following  
15           new subsection:

16           “(e) *NOTICE OF GOVERNMENT ACTION.*—(1)(A) If the  
17           Secretary receives notice described in paragraph (2), or oth-  
18           erwise becomes aware of an action or event described in  
19           paragraph (3), with respect to an educational institution,  
20           the Secretary shall transmit such notice or provide notice  
21           of such action or event to the State approving agency for  
22           the State where the educational institution is located by not  
23           later than 30 days after the date on which the Secretary  
24           receives such notice or becomes aware of such action or  
25           event.

1       “(B) If a State approving agency receives notice as  
2 described in paragraph (2), or otherwise becomes aware of  
3 an action or event described in paragraph (3), with respect  
4 to an educational institution, other than from the Secretary  
5 pursuant to subparagraph (A) of this paragraph, the State  
6 approving agency shall immediately notify the Secretary.

7       “(C) Not later than 60 days after the date on which  
8 a State approving agency receives notice under subpara-  
9 graph (A), receives notice as described in subparagraph (B),  
10 or becomes aware as described in such subparagraph, as  
11 the case may be, regarding an educational institution, such  
12 State approving agency shall—

13           “(i) complete a risk-based survey of such edu-  
14 cational institution; and

15           “(ii) provide the Secretary with—

16               “(I) a complete report on the findings of the  
17 State approving agency with respect to the risk-  
18 based survey completed under clause (i) and any  
19 actions taken as a result of such findings; and

20               “(II) any supporting documentation and  
21 pertinent records.

22       “(2) Notice described in this paragraph is any of the  
23 following:

24           “(A) Notice from the Secretary of Education of  
25 an event under paragraph (3)(A).

1           “(B) Notice of an event under paragraph (3)(B).

2           “(C) Notice from a State of an action taken by  
3 that State under paragraph (3)(C).

4           “(D) Notice provided by an accrediting agency  
5 or association of an action described in paragraph  
6 (3)(D) taken by that agency or association.

7           “(E) Notice that the Secretary of Education has  
8 placed the educational institution on provisional cer-  
9 tification status.

10          “(3) An action or event under this paragraph is any  
11 of the following:

12           “(A) The receipt by an educational institution of  
13 payments under the heightened cash monitoring level  
14 2 payment method pursuant to section 487(c)(1)(B)  
15 of the Higher Education Act of 1965 (20 U.S.C.  
16 1094).

17           “(B) Punitive action taken by the Attorney Gen-  
18 eral, the Federal Trade Commission, or any other  
19 Federal department or agency for misconduct or mis-  
20 leading marketing practices that would violate the  
21 standards defined by the Secretary of Veterans Af-  
22 fairs.

23           “(C) Punitive action taken by a State against  
24 an educational institution.

1           “(D) *The loss, or risk of loss, by an educational*  
2           *institution of an accreditation from an accrediting*  
3           *agency or association, including notice of probation,*  
4           *suspension, an order to show cause relating to the*  
5           *educational institution’s academic policies and prac-*  
6           *tices or to its financial stability, or revocation of ac-*  
7           *creditation.*

8           “(E) *The placement of an educational institution*  
9           *on provisional certification status by the Secretary of*  
10          *Education.*

11          “(4) *If a State approving agency disapproves or sus-*  
12          *pends an educational institution, the State approving agen-*  
13          *cy shall provide notice of such disapproval or suspension*  
14          *to the Secretary and to all other State approving agencies.*

15          “(5) *This subsection shall be carried out using*  
16          *amounts made available pursuant to section 3674(a)(4) of*  
17          *this title as long as such amounts remain available.*

18          “(6) *For each notice transmitted or provided to a State*  
19          *approving agency under paragraph (1) with respect to an*  
20          *educational institution, the Secretary shall ensure the care-*  
21          *ful review of—*

22                  “(A) *to the extent possible, the action that gave*  
23          *rise to such notice; and*

1           “(B) any other action against the educational  
2           institution by any Federal or State government entity  
3           or by the educational institution’s accreditor.

4           “(7) In this subsection, the term ‘risk-based survey’  
5           means the risk-based survey developed under section 3673A  
6           of this title.”.

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

9   **SEC. 1015. ADDITIONAL REQUIREMENT FOR APPROVAL OF**  
10                   **EDUCATIONAL INSTITUTIONS FOR PURPOSES**  
11                   **OF THE EDUCATIONAL ASSISTANCE PRO-**  
12                   **GRAMS OF THE DEPARTMENT OF VETERANS**  
13                   **AFFAIRS.**

14           (a) *IN GENERAL.*—Section 3675 of title 38, United  
15           States Code, is amended—

16                   (1) in subsection (b), by adding at the end the  
17                   following new paragraph:

18                           “(4) The educational institution is approved and  
19                           participates in a program under title IV of the High-  
20                           er Education Act of 1965 (20 U.S.C. 1070 et seq.) or  
21                           the Secretary has waived the requirement under this  
22                           paragraph with respect to an educational institution  
23                           and submits to the Committee on Veterans’ Affairs of  
24                           the Senate and the Committee on Veterans’ Affairs of  
25                           the House of Representatives notice of such waiver.”.

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

3           “(d)(1) *The Secretary shall submit to Congress an an-*  
4           *nual report on any waivers issued pursuant to subsection*  
5           *(b)(4) or section 3672(b)(2)(A)(i) of this title.*

6           “(2) *Each report submitted under paragraph (1) shall*  
7           *include, for the year covered by the report, the following:*

8                 “(A) *The name of each educational institution*  
9                 *for which a waiver was issued.*

10                “(B) *The justification for each such waiver.*

11                “(C) *The total number of waivers issued.*”.

12           (b) *REQUIREMENT FOR APPROVAL OF STANDARD COL-*  
13           *LEGE DEGREE PROGRAMS.—Clause (i) of section*  
14           *3672(b)(2)(A) of such title is amended to read as follows:*

15                 “(i) *Except as provided in subparagraph*  
16                 *(C) or (D), an accredited standard college degree*  
17                 *program offered at a public or not-for-profit pro-*  
18                 *prietary educational institution that—*

19                         “(I) *is accredited by an agency or as-*  
20                         *sociation recognized for that purpose by the*  
21                         *Secretary of Education; and*

22                         “(II) *is approved and participates in a*  
23                         *program under title IV of the Higher Edu-*  
24                         *cation Act of 1965 (20 U.S.C. 1070 et seq.),*  
25                         *unless the Secretary has waived the require-*

1           *ment to participate in a program under*  
2           *title IV of the Higher Education Act of*  
3           *1965 (20 U.S.C. 1070 et seq.).”.*

4           *(c) EFFECTIVE DATE.—The amendments made by sub-*  
5           *sections (a) and (b) shall take effect on August 1, 2021.*

6   **SEC. 1016. CLARIFICATION OF ACCREDITATION FOR LAW**  
7           **SCHOOLS FOR PURPOSES OF THE EDU-**  
8           **CATIONAL ASSISTANCE PROGRAMS OF THE**  
9           **DEPARTMENT OF VETERANS AFFAIRS.**

10          *(a) IN GENERAL.—Paragraphs (14)(B) and (15)(B) of*  
11          *section 3676(c) of title 38, United States Code, are each*  
12          *amended—*

13                 *(1) by striking “an accrediting agency” both*  
14                 *places it appears and inserting “a specialized accred-*  
15                 *iting agency for programs of legal education”; and*

16                 *(2) by inserting before the period the following:*  
17                 *“, from which recipients of law degrees from such ac-*  
18                 *credited programs are eligible to sit for a bar exam-*  
19                 *ination in any State”.*

20          *(b) EFFECTIVE DATE.—The amendments made by sub-*  
21          *section (a) shall take effect on August 1, 2021.*

1 **SEC. 1017. CLARIFICATION OF GROUNDS FOR DISAPPROVAL**  
2 **OF A COURSE FOR PURPOSES OF THE EDU-**  
3 **CATIONAL ASSISTANCE PROGRAMS OF THE**  
4 **DEPARTMENT OF VETERANS AFFAIRS.**

5 (a) *IN GENERAL.*—Section 3679 of title 38, United  
6 States Code, is amended—

7 (1) by inserting “(including failure to comply  
8 with a risk-based survey under this chapter or secure  
9 an affirmation of approval by the appropriate State  
10 approving agency following the survey)” after “re-  
11 quirements of this chapter”; and

12 (2) by adding at the end the following new sub-  
13 section:

14 “(f) In this section, the term ‘risk-based survey’ means  
15 a risk-based survey developed under section 3673A(a) of this  
16 title.”.

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

19 **SEC. 1018. REQUIREMENTS FOR EDUCATIONAL INSTITU-**  
20 **TIONS PARTICIPATING IN THE EDUCATIONAL**  
21 **ASSISTANCE PROGRAMS OF THE DEPART-**  
22 **MENT OF VETERANS AFFAIRS.**

23 (a) *IN GENERAL.*—Section 3679 of title 38, United  
24 States Code, as amended by section 1017 of this title, is  
25 further amended by adding at the end the following new  
26 subsection:

1       “(f)(1) *Except as provided by paragraph (5), a State*  
2 *approving agency, or the Secretary when acting in the role*  
3 *of the State approving agency, shall take an action de-*  
4 *scribed in paragraph (4)(A) if the State approving agency*  
5 *or the Secretary, when acting in the role of the State ap-*  
6 *proving agency, determines that an educational institution*  
7 *does not perform any of the following:*

8               “(A) *Prior to the enrollment of a covered indi-*  
9 *vidual in a course of education at the educational in-*  
10 *stitution, provide the individual with a form that*  
11 *contains information personalized to the individual*  
12 *that describes—*

13                       “(i) *the estimated total cost of the course,*  
14 *including tuition, fees, books, supplies, and any*  
15 *other additional costs;*

16                       “(ii) *an estimate of the cost for living ex-*  
17 *penses for students enrolled in the course;*

18                       “(iii) *the amount of the costs under clauses*  
19 *(i) and (ii) that are covered by the educational*  
20 *assistance provided to the individual under*  
21 *chapter 30, 31, 32, 33, or 35 of this title, or*  
22 *chapter 1606 or 1607 of title 10, as the case may*  
23 *be;*

24                       “(iv) *the type and amount of Federal finan-*  
25 *cial aid not administered by the Secretary and*

1           *financial aid offered by the institution that the*  
2           *individual may qualify to receive;*

3           “(v) *an estimate of the amount of student*  
4           *loan debt the individual would have upon grad-*  
5           *uation;*

6           “(vi) *information regarding graduation*  
7           *rates;*

8           “(vii) *job-placement rates for graduates of*  
9           *the course, if available;*

10          “(viii) *information regarding the accept-*  
11          *ance by the institution of transfer of credits, in-*  
12          *cluding military credits;*

13          “(ix) *any conditions or additional require-*  
14          *ments, including training, experience, or exami-*  
15          *nations, required to obtain the license, certifi-*  
16          *cation, or approval for which the course of edu-*  
17          *cation is designed to provide preparation; and*

18          “(x) *other information to facilitate com-*  
19          *parison by the individual of aid packages offered*  
20          *by different educational institutions.*

21          “(B) *Not later than 15 days after the date on*  
22          *which the institution (or the governing body of the in-*  
23          *stitution) determines tuition rates and fees for an*  
24          *academic year that is different than the amount being*  
25          *charged by the institution, provide a covered indi-*

1 *vidual enrolled in a course of education at the edu-*  
2 *catinal institution with the form under subpara-*  
3 *graph (A) that contains updated information.*

4 “(C) Maintain policies to—

5 “(i) inform each covered individual enrolled  
6 in a course of education at the educational insti-  
7 tution of the availability of Federal financial aid  
8 not administered by the Secretary and financial  
9 aid offered by the institution; and

10 “(ii) alert such individual of the potential  
11 eligibility of the individual for such financial  
12 aid before packaging or arranging student loans  
13 or alternative financing programs for the indi-  
14 vidual.

15 “(D) Maintain policies to—

16 “(i) prohibit the automatic renewal of a  
17 covered individual in courses and programs of  
18 education; and

19 “(ii) ensure that each covered individual  
20 approves of the enrollment of the individual in  
21 a course.

22 “(E) Provide to a covered individual enrolled in  
23 a course of education at the educational institution  
24 with information regarding the requirements to grad-  
25 uate from such course, including information regard-

1 *ing when required classes will be offered and a*  
2 *timeline to graduate.*

3 *“(F) With respect to an accredited educational*  
4 *institution, obtain the approval of the accrediting*  
5 *agency for each new course or program of the institu-*  
6 *tion before enrolling covered individuals in such*  
7 *courses or programs if the accrediting agency deter-*  
8 *mines that such approval is appropriate under the*  
9 *substantive change requirements of the accrediting*  
10 *agency regarding the quality, objectives, scope, or con-*  
11 *trol of the institution.*

12 *“(G) Maintain a policy that—*

13 *“(i) ensures that members of the Armed*  
14 *Forces, including the reserve components and the*  
15 *National Guard, who enroll in a course of edu-*  
16 *cation at the educational institution may be re-*  
17 *admitted at such institution if such members are*  
18 *temporarily unavailable or have to suspend such*  
19 *enrollment by reason of serving in the Armed*  
20 *Forces; and*

21 *“(ii) otherwise accommodates such members*  
22 *during short absences by reason of such service.*

23 *“(H) Designate an employee of the educational*  
24 *institution to serve as a point of contact for covered*  
25 *individuals and the family of such individuals need-*

1        *ing assistance with respect to academic counseling, fi-*  
2        *nancial counseling, disability counseling, and other*  
3        *information regarding completing a course of edu-*  
4        *cation at such institution, including by referring such*  
5        *individuals and family to the appropriate persons for*  
6        *such counseling and information.*

7        *“(2) Except as provided by paragraph (5), a State ap-*  
8        *proving agency, or the Secretary when acting in the role*  
9        *of the State approving agency, shall take an action de-*  
10       *scribed in paragraph (4)(A) if the State approving agency,*  
11       *the Secretary, or any Federal agency, determines that an*  
12       *educational institution does any of the following:*

13                *“(A) Carries out deceptive or persistent recruit-*  
14        *ing techniques, including on military installations,*  
15        *that may include—*

16                        *“(i) misrepresentation (as defined in section*  
17                        *3696(e)(2)(B) of this title) or payment of incen-*  
18                        *tive compensation;*

19                        *“(ii) during any 1-month period making*  
20                        *three or more unsolicited contacts to a covered*  
21                        *individual, including contacts by phone, email,*  
22                        *or in-person; or*

23                        *“(iii) engaging in same-day recruitment*  
24                        *and registration.*

1           “(B) Pays inducements, including any gratuity,  
2           favor, discount, entertainment, hospitality, loan,  
3           transportation, lodging, meals, or other item having  
4           a monetary value of more than a de minimis amount,  
5           to any individual or entity, or its agents including  
6           third party lead generators or marketing firms other  
7           than salaries paid to employees or fees paid to con-  
8           tractors in conformity with all applicable laws for the  
9           purpose of securing enrollments of covered individuals  
10          or obtaining access to educational assistance under  
11          this title, with the exception of scholarships, grants,  
12          and tuition reductions provided by the educational  
13          institution.

14          “(3) A State approving agency, or the Secretary when  
15          acting in the role of the State approving agency, shall take  
16          an action described in paragraph (4)(A) if the State ap-  
17          proving agency or the Secretary, when acting in the role  
18          of the State approving agency, determines that an edu-  
19          cational institution is the subject of a negative action made  
20          by the accrediting agency that accredits the institution, in-  
21          cluding any of the following:

22                  “(A) Accreditor sanctions.

23                  “(B) Accreditation probation.

24                  “(C) The loss of accreditation or candidacy for  
25          accreditation.

1       “(4)(A) *An action described in this subparagraph is*  
2 *any of the following:*

3               “(i) *Submitting to the Secretary a recommenda-*  
4 *tion that the Secretary publish a warning on the*  
5 *internet website of the Department described in sec-*  
6 *tion 3698(c)(2) of this title, or such other similar*  
7 *internet website of the Department, that describes how*  
8 *an educational institution is failing to meet a re-*  
9 *quirement under paragraph (1), (2), or (3).*

10              “(ii) *Disapproving a course for purposes of this*  
11 *chapter.*

12              “(B)(i) *The Secretary shall establish guidelines to en-*  
13 *sure that the actions described in subparagraph (A) are ap-*  
14 *plied in a proportional and uniform manner by State ap-*  
15 *proving agencies, or the Secretary when acting in the role*  
16 *of the State approving agency.*

17              “(ii) *Each State approving agency and the Secretary,*  
18 *when acting in the role of the State approving agency, shall*  
19 *adhere to the guidelines established under clause (i).*

20              “(C) *The State approving agency, in consultation with*  
21 *the Secretary, or the Secretary when acting in the role of*  
22 *the State approving agency, may limit an action described*  
23 *in subparagraph (A)(ii) to individuals not enrolled at the*  
24 *educational institution before the period described in such*  
25 *subparagraph.*

1       “(5)(A) *The Secretary may waive the requirements of*  
2 *paragraph (1) or waive the requirements of paragraph (2)*  
3 *with respect to an educational institution for a 1-academic-*  
4 *year period beginning in August of the year in which the*  
5 *waiver is made. A single educational institution may not*  
6 *receive waivers under this paragraph for more than 2 con-*  
7 *secutive academic years.*

8       “(B) *To be considered for a waiver under this para-*  
9 *graph, an educational institution shall submit to the Sec-*  
10 *retary an application prior to the first day of the academic*  
11 *year for which the waiver is sought.*

12       “(6) *Not later than October 1 of each year, the Sec-*  
13 *retary shall submit to the Committee on Veterans’ Affairs*  
14 *of the Senate and the Committee on Veterans’ Affairs of*  
15 *the House of Representatives the following reports:*

16               “(A) *A report, which shall be made publicly*  
17 *available, that includes the following:*

18                       “(i) *A summary of each action described in*  
19 *paragraph (4)(A) made during the year covered*  
20 *by the report, including—*

21                               “(I) *the name of the educational insti-*  
22 *tution;*

23                               “(II) *the type of action taken;*

1           “(III) the rationale for the action, in-  
2           cluding how the educational institution was  
3           not in compliance with this subsection;

4           “(IV) the length of time that the edu-  
5           cational institution was not in such compli-  
6           ance; and

7           “(V) whether the educational institu-  
8           tion was also not in compliance with this  
9           subsection during any of the 2 years prior  
10          to the year covered by the report.

11          “(i) A summary and justifications for the  
12          waivers made under paragraph (5) during the  
13          year covered by the report, including the total  
14          number of waivers each educational institution  
15          has received.

16          “(B) A report containing the recommendations  
17          of the Secretary with respect to any legislative actions  
18          the Secretary determines appropriate to ensure that  
19          this subsection is carried out in a manner that is con-  
20          sistent with the requirements that educational institu-  
21          tions must meet for purposes of other departments or  
22          agencies of the Federal Government.

23          “(7) In this subsection, the term ‘covered individual’  
24          means an individual who is pursuing a course of education

1 *at an educational institution under chapter 30, 31, 32, 33,*  
2 *or 35 of this title, or chapter 1606 or 1607 of title 10.”.*

3 (b) *APPLICATION DATE.*—*The amendment made by*  
4 *this section shall take effect on June 15, 2021, and shall*  
5 *apply to an educational institution beginning on August*  
6 *1, 2021, except that an educational institution may submit*  
7 *an application for a waiver under subsection (f)(5) of sec-*  
8 *tion 3679 of title 38, United States Code, as added by sub-*  
9 *section (a), beginning on June 15, 2021.*

10 **SEC. 1019. OVERPAYMENTS TO ELIGIBLE PERSONS OR VET-**  
11 **ERANS.**

12 (a) *IN GENERAL.*—*Subsection (b) of section 3685 of*  
13 *title 38, United States Code, is amended to read as follows:*

14 “(b) *Any overpayment to a veteran or eligible person*  
15 *with respect to pursuit by the veteran or eligible person of*  
16 *a program of education at an educational institution shall*  
17 *constitute a liability of the educational institution to the*  
18 *United States if—*

19 “(1) *the Secretary finds that the overpayment*  
20 *has been made as the result of—*

21 “(A) *the willful or negligent failure of an*  
22 *educational institution to report, as required*  
23 *under this chapter or chapter 34 or 35 of this*  
24 *title, to the Department of Veterans Affairs exces-*  
25 *sive absences from a course, or discontinuance or*

1           *interruption of a course by the veteran or eligible*  
2           *person; or*

3                   “(B) *the willful or negligent false certifi-*  
4                   *cation by an educational institution; or*

5                   “(2) *the benefit payment sent to an educational*  
6                   *institution on behalf of an eligible veteran or person*  
7                   *is made pursuant to—*

8                           “(A) *section 3313(h) of this title;*

9                           “(B) *section 3317 of this title; or*

10                           “(C) *section 3680(d) of this title; or*

11                           “(D) *section 3320(d) of this title.”.*

12           (b) *CLARIFYING AMENDMENT.—Subsection (a) of such*  
13           *section is further amended by inserting “relating to edu-*  
14           *cational assistance under a law administered by the Sec-*  
15           *retary” after “made to a veteran or eligible person”.*

16   **SEC. 1020. IMPROVEMENTS TO LIMITATION ON CERTAIN AD-**  
17                   **VERTISING, SALES, AND ENROLLMENT PRAC-**  
18                   **TICES.**

19           (a) *PROHIBITION ON SUBSTANTIAL MISREPRESENTA-*  
20           *TION.—*

21                   (1) *IN GENERAL.—Section 3696 of title 38,*  
22                   *United States Code, is amended to read as follows:*

1 **“§ 3696. Prohibition on certain advertising, sales, and**  
2 **enrollment practices**

3 “(a) *PROHIBITION ON ENGAGING IN SUBSTANTIAL*  
4 *MISREPRESENTATION.*—*An educational institution with a*  
5 *course or program of education approved under this chap-*  
6 *ter, and an entity that owns such an educational institu-*  
7 *tion, shall not engage in substantial misrepresentation de-*  
8 *scribed in subsection (b).*

9 “(b) *SUBSTANTIAL MISREPRESENTATION DE-*  
10 *SCRIBED.*—(1) *Substantial misrepresentation described in*  
11 *this paragraph is substantial misrepresentation by an edu-*  
12 *cational institution, a representative of the institution, or*  
13 *any person with whom the institution has an agreement*  
14 *to provide educational programs, marketing, advertising,*  
15 *recruiting or admissions services, concerning any of the fol-*  
16 *lowing:*

17 “(A) *The nature of the educational program of*  
18 *the institution, including misrepresentation regard-*  
19 *ing—*

20 “(i) *the particular type, specific source, or*  
21 *nature and extent, of the accreditation of the in-*  
22 *stitution or a course of education at the institu-*  
23 *tion;*

24 “(ii) *whether a student may transfer course*  
25 *credits to another institution;*

1           “(iii) conditions under which the institu-  
2           tion will accept transfer credits earned at an-  
3           other institution;

4           “(iv) whether successful completion of a  
5           course of instruction qualifies a student—

6                   “(I) for acceptance to a labor union or  
7                   similar organization; or

8                   “(II) to receive, to apply to take, or to  
9                   take an examination required to receive a  
10                  local, State, or Federal license, or a non-  
11                  governmental certification required as a  
12                  precondition for employment, or to perform  
13                  certain functions in the States in which the  
14                  educational program is offered, or to meet  
15                  additional conditions that the institution  
16                  knows or reasonably should know are gen-  
17                  erally needed to secure employment in a  
18                  recognized occupation for which the pro-  
19                  gram is represented to prepare students;

20           “(v) the requirements for successfully com-  
21           pleting the course of study or program and the  
22           circumstances that would constitute grounds for  
23           terminating the student’s enrollment;

24           “(vi) whether the courses of education at the  
25           institution are recommended or have been the

1           *subject of unsolicited testimonials or endorse-*  
2           *ments by—*

3                     “(I) *vocational counselors, high schools,*  
4                     *colleges, educational organizations, employ-*  
5                     *ment agencies, members of a particular in-*  
6                     *dustry, students, former students, or others;*  
7                     *or*

8                     “(II) *officials of a local or State gov-*  
9                     *ernment or the Federal Government;*

10                    “(vii) *the size, location, facilities, or equip-*  
11                    *ment of the institution;*

12                    “(viii) *the availability, frequency, and ap-*  
13                    *propriateness of the courses of education and*  
14                    *programs to the employment objectives that the*  
15                    *institution states the courses and programs are*  
16                    *designed to meet;*

17                    “(ix) *the nature, age, and availability of the*  
18                    *training devices or equipment of the institution*  
19                    *and the appropriateness to the employment ob-*  
20                    *jectives that the institution states the courses and*  
21                    *programs are designed to meet;*

22                    “(x) *the number, availability, and quali-*  
23                    *fications, including the training and experience,*  
24                    *of the faculty and other personnel of the institu-*  
25                    *tion;*

1           “(xi) the availability of part-time employ-  
2           ment or other forms of financial assistance;

3           “(xii) the nature and availability of any  
4           tutorial or specialized instruction, guidance and  
5           counseling, or other supplementary assistance the  
6           institution will provide students before, during,  
7           or after the completion of a course of education;

8           “(xiii) the nature or extent of any pre-  
9           requisites established for enrollment in any  
10          course of education;

11          “(xiv) the subject matter, content of the  
12          course of education, or any other fact related to  
13          the degree, diploma, certificate of completion, or  
14          any similar document that the student is to be,  
15          or is, awarded upon completion of the course of  
16          education; and

17          “(xv) whether the degree that the institution  
18          will confer upon completion of the course of edu-  
19          cation has been authorized by the appropriate  
20          State educational agency, including with respect  
21          to cases where the institution fails to disclose  
22          facts regarding the lack of such authorization in  
23          any advertising or promotional materials that  
24          reference such degree.

1           “(B) *The financial charges of the institution, in-*  
2 *cluding misrepresentation regarding—*

3                 “(i) *offers of scholarships to pay all or part*  
4 *of a course charge;*

5                 “(ii) *whether a particular charge is the cus-*  
6 *tomary charge at the institution for a course;*

7                 “(iii) *the cost of the program and the re-*  
8 *fund policy of the institution if the student does*  
9 *not complete the program;*

10                “(iv) *the availability or nature of any fi-*  
11 *ancial assistance offered to students, including*  
12 *a student’s responsibility to repay any loans, re-*  
13 *gardless of whether the student is successful in*  
14 *completing the program and obtaining employ-*  
15 *ment; and*

16                “(v) *the student’s right to reject any par-*  
17 *ticular type of financial aid or other assistance,*  
18 *or whether the student must apply for a par-*  
19 *ticular type of financial aid, such as financing*  
20 *offered by the institution.*

21           “(C) *The employability of the graduates of the*  
22 *institution, including misrepresentation regarding—*

23                 “(i) *the relationship of the institution with*  
24 *any organization, employment agency, or other*

1           *agency providing authorized training leading di-*  
2           *rectly to employment;*

3           *“(ii) the plans of the institution to main-*  
4           *tain a placement service for graduates or other-*  
5           *wise assist graduates to obtain employment;*

6           *“(iii) the knowledge of the institution about*  
7           *the current or likely future conditions, compensa-*  
8           *tion, or employment opportunities in the indus-*  
9           *try or occupation for which the students are*  
10          *being prepared;*

11          *“(iv) job market statistics maintained by*  
12          *the Federal Government in relation to the poten-*  
13          *tial placement of the graduates of the institution;*  
14          *and*

15          *“(v) other requirements that are generally*  
16          *needed to be employed in the fields for which the*  
17          *training is provided, such as requirements re-*  
18          *lated to commercial driving licenses or permits*  
19          *to carry firearms, and failing to disclose factors*  
20          *that would prevent an applicant from qualifying*  
21          *for such requirements, such as prior criminal*  
22          *records or preexisting medical conditions.*

23          *“(2) In this subsection:*

24                 *“(A) The term ‘misleading statement’ includes*  
25                 *any communication, action, omission, or intimation*

1     *made in writing, visually, orally, or through other*  
2     *means, that has the likelihood or tendency to mislead*  
3     *the intended recipient of the communication under*  
4     *the circumstances in which the communication is*  
5     *made. Such term includes the use of student endorse-*  
6     *ments or testimonials for an educational institution*  
7     *that a student gives to the institution either under*  
8     *duress or because the institution required the student*  
9     *to make such an endorsement or testimonial to par-*  
10    *ticipate in a program of education.*

11         “(B) *The term ‘misrepresentation’ means any*  
12    *false, erroneous, or misleading statement, action,*  
13    *omission, or intimation made directly or indirectly to*  
14    *a student, a prospective student, the public, an ac-*  
15    *crediting agency, a State agency, or to the Secretary*  
16    *by an eligible institution, one of its representatives, or*  
17    *any person with whom the institution has an agree-*  
18    *ment to provide educational programs, marketing, ad-*  
19    *vertising, recruiting or admissions services.*

20         “(C) *The term ‘substantial misrepresentation’*  
21    *means misrepresentation in which the person to*  
22    *whom it was made could reasonably be expected to*  
23    *rely, or has reasonably relied, to that person’s det-*  
24    *riment.*

1       “(c) *LIMITATION ON CERTAIN COMMISSIONS, BO-*  
2 *NUSES, AND OTHER INCENTIVE PAYMENTS.*—An edu-  
3 *cational institution with a course or program of education*  
4 *approved under this chapter, and an entity that owns such*  
5 *an educational institution, shall not provide any commis-*  
6 *sion, bonus, or other incentive payment based directly or*  
7 *indirectly on success in securing enrollments or financial*  
8 *aid to any persons or entities engaged in any student re-*  
9 *cruting or admission activities or in making decisions re-*  
10 *garding the award of student financial assistance.*

11       “(d) *REQUIREMENT TO MAINTAIN RECORDS.*—(1) *To*  
12 *ensure compliance with this section, any educational insti-*  
13 *tution offering courses approved for the enrollment of eligi-*  
14 *ble persons or veterans shall maintain a complete record*  
15 *of all advertising, sales, or enrollment materials (and copies*  
16 *thereof) utilized by or on behalf of the institution during*  
17 *the preceding two-year period. Such record shall be avail-*  
18 *able for inspection by the State approving agency or the*  
19 *Secretary.*

20       “(2) *Such materials shall include but are not limited*  
21 *to any direct mail pieces, brochures, printed literature used*  
22 *by sales persons, films, video tapes, and audio tapes dis-*  
23 *seminated through broadcast media, material disseminated*  
24 *through print, digital, or electronic media, tear sheets, leaf-*  
25 *lets, handbills, fliers, and any sales or recruitment manuals*

1 *used to instruct sales personnel, agents, or representatives*  
2 *of such institution.*

3       “(e) *AGREEMENT WITH FEDERAL TRADE COMMIS-*  
4 *SION.—(1) The Secretary shall, pursuant to section 3694*  
5 *of this title, enter into an agreement with the Federal Trade*  
6 *Commission to utilize, where appropriate, its services and*  
7 *facilities, consistent with its available resources, in car-*  
8 *rying out investigations and making the Under Secretary*  
9 *of Benefit’s preliminary findings under subsection (g)(1).*

10       “(2) *Such agreement shall provide that cases arising*  
11 *under subsection (a) of this section or any similar matters*  
12 *with respect to any of the requirements of this chapter or*  
13 *chapters 34 and 35 of this title may be referred to the Fed-*  
14 *eral Trade Commission which in its discretion will conduct*  
15 *an investigation and make preliminary findings.*

16       “(3) *The findings and results of any investigation*  
17 *under paragraph (2) shall be referred to the Under Sec-*  
18 *retary for Benefits, who shall take appropriate action under*  
19 *subsection (g) in such cases not later than 60 days after*  
20 *the date of such referral.*

21       “(f) *FINAL JUDGMENTS FROM OTHER FEDERAL*  
22 *AGENCIES.—Whenever the Secretary becomes aware of a*  
23 *final judgment by a Federal agency against an educational*  
24 *institution or owner of an educational institution per-*  
25 *taining to substantial misrepresentation described in sub-*

1 *section (b) or of other credible evidence relating to a viola-*  
2 *tion of subsection (a), the Secretary, in partnership with*  
3 *the applicable State approving agency, shall—*

4           “(1) *within 30 days, alert the educational insti-*  
5 *tution or owner that it is at risk of losing approval*  
6 *under this chapter of its courses or programs of edu-*  
7 *cation;*

8           “(2) *provide the educational institution or owner*  
9 *60 days to provide any information it wishes to the*  
10 *Secretary;*

11           “(3) *require the educational institution or owner*  
12 *to submit to the Secretary a report prepared by an*  
13 *approved third-party auditor of the advertising and*  
14 *enrollment practices of the educational institution or*  
15 *owner; and*

16           “(4) *refer the matter to the Under Secretary of*  
17 *Benefits, who may thereafter make a preliminary*  
18 *finding under subsection (g).*

19           “(g) *PRELIMINARY FINDINGS, FINAL DETERMINA-*  
20 *TIONS, AND PROCESSES.—(1) The Under Secretary for Ben-*  
21 *efits shall make preliminary findings and final determina-*  
22 *tions on violations of subsections (a), (c), and (d).*

23           “(2)(A) *The Under Secretary shall establish a process*  
24 *for making preliminary findings and final determinations*  
25 *under paragraph (1).*

1       “(B) *The process established under subparagraph (A)*  
2 *shall—*

3               “(i) *clearly define what triggers an oversight*  
4 *visit by the Under Secretary for purposes of enforcing*  
5 *subsections (a), (c), and (d);*

6               “(ii) *set forth factors an educational institution,*  
7 *or the owner of the educational institution, must meet*  
8 *in order to retain approval status under this section,*  
9 *including with respect to the factors set forth under*  
10 *subsection (h)(2);*

11              “(iii) *include a process for the provision of no-*  
12 *tice to an educational institution, or the owner of the*  
13 *educational institution, that the Under Secretary has*  
14 *made a preliminary finding under paragraph (1)*  
15 *that the education institution or owner has violated*  
16 *subsection (a), (c), or (d), which the Under Secretary*  
17 *shall provide to the educational institution or owner*  
18 *within such period after making the preliminary*  
19 *finding as the Under Secretary shall establish for*  
20 *purposes of this clause, except that, in every case,*  
21 *such period shall end before the date on which the*  
22 *Under Secretary makes a final determination under*  
23 *such paragraph; and*

24              “(iv) *include—*

1           “(I) a process for receipt of findings from a  
2           third-party pertinent to this section; and

3           “(II) a process for an educational institu-  
4           tion or an owner to provide such information as  
5           the educational institution or owner determines  
6           appropriate to the Secretary, including informa-  
7           tion about corrective actions the educational in-  
8           stitution or owner may have taken in response  
9           to preliminary findings under paragraph (1).

10          “(C) The process established under subparagraph (A)  
11          shall not prohibit a State approving agency from—

12                 “(i) independently investigating a potential vio-  
13                 lation of subsection (a), (c), or (d); or

14                 “(ii) taking action if the State approving agency  
15                 finds a violation of subsection (a), (c), or (d).

16          “(3) Upon a preliminary finding under this subsection  
17          of a violation of subsection (a), (c), or (d) by an educational  
18          institution, or the owner of an educational institution, the  
19          Under Secretary shall require the educational institution  
20          or owner to submit to the Under Secretary a report pre-  
21          pared by an approved third-party auditor of the adver-  
22          tising and enrollment practices of the educational institu-  
23          tion or owner.

24          “(4)(A) Before making a final determination under  
25          this subsection regarding a violation of subsection (a), (c),

1 *or (d) by an educational institution or owner of an edu-*  
2 *cational institution, the Under Secretary shall—*

3           *“(i) review the practices of the educational insti-*  
4 *tution or owner that pertain to activities and prac-*  
5 *tices covered by subsections (a), (c), and (d);*

6           *“(ii) consider the results of a risk-based survey*  
7 *conducted by a State approving agency, if available;*  
8 *and*

9           *“(iii) review—*

10           *“(I) the findings and information received*  
11 *pursuant to the processes established under para-*  
12 *graph (2)(B)(iii);*

13           *“(II) in a case in which a report was sub-*  
14 *mitted under subsection (f)(3), such report;*

15           *“(III) the report submitted under para-*  
16 *graph (3)(B) of this subsection;*

17           *“(IV) any findings and results submitted*  
18 *under subsection (e)(3);*

19           *“(V) the marketing and outreach material*  
20 *of the educational institution and the contractors*  
21 *of the educational institution.*

22           *“(B) The Under Secretary may not make a final deter-*  
23 *mination under this subsection solely based on preliminary*  
24 *findings.*

1       “(5) *The Under Secretary may not delegate authority*  
2 *to make a final determination under this subsection, includ-*  
3 *ing to any employee of the Department or to the Federal*  
4 *Trade Commission.*

5       “(h) *ENFORCEMENT.—(1)(A) Upon a final determina-*  
6 *tion by the Under Secretary for Benefits under subsection*  
7 *(g) that an educational institution or the owner of an edu-*  
8 *cational institution violated subsection (a), (c), or (d), the*  
9 *Under Secretary shall, but subject to subparagraphs (B),*  
10 *(C), and (D) of this paragraph, take one of the following*  
11 *actions independent of any actions taken under section*  
12 *3690 of this title:*

13           “(i) *Publish a caution flag on the GI Bill Com-*  
14 *parison Tool, or successor tool, about that educational*  
15 *institution and alert its currently enrolled eligible*  
16 *veterans and eligible persons.*

17           “(ii) *Suspend the approval of the courses and*  
18 *programs of education offered by the educational in-*  
19 *stitution by disapproving new enrollments of eligible*  
20 *veterans and eligible persons in each course or pro-*  
21 *gram of education offered by that educational institu-*  
22 *tion.*

23           “(iii) *Revoke the approval of the courses and*  
24 *programs of education offered by the educational in-*  
25 *stitution by disapproving all enrollments of eligible*

1        *veterans and eligible persons in each course or pro-*  
2        *gram of education offered by that educational institu-*  
3        *tion.*

4        *“(B) In deciding upon a course of action under sub-*  
5        *paragraph (A), for the first violation of this section, the*  
6        *Secretary shall consider the factors set forth in paragraph*  
7        *(2).*

8        *“(C) Subject to subsection (i), any repeat violation and*  
9        *final finding within five years of the first violation of this*  
10       *section shall result in—*

11            *“(i) a suspension of approval of new enrollments*  
12            *as described in subparagraph (A)(ii) of this para-*  
13            *graph until reinstatement under subsection (j); or*

14            *“(ii) a revocation of approval under this chapter*  
15            *as described in subparagraph (A)(iii) of this para-*  
16            *graph until reinstatement under subsection (j).*

17        *“(D) Subject to subsection (i), any third violation*  
18        *within three years of the second violation of this section*  
19        *shall result in revocation of approval under this chapter*  
20        *as described in subparagraph (A)(iii) of this paragraph*  
21        *until reinstatement under subsection (j).*

22        *“(E) Any action taken under subparagraph (A) of this*  
23        *paragraph regarding a violation of subsection (a), (c), or*  
24        *(d) by an educational institution or the owner of an edu-*  
25        *cational institution shall be taken on or before the date that*

1 *is 180 days after the date on which the Under Secretary*  
2 *provided notice to the educational institution or owner re-*  
3 *garding the violation in accordance with the process estab-*  
4 *lished under subsection (g)(2)(B)(iii).*

5       “(2) *The factors set forth in this paragraph are the*  
6 *following:*

7               “(A) *That the Secretary’s action brings sufficient*  
8 *deterrence for future fraud against students and the*  
9 *programs of education carried out under this title.*  
10 *Fraud against veterans must be met with a repercus-*  
11 *sion strong enough to send a deterrent message to this*  
12 *and other educational institutions and owners.*

13               “(B) *That the educational institution has se-*  
14 *cured an approved third-party auditor to verify the*  
15 *educational institution’s, or owner’s, advertising and*  
16 *enrollment practices for at least three years going for-*  
17 *ward.*

18               “(C) *That the educational institution or owner*  
19 *has repudiated the deceptive practices and has com-*  
20 *municated to all employees that deceptive practices*  
21 *will not be tolerated, and has instituted strong gov-*  
22 *ernance procedures to prevent recurrence.*

23               “(D) *That the educational institution has taken*  
24 *steps to remove any pressure on its enrollment re-*

1        *cruiters, including by removing enrollment quotas*  
2        *and incentives for enrollment.*

3            *“(E) That the State approving agency or the*  
4        *Secretary acting in the role of the State approving*  
5        *agency, has completed a risk-based survey and deter-*  
6        *mined the educational institution is worthy of serving*  
7        *eligible veterans and eligible persons.*

8            *“(3) Enforcement action under this section shall not*  
9        *preclude enforcement action under section 3690 of this title.*

10          *“(4) No action may be carried out under this sub-*  
11        *section with respect to a final determination by the Under*  
12        *Secretary under subsection (g) while such final determina-*  
13        *tion is pending review under subsection (i).*

14          *“(i) APPEALS.—(1) The Secretary shall establish a*  
15        *process by which an educational institution or the owner*  
16        *of an educational institution that is the subject of more than*  
17        *one final determination by the Under Secretary under sub-*  
18        *section (g)(1) that the educational institution or owner vio-*  
19        *lated subsection (a), may request a review of the most recent*  
20        *final determination.*

21          *“(2)(A) The Secretary shall—*

22            *“(i) review each final determination for which a*  
23        *review is requested under paragraph (1); and*

1           “(ii) pursuant to such review, issue a final deci-  
2           sion sustaining, modifying, or overturning the final  
3           determination.

4           “(B) The Secretary may not delegate any decision  
5           under subparagraph (A).

6           “(C)(i) Review under subparagraph (A)(i) of this  
7           paragraph shall be the exclusive avenue for review of a final  
8           determination under subsection (g)(1).

9           “(ii) A decision issued pursuant to a review under sub-  
10          paragraph (A)(i) may not be appealed to the Secretary for  
11          review under section 7104(a) of this title.

12          “(3)(A) Not later than 30 days after the date on which  
13          the Secretary issues a final decision under paragraph  
14          (2)(A)(ii), the Secretary shall submit to Congress a report  
15          on such final decision.

16          “(B) A report submitted under subparagraph (A) shall  
17          include the following:

18                 “(i) An outline of the decisionmaking process of  
19                 the Secretary that led to the final decision described  
20                 in subparagraph (A).

21                 “(ii) Any relevant material used to make the  
22                 final decision under paragraph (2)(A)(ii), including  
23                 risk-based surveys and documentation from the edu-  
24                 cational institution or the owners of the educational  
25                 institution.

1           “(iii) *Materials that were submitted to the Sec-*  
2           *retary after the date of the final determination under*  
3           *subsection (g) that was the subject of the final deci-*  
4           *sion under paragraph (2)(A)(ii) of this subsection*  
5           *and before the date on which the Secretary issued*  
6           *such final decision.*

7           “(j) *REINSTATEMENT OF APPROVAL.—(1) If an edu-*  
8           *cational institution or the owner of an educational institu-*  
9           *tion has had the approval of the courses or programs of*  
10          *education of the educational institution suspended as de-*  
11          *scribed in clause (ii) of subsection (h)(1)(A) or revoked as*  
12          *described in clause (iii) of such subsection for a violation*  
13          *of subsection (a), (c), or (d) pursuant to subparagraph (C)*  
14          *or (D) of subsection (h)(1), the educational institution or*  
15          *owner may submit to the applicable State approving agency*  
16          *or the Secretary when acting as a State approving agency*  
17          *an application for reinstatement of approval under this*  
18          *subsection.*

19          “(2) *Approval under this chapter may not be rein-*  
20          *stated under this subsection until—*

21                 “(A) *the educational institution or owner sub-*  
22                 *mits to the applicable State approving agency or the*  
23                 *Secretary when acting as a State approving agency*  
24                 *an application for reinstatement of approval under*  
25                 *paragraph (1);*

1           “(B) the date that is 540 days after the date of  
2           the most recent suspension or revocation described in  
3           paragraph (1) of the educational institution or owner;

4           “(C) the educational institution submits a report  
5           by an approved third-party auditor on the adver-  
6           tising and enrollment practices of the educational in-  
7           stitution, including those of its third-party contrac-  
8           tors;

9           “(D) procedures are in place to prevent any fu-  
10          ture violation of subsection (a), (c), or (d);

11          “(E) that the educational institution has met all  
12          factors set forth in subsection (h)(2); and

13          “(F) the Secretary agrees to such reinstatement.

14          “(k) *RULE OF CONSTRUCTION REGARDING STATE AP-*  
15          *PROVING AGENCIES AND RISK-BASED SURVEYS.*—Nothing  
16          in this section shall be construed to prohibit a State approv-  
17          ing agency from conducting any risk-based survey the State  
18          approving agency considers appropriate at any educational  
19          institution that it considers appropriate for oversight pur-  
20          poses.

21          “(l) *DEFINITIONS.*—In this section:

22                 “(1) The term ‘approved third-party auditor’  
23                 means an independent third-party auditor that is ap-  
24                 proved by the Secretary for purposes of third-party  
25                 audits under this section.

1           “(2) *The term ‘risk-based survey’ means the risk-*  
2           *based survey developed under section 3673A of this*  
3           *title.’”.*

4           (2) *CLERICAL AMENDMENT.—The table of sec-*  
5           *tions at the beginning of chapter 36 of such title is*  
6           *amended by striking the item relating to section 3696*  
7           *and inserting the following new item:*

          “3696. *Prohibition on certain advertising, sales, and enrollment practices.’”.*

8           (b)     *REQUIREMENTS     FOR     NONACCREDITED*  
9           *COURSES.—Paragraph (10) of section 3676(e) of such title*  
10          *is amended to read as follows:*

11          “(10) *The institution, and any entity that owns*  
12          *the institution, does not engage in substantial mis-*  
13          *representation described in section 3696(e) of this*  
14          *title. The institution shall not be deemed to have met*  
15          *this requirement until the State approving agency—*

16                 “(A) *has ascertained that no Federal de-*  
17                 *partment or agency has taken a punitive action,*  
18                 *not including a settlement agreement, against*  
19                 *the school for misleading or deceptive practices;*

20                 “(B) *has, if such an order has been issued,*  
21                 *given due weight to that fact; and*

22                 “(C) *has reviewed the complete record of ad-*  
23                 *vertising, sales, or enrollment materials (and*  
24                 *copies thereof) used by or on behalf of the institu-*  
25                 *tion during the preceding 12-month period.’”.*

1       (c) *APPLICATION DATE.*—*The amendments made by*  
2 *this section shall take effect on August 1, 2021.*

3 **SEC. 1021. CHARGE TO ENTITLEMENT TO EDUCATIONAL AS-**  
4 **SISTANCE FOR INDIVIDUALS WHO DO NOT**  
5 **TRANSFER CREDITS FROM CERTAIN CLOSED**  
6 **OR DISAPPROVED PROGRAMS OF EDU-**  
7 **CATION.**

8       (a) *IN GENERAL.*—*Subsection (c) of section 3699 of*  
9 *title 38, United States Code, is amended to read as follows:*

10       “(c) *PERIOD NOT CHARGED.*—(1) *The period for*  
11 *which, by reason of this subsection, educational assistance*  
12 *is not charged against entitlement or counted toward the*  
13 *applicable aggregate period under section 3695 of this title*  
14 *shall not exceed the aggregate of—*

15               “(A) *the portion of the period of enrollment in*  
16 *the course from which the individual did not receive*  
17 *credit or with respect to which the individual lost*  
18 *training time, as determined under subsection (b)(2);*  
19 *and*

20               “(B) *the period by which a monthly stipend is*  
21 *extended under section 3680(a)(2)(B) of this title.*

22       “(2)(A) *An individual described in subparagraph (B)*  
23 *who transfers fewer than 12 credits from a program of edu-*  
24 *cation that is closed or disapproved as described in sub-*  
25 *section (b)(1) shall be deemed to be an individual who did*

1 *not receive such credits, as described in subsection (b)(2),*  
2 *except that the period for which such individual's entitle-*  
3 *ment is not charged shall be the entire period of the individ-*  
4 *ual's enrollment in the program of education. In carrying*  
5 *out this subparagraph, the Secretary, in consultation with*  
6 *the Secretary of Education, shall establish procedures to de-*  
7 *termine whether the individual transferred credits to a com-*  
8 *parable course or program of education.*

9       “(B) *An individual described in this subparagraph is*  
10 *an individual who is enrolled in a course or program of*  
11 *education closed or discontinued as described in subsection*  
12 *(b)(1) during the period beginning on the date that is 120*  
13 *days before the date of such closure or discontinuance and*  
14 *ending on the date of such closure or discontinuance, as*  
15 *the case may be.*

16       “(C) *This paragraph shall apply with respect to a*  
17 *course or program of education closed or discontinued before*  
18 *September 30, 2023.”.*

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

1 **SEC. 1022. DEPARTMENT OF VETERANS AFFAIRS TREAT-**  
2 **MENT OF FOR-PROFIT EDUCATIONAL INSTI-**  
3 **TUTIONS CONVERTED TO NONPROFIT EDU-**  
4 **CATIONAL INSTITUTIONS.**

5 (a) *IN GENERAL.*—Subchapter II of chapter 36 of title  
6 38, United States Code, is amended by adding at the end  
7 the following new section:

8 **“§ 3699B. Treatment of certain for-profit educational**  
9 **institutions**

10 “(a) *IN GENERAL.*—In the case of any for-profit edu-  
11 cational institution that is converted to a nonprofit edu-  
12 cational institution, the State approving agency or the Sec-  
13 retary when acting as a State approving agency shall con-  
14 duct annual risk-based surveys of the institution during the  
15 three-year period beginning on the date on which the edu-  
16 cational institution is so converted.

17 “(b) *RISK-BASED SURVEY DEFINED.*—In this section,  
18 the term ‘risk-based survey’ means the risk-based survey de-  
19 veloped under section 3673A of this title.”

20 (b) *CLERICAL AMENDMENT.*—The table of sections at  
21 the beginning of such chapter is amended by inserting after  
22 the item relating to section 3699A the following new item:  
“3699B. Treatment of certain for-profit educational institutions.”

23 (c) *APPLICABILITY.*—Section 3699B of title 38, United  
24 States Code, as added by subsection (a), shall apply with  
25 respect to the conversion of a for-profit educational institu-

1 *tion to a nonprofit educational institution that occurs on*  
2 *or after the date of the enactment of this Act.*

3 **SEC. 1023. AUTHORITY OF STATE APPROVING AGENCIES TO**  
4 **CONDUCT OUTREACH ACTIVITIES.**

5 *Section 3673 of title 38, United States Code, as amend-*  
6 *ed by section 1014 of this title, is further amended by add-*  
7 *ing at the end the following new subsection:*

8 *“(f) OUTREACH ACTIVITIES.—(1) A State approving*  
9 *agency may conduct outreach activities if—*

10 *“(A) the State approving agency has properly*  
11 *conducted its enforcement and approval of courses*  
12 *and programs of education under this chapter; and*

13 *“(B) funds are still available to do so.*

14 *“(2) For purposes of paragraph (1)(A), a State ap-*  
15 *proving agency shall be considered to have properly con-*  
16 *ducted its enforcement and approval of courses and pro-*  
17 *grams of education under this chapter if the State approv-*  
18 *ing agency has—*

19 *“(A) met fulfilled its requirements pursuant to*  
20 *the applicable cooperative agreements between the*  
21 *State approving agency and the Department relating*  
22 *to the oversight and approval of courses and pro-*  
23 *grams of education under this chapter; and*

24 *“(B) completed a risk-based survey of any course*  
25 *or program of education determined to be of question-*



1 **SEC. 1025. ELIMINATION OF PERIOD OF ELIGIBILITY FOR**  
2 **TRAINING AND REHABILITATION FOR CER-**  
3 **TAIN VETERANS WITH SERVICE-CONNECTED**  
4 **DISABILITIES.**

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

7 (1) in subsection (a), by striking “or (e)” and  
8 inserting “(e), or (g)”; and

9 (2) by adding at the end the following new sub-  
10 section:

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

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

18 **Subtitle B—Pandemic Assistance**

19 **SEC. 1101. DEFINITIONS.**

20 *In this subtitle:*

21 (1) *COVERED PROGRAM OF EDUCATION.*—The  
22 term “covered program of education” means a pro-  
23 gram of education (as defined in section 3002 of title  
24 38, United States Code) approved by a State approv-  
25 ing agency, or the Secretary of Veterans Affairs when  
26 acting in the role of a State approving agency.

1           (2)    *COVID-19 EMERGENCY.*—*The term*  
2           *“COVID-19 emergency” means the public health*  
3           *emergency declared pursuant to section 319 of the*  
4           *Public Health Service Act on January 31, 2020, enti-*  
5           *tled “Determination that a Public Health Emergency*  
6           *Exists Nationwide as the Result of the 2019 Novel*  
7           *Coronavirus”.*

8           (3)    *EDUCATIONAL INSTITUTION.*—*The term*  
9           *“educational institution” has the meaning given that*  
10          *term in section 3452(c) of title 38, United States*  
11          *Code, and includes an institution of higher learning*  
12          *(as defined in such section).*

13          (4)    *STATE APPROVING AGENCY.*—*The term*  
14          *“State approving agency” has the meaning given that*  
15          *term in section 3671 of title 38, United States Code.*

16          (5)    *TRAINING ESTABLISHMENT.*—*The term*  
17          *“training establishment” has the meaning given that*  
18          *term in section 3452(e) of title 38, United States*  
19          *Code.*

20          (6)    *TRAINING.*—*The term “training” includes*  
21          *on-job training and apprenticeship programs and vo-*  
22          *ccational rehabilitation programs.*

1 **SEC. 1102. CONTINUATION OF DEPARTMENT OF VETERANS**  
2 **AFFAIRS EDUCATIONAL ASSISTANCE BENE-**  
3 **FITS DURING COVID-19 EMERGENCY.**

4 (a) *AUTHORITY.*—*If the Secretary of Veterans Affairs*  
5 *determines under subsection (c) that an individual is nega-*  
6 *tively affected by the COVID-19 emergency, the Secretary*  
7 *may provide educational assistance to that individual*  
8 *under the laws administered by the Secretary as if such*  
9 *negative effects did not occur. The authority under this sec-*  
10 *tion is in addition to the authority provided under section*  
11 *1 of Public Law 116-128 (38 U.S.C. 3001 note prec.), but*  
12 *in no case may the Secretary provide more than a total*  
13 *of four weeks of additional educational assistance by reason*  
14 *of section 4 of the Student Veteran Coronavirus Response*  
15 *Act of 2020 (Public Law 116-140; 38 U.S.C. 3680 note)*  
16 *and this section.*

17 (b) *HOUSING AND ALLOWANCES.*—*In providing edu-*  
18 *cational assistance to an individual pursuant to subsection*  
19 *(a), the Secretary may—*

20 (1) *continue to pay a monthly housing stipend*  
21 *under chapter 33 of title 38, United States Code, dur-*  
22 *ing a month the individual would have been enrolled*  
23 *in a program of education or training but for the*  
24 *COVID-19 emergency at the same rate such stipend*  
25 *would have been payable if the individual had not*  
26 *been negatively affected by the COVID-19 emergency,*

1       *except that the total number of weeks for which sti-*  
2       *pends may continue to be so payable may not exceed*  
3       *four weeks; and*

4               (2) *continue to pay payments or subsistence al-*  
5       *lowances under chapters 30, 31, 32, 33, and 35 of*  
6       *such title and chapter 1606 of title 10, United States*  
7       *Code, during a month for a period of time that the*  
8       *individual would have been enrolled in a program of*  
9       *education or training but for the COVID–19 emer-*  
10       *gency, except that the total number of weeks for which*  
11       *payments or allowances may continue to be so pay-*  
12       *able may not exceed four weeks.*

13       (c) *DETERMINATION OF NEGATIVE EFFECTS.—The*  
14       *Secretary shall determine that an individual was negatively*  
15       *affected by the COVID–19 emergency if—*

16               (1) *the individual is enrolled in a covered pro-*  
17       *gram of education of an educational institution or*  
18       *enrolled in training at a training establishment and*  
19       *is pursuing such program or training using edu-*  
20       *cational assistance under the laws administered by*  
21       *the Secretary;*

22               (2) *the educational institution or training estab-*  
23       *lishment certifies to the Secretary that such program*  
24       *or training is truncated, delayed, relocated, canceled,*  
25       *partially canceled, converted from being on-site to*

1       *being offered by distance learning, or otherwise modi-*  
2       *fied or made unavailable by reason of the COVID–19*  
3       *emergency; and*

4               (3) *the Secretary determines that the modifica-*  
5       *tion to such program or training specified under*  
6       *paragraph (2) would reduce the amount of edu-*  
7       *cational assistance (including with respect to monthly*  
8       *housing stipends, payments, or subsistence allow-*  
9       *ances) that would be payable to the individual but for*  
10       *the COVID–19 emergency.*

11       (d) *EFFECT ON ENTITLEMENT PERIOD.—If the Sec-*  
12       *retary determines that an individual who received assist-*  
13       *ance under this section did not make progress toward the*  
14       *completion of the program of education in which the indi-*  
15       *vidual is enrolled during the period for which the indi-*  
16       *vidual received such assistance, any assistance provided*  
17       *pursuant to this section shall not be counted for purposes*  
18       *of determining the total amount of an individual’s entitle-*  
19       *ment to educational assistance, housing stipends, or pay-*  
20       *ments or subsistence allowances under chapters 30, 31, 32,*  
21       *and 35 of such title and chapter 1606 of title 10, United*  
22       *States Code.*

23       (e) *APPLICABILITY PERIOD.—This section shall apply*  
24       *during the period beginning on March 1, 2020, and ending*  
25       *on December 21, 2021.*

1 **SEC. 1103. EFFECTS OF CLOSURE OF EDUCATIONAL INSTI-**  
2 **TUTION AND MODIFICATION OF COURSES BY**  
3 **REASON OF COVID-19 EMERGENCY.**

4 (a) *CLOSURE OR DISAPPROVAL.*—Any payment of  
5 educational assistance described in subsection (b) shall  
6 not—

7 (1) be charged against any entitlement to edu-  
8 cational assistance of the individual concerned; or

9 (2) be counted against the aggregate period for  
10 which section 3695 of title 38, United States Code,  
11 limits the receipt of educational assistance by such in-  
12 dividual.

13 (b) *EDUCATIONAL ASSISTANCE DESCRIBED.*—Subject  
14 to subsection (d), the payment of educational assistance de-  
15 scribed in this subsection is the payment of such assistance  
16 to an individual for pursuit of a course or program of edu-  
17 cation at an educational institution under chapter 30, 31,  
18 32, 33, or 35 of title 38, United States Code, or chapter  
19 1606 of title 10, United States Code, if the Secretary deter-  
20 mines that the individual—

21 (1) was unable to complete such course or pro-  
22 gram as a result of—

23 (A) the closure of the educational institu-  
24 tion, or the full or partial cancellation of a  
25 course or program of education, by reason of the  
26 COVID-19 emergency; or

1           (B) the disapproval of the course or a course  
2           that is a necessary part of that program under  
3           chapter 36 of title 38, United States Code, be-  
4           cause the course was modified by reason of such  
5           emergency; and

6           (2) did not receive credit or lost training time,  
7           toward completion of the program of education being  
8           so pursued.

9           (c) *HOUSING ASSISTANCE*.—In this section, edu-  
10          cational assistance includes, as applicable—

11           (1) monthly housing stipends payable under  
12           chapter 33 of title 38, United States Code, for any  
13           month the individual would have been enrolled in a  
14           course or program of education; and

15           (2) payments or subsistence allowances under  
16           chapters 30, 31, 32, and 35 of such title and chapter  
17           1606 of title 10, United States Code, during a month  
18           the individual would have been enrolled in a course  
19           or program of education.

20           (d) *PERIOD NOT CHARGED*.—The period for which, by  
21          reason of this subsection, educational assistance is not  
22          charged against entitlement or counted toward the applica-  
23          ble aggregate period under section 3695 of title 38, United  
24          States Code, shall not exceed the aggregate of—

1           (1) *the portion of the period of enrollment in the*  
2 *course from which the individual did not receive cred-*  
3 *it or with respect to which the individual lost train-*  
4 *ing time, as determined under subsection (b)(2); and*

5           (2) *the period by which a monthly stipend is ex-*  
6 *tended under section 3680(a)(2)(B) of title 38, United*  
7 *States Code.*

8       (e) *CONTINUING PURSUIT OF DISAPPROVED*  
9 *COURSES.—*

10           (1) *IN GENERAL.—The Secretary may treat a*  
11 *course of education that is disapproved under chapter*  
12 *36 of title 38, United States Code, as being approved*  
13 *under such chapter with respect to an individual de-*  
14 *scribed in paragraph (2) if the Secretary determines,*  
15 *on a programmatic basis, that—*

16                   (A) *such disapproval is the result of an ac-*  
17 *tion described in subsection (b)(1)(B); and*

18                   (B) *continuing pursuing such course is in*  
19 *the best interest of the individual.*

20           (2) *INDIVIDUAL DESCRIBED.—An individual de-*  
21 *scribed in this paragraph is an individual who is*  
22 *pursuing a course of education at an educational in-*  
23 *stitution under chapter 30, 31, 32, 33, or 35 of title*  
24 *38, United States Code, or chapter 1606 of title 10,*

1 *United States Code, as of the date on which the course*  
2 *is disapproved as described in subsection (b)(1)(B).*

3 *(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES*  
4 *OF HOUSING STIPEND CALCULATION.—In the case of an*  
5 *individual who, as of the first day of the COVID–19 emer-*  
6 *gency was enrolled on a full-time basis in a program of*  
7 *education and was receiving educational assistance under*  
8 *chapter 33 of title 38, United States Code, or subsistence*  
9 *allowance under chapter 31 of such title, and for whom the*  
10 *Secretary makes a determination under subsection (b), the*  
11 *individual shall be treated as an individual enrolled in a*  
12 *program of education on a full-time basis for the purpose*  
13 *of calculating monthly housing stipends payable under*  
14 *chapter 33 of title 38, United States Code, or subsistence*  
15 *allowance payable under chapter 31 of such title, for any*  
16 *month the individual is enrolled in the program of edu-*  
17 *cation on a part-time basis to complete any course of edu-*  
18 *cation that was partially or fully canceled by reason of the*  
19 *COVID–19 emergency.*

20 *(g) NOTICE OF CLOSURES.—Not later than 5 business*  
21 *days after the date on which the Secretary receives notice*  
22 *that an educational institution will close or is closed by*  
23 *reason of the COVID–19 emergency, the Secretary shall pro-*  
24 *vide to each individual who is enrolled in a course or pro-*  
25 *gram of education at such educational institution using en-*

1 *titlement to educational assistance under chapter 30, 31,*  
2 *32, 33, or 35 of title 38, United States Code, or chapter*  
3 *1606 of title 10, United States Code, notice of—*

4 *(1) such closure and the date of such closure; and*

5 *(2) the effect of such closure on the individual's*  
6 *entitlement to educational assistance pursuant to this*  
7 *section.*

8 *(h) APPLICABILITY.—This section shall apply with re-*  
9 *spect to the closure of an educational institution, or the can-*  
10 *cellation or modification of a course or program of edu-*  
11 *cation, that occurs during the period beginning on March*  
12 *1, 2020, and ending on December 21, 2021.*

13 **SEC. 1104. PAYMENT OF EDUCATIONAL ASSISTANCE IN**  
14 **CASES OF WITHDRAWAL.**

15 *(a) IN GENERAL.—In the case of any individual who*  
16 *withdraws from a program of education or training, other*  
17 *than a program by correspondence, in an educational insti-*  
18 *tution under chapter 31, 34, or 35 of title 38, United States*  
19 *Code, for a covered reason during the period beginning on*  
20 *March 1, 2020, and ending on December 21, 2021, the Sec-*  
21 *retary of Veterans Affairs shall find mitigating cir-*  
22 *cumstances for purposes of section 3680(a)(1)(C)(ii) of title*  
23 *38, United States Code.*

1       **(b) COVERED REASON.**—*In this section, the term “cov-*  
2 *ered reason” means any reason related to the COVID–19*  
3 *emergency, including—*

4           (1) *illness, quarantine, or social distancing re-*  
5 *quirements;*

6           (2) *issues associated with COVID–19 testing ac-*  
7 *cessibility;*

8           (3) *access or availability of childcare;*

9           (4) *providing care for a family member or co-*  
10 *habitants;*

11           (5) *change of location or residence due to*  
12 *COVID–19 or associated school closures;*

13           (6) *employment changes or financial hardship;*  
14 *and*

15           (7) *issues associated with changes in format or*  
16 *medium of instruction.*

17 **SEC. 1105. MODIFICATION OF TIME LIMITATIONS ON USE**  
18 **OF ENTITLEMENT.**

19       **(a) MONTGOMERY GI BILL.**—*The subsection (i) tempo-*  
20 *rarily added to section 3031 of title 38, United States Code,*  
21 *by subsection (a) of section 6 of the Student Veteran*  
22 *Coronavirus Response Act of 2020 (Public Law 116–140)*  
23 *is amended—*

24           (1) *in paragraph (1), by striking “the period the*  
25 *individual is so prevented from pursuing such pro-*

1 *gram” and inserting “the period beginning on March*  
 2 *1, 2020, and ending on December 21, 2021”;* and

3 *(2) in paragraph (2), by striking “the first day*  
 4 *after the individual is able to resume pursuit of a*  
 5 *program of education with educational assistance*  
 6 *under this chapter” and inserting “December 22,*  
 7 *2021”.*

8 *(b) VOCATIONAL REHABILITATION AND TRAINING.—*  
 9 *The subsection (g) temporarily added to section 3103 of title*  
 10 *38, United States Code, by subsection (c) of such section*  
 11 *6 is amended—*

12 *(1) in paragraph (1), by striking “the period the*  
 13 *individual is so prevented from participating such*  
 14 *program” and inserting “the period beginning on*  
 15 *March 1, 2020, and ending on December 21, 2021”;*  
 16 *and*

17 *(2) in paragraph (2), by striking “the first day*  
 18 *after the individual is able to resume participation in*  
 19 *such program” and inserting “December 22, 2021”.*

20 **SEC. 1106. APPRENTICESHIP OR ON-JOB TRAINING RE-**  
 21 **QUIREMENTS.**

22 *(a) IN GENERAL.—During the period described in sub-*  
 23 *section (b), subsection (e) of section 3687 of title 38, United*  
 24 *States Code, shall be applied by substituting the following*  
 25 *for paragraph (2):*

1           “(2)(A) Subject to subparagraphs (B) and (C),  
2           for any month in which an individual fails to com-  
3           plete 120 hours of training, the entitlement otherwise  
4           chargeable under paragraph (1) shall be reduced in  
5           the same proportion as the monthly training assist-  
6           ance allowance payable is reduced under subsection  
7           (b)(3).

8           “(B) In the case of an individual who is unem-  
9           ployed during any month, the 120-hour requirement  
10          under subparagraph (A) for that month shall be re-  
11          duced proportionately to reflect the individual’s pe-  
12          riod of unemployment, except that the amount of  
13          monthly training assistance otherwise payable to the  
14          individual under subsection (b)(3) shall not be re-  
15          duced.

16          “(C) Any period during which an individual is  
17          unemployed shall not—

18                 “(i) be charged against any entitlement to  
19                 educational assistance of the individual; or

20                 “(ii) be counted against the aggregate pe-  
21                 riod for which section 3695 of this title limits the  
22                 receipt of educational assistance by such indi-  
23                 vidual.

1           “(D) Any amount by which the entitlement of an  
2 individual is reduced under subparagraph (A) shall  
3 not—

4           “(i) be charged against any entitlement to  
5 educational assistance of the individual; or

6           “(ii) be counted against the aggregate pe-  
7 riod for which section 3695 of this title limits the  
8 receipt of educational assistance by such indi-  
9 vidual.

10          “(E) In the case of an individual who fails to  
11 complete 120 hours of training during a month, but  
12 who completed more than 120 hours of training dur-  
13 ing the preceding month, the individual may apply  
14 the number of hours in excess of 120 that the indi-  
15 vidual completed for that month to the month for  
16 which the individual failed to complete 120 hours. If  
17 the addition of such excess hours results in a total of  
18 120 hours or more, the individual shall be treated as  
19 an individual who has completed 120 hours of train-  
20 ing for that month. Any excess hours applied to a dif-  
21 ferent month under this subparagraph may only be  
22 applied to one such month.

23          “(F) This paragraph applies to amounts de-  
24 scribed in section 3313(g)(3)(B)(iv) and section

1       3032(c)(2) of this title and section 16131(d)(2) of title  
2       10.

3               “(G) In this paragraph:

4                       “(i) The term ‘unemployed’ includes being  
5                       furloughed or being scheduled to work zero hours.

6                       “(ii) The term ‘fails to complete 120 hours  
7                       of training’ means, with respect to an indi-  
8                       vidual, that during any month, the individual  
9                       completes at least one hour, but fewer than 120  
10                      hours, of training, including in a case in which  
11                      the individual is unemployed for part of, but not  
12                      the whole, month.”.

13       (b) *APPLICABILITY PERIOD.*—The period described in  
14       this section is the period beginning on March 1, 2020, and  
15       ending on December 21, 2021.

16       **SEC. 1107. INCLUSION OF TRAINING ESTABLISHMENTS IN**  
17                       **CERTAIN PROVISIONS RELATED TO COVID-19**  
18                       **EMERGENCY.**

19       (a) *CONTINUATION OF BENEFITS.*—Section 1 of Public  
20       Law 116–128 is amended—

21                       (1) in subsection (a), by inserting “or a training  
22                       establishment” after “an educational institution”;  
23                       and

24                       (2) in subsection (c), by adding at the end the  
25                       following new paragraph:

1           “(4) *TRAINING ESTABLISHMENT.*—*The term*  
2           *‘training establishment’ has the meaning given such*  
3           *term in section 3452(e) of title 38, United States*  
4           *Code.*”.

5           (b) *PAYMENT OF ALLOWANCES.*—*Section 4(a)(1) of the*  
6           *Student Veteran Coronavirus Response Act of 2020 (Public*  
7           *Law 116–140; 38 U.S.C. 3680 note) is amended by insert-*  
8           *ing “or a training establishment” after “educational insti-*  
9           *tution”.*

10          (c) *PROHIBITION OF CHARGE TO ENTITLEMENT.*—*The*  
11          *subparagraph (C) temporarily added to section 3699(b)(1)*  
12          *of title 38, United States Code, by section 5 of the Student*  
13          *Veteran Coronavirus Response Act of 2020 (Public Law*  
14          *116–140; 38 U.S.C. 3699 note) is amended by inserting “or*  
15          *training establishment” after “educational institution”.*

16          (d) *EXTENSION OF TIME LIMITATIONS.*—

17                 (1) *MGIB.*—*The subsection (i) temporarily*  
18                 *added to section 3031 of title 38, United States Code,*  
19                 *by subsection (a) of section 6 of the Student Veteran*  
20                 *Coronavirus Response Act of 2020 (Public Law 116–*  
21                 *140), as amended by section 1105 of this title, is fur-*  
22                 *ther amended by inserting “or training establish-*  
23                 *ment” after “educational institution”.*

24                 (2) *TRANSFER PERIOD.*—*The subparagraph (C)*  
25                 *temporarily added to section 3319(h)(5) of such title*

1 *by section 6 of the Student Veteran Coronavirus Re-*  
2 *sponse Act of 2020 (Public Law 116–140) is amended*  
3 *by inserting “or training establishment” after “edu-*  
4 *cational institution”.*

5 **SEC. 1108. TREATMENT OF PAYMENT OF ALLOWANCES**  
6 **UNDER STUDENT VETERAN CORONAVIRUS**  
7 **RESPONSE ACT.**

8 *Section 4 of the Student Veteran Coronavirus Response*  
9 *Act of 2020 (Public Law 116–140) is amended—*

10 *(1) in subsection (b)—*

11 *(A) by striking “may not exceed four*  
12 *weeks.” and inserting “may not exceed the short-*  
13 *er of the following:”; and*

14 *(B) by adding at the end the following new*  
15 *paragraphs:*

16 *“(1) The period of time that the eligible veteran*  
17 *or eligible person would have been enrolled in a pro-*  
18 *gram of education or training but for the emergency*  
19 *situation.*

20 *“(2) Four weeks.”; and*

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

23 *“(e) ENTITLEMENT NOT CHARGED.—Any payment of*  
24 *allowances under this section shall not—*

1           “(1) be charged against any entitlement to edu-  
2           cational assistance of the eligible veteran or eligible  
3           person concerned; or

4           “(2) be counted against the aggregate period for  
5           which section 3695 of this title 38, United States  
6           Code, limits the receipt of educational assistance by  
7           such eligible veteran or eligible person.”.

## 8                           **TITLE II—BENEFITS**

### 9                   **Subtitle A—Benefits Generally**

10 **SEC. 2001. REVISION OF DEFINITION OF VIETNAM ERA FOR**

11                           **PURPOSES OF THE LAWS ADMINISTERED BY**

12                           **THE SECRETARY OF VETERANS AFFAIRS.**

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

16 **SEC. 2002. MATTERS RELATING TO DEPARTMENT OF VET-**

17                           **ERANS AFFAIRS MEDICAL DISABILITY EXAMI-**

18                           **NATIONS.**

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

1           (1) *IN GENERAL.*—*Subsection (c) of section 504*  
2 *of the Veterans’ Benefits Improvements Act of 1996*  
3 *(Public Law 104–275; 38 U.S.C. 5101 note) is*  
4 *amended to read as follows:*

5           “(c) *LICENSURE OF CONTRACT HEALTH CARE PRO-*  
6 *FESSIONALS.*—

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

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

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

24           “(B) *is not barred from practicing such*  
25 *health care profession in any State, the District*

1           of Columbia, or a Commonwealth, territory, or  
2           possession of the United States; and

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

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

12          (3) *RULE OF CONSTRUCTION.*—The amendment  
13          made by paragraph (1) shall not be construed to af-  
14          fect the license portability for physicians in effect  
15          under section 504(c) of such Act as in effect on the  
16          day before the date of the enactment of this Act.

17          (4) *SUNSET.*—On the date that is three years  
18          after the date of the enactment of this Act, subsection  
19          (c) of such section shall read as it read on the day  
20          before the date of the enactment of this Act.

21          (b) *TEMPORARY HALT ON ELIMINATION OF MEDICAL*  
22          *EXAMINER POSITIONS IN DEPARTMENT OF VETERANS AF-*  
23          *FAIRS.*—The Secretary of Veterans Affairs shall tempo-  
24          rarily suspend the efforts of the Secretary in effect on the  
25          day before the date of the enactment of this Act to eliminate

1 *medical examiner positions in the Department of Veterans*  
2 *Affairs until the number of individuals awaiting a medical*  
3 *examination with respect to medical disability of the indi-*  
4 *viduals for benefits under laws administered by the Sec-*  
5 *retary that are carried out through the Under Secretary for*  
6 *Benefits is equal to or less than the number of such individ-*  
7 *uals who were awaiting such a medical examination with*  
8 *respect to such purposes on March 1, 2020.*

9 (c) *REPORT ON PROVISION OF MEDICAL EXAMINA-*  
10 *TIONS.—*

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

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

18 (A) *How the Secretary will increase the ca-*  
19 *capacity, efficiency, and timeliness of physician*  
20 *assistants, nurse practitioners, audiologists, and*  
21 *psychologists of the Veterans Health Administra-*  
22 *tion with respect to completing medical exami-*  
23 *nations described in subsection (b).*

24 (B) *The total number of full-time equivalent*  
25 *employees among all physician assistants, nurse*

1           *practitioners, audiologists, and psychologists*  
2           *needed for the increases described in subpara-*  
3           *graph (A).*

4           *(C) An assessment regarding the importance*  
5           *of retaining a critical knowledge base within the*  
6           *Department for performing medical examina-*  
7           *tions for veterans filing claims for compensation*  
8           *under chapters 11 and 13 of title 38, United*  
9           *States Code, including with respect to military*  
10          *sexual trauma, post-traumatic stress disorder,*  
11          *traumatic brain injury, and toxic exposure.*

12          (3) *COLLABORATION.*—*The Secretary shall col-*  
13          *laborate with the veterans community and stake-*  
14          *holders in the preparation of the report required by*  
15          *paragraph (1).*

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

19                  (A) *the Committee on Veterans’ Affairs and*  
20                  *the Committee on Appropriations of the Senate;*  
21                  *and*

22                  (B) *the Committee on Veterans’ Affairs and*  
23                  *the Committee on Appropriations of the House of*  
24                  *Representatives.*

1       (d) *COMPTROLLER GENERAL OF THE UNITED STATES*  
2 *REVIEW.*—

3           (1) *REVIEW REQUIRED.*—Not later than 360  
4 days after the date of the enactment of this Act, the  
5 Comptroller General of the United States shall com-  
6 mence a review of the implementation of the pilot  
7 program authorized under subsection (a) of section  
8 504 of the Veterans' Benefits Improvements Act of  
9 1996 (Public Law 104–275; 38 U.S.C. 5101 note).

10          (2) *ELEMENTS.*—The review conducted under  
11 paragraph (1) shall include the following:

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

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

17           (C) Use of telehealth for medical examina-  
18 tions described in subsection (b) that are admin-  
19 istered by the Department.

20       (e) *BRIEFING ON RECOMMENDATIONS OF COMP-*  
21 *TROLLER GENERAL OF THE UNITED STATES.*—Not later  
22 than 60 days after the date of the enactment of this Act,  
23 the Secretary shall provide to the Committee on Veterans'  
24 Affairs of the Senate and the Committee on Veterans' Af-  
25 fairs of the House of Representatives a briefing on how the

1 *Secretary will implement the recommendations of the*  
2 *Comptroller General of the United States regarding—*

3           (1) *the monitoring of the training of providers of*  
4 *examinations pursuant to contracts under section 504*  
5 *of the Veterans' Benefits Improvements Act of 1996*  
6 *(Public Law 104–275; 38 U.S.C. 5101 note); and*

7           (2) *ensuring such providers receive such train-*  
8 *ing.*

9           (f) **HOLDING UNDERPERFORMING CONTRACT MEDICAL**  
10 **EXAMINERS ACCOUNTABLE.**—*The Secretary shall take such*  
11 *actions as may be necessary to hold accountable the pro-*  
12 *viders of medical examinations pursuant to contracts under*  
13 *section 504 of the Veterans' Benefits Improvements Act of*  
14 *1996 (Public Law 104–275; 38 U.S.C. 5101 note) who are*  
15 *underperforming in the meeting of the needs of veterans*  
16 *through the performance of medical examinations pursuant*  
17 *to such contracts.*

18 **SEC. 2003. MEDAL OF HONOR SPECIAL PENSION FOR SUR-**  
19 **VIVING SPOUSES.**

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

24           (b) **SPECIAL PENSION FOR SURVIVING SPOUSES.**—

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

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

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

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

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

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

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

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

25           (2) *CONFORMING AMENDMENTS.*—

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

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

7                   (ii) *in subsection (f)(1), by striking*  
8                   *“this section” and inserting “paragraph (1)*  
9                   *of subsection (a), or under paragraph (2) of*  
10                   *such subsection in the case of a posthumous*  
11                   *entry on the Army, Navy, Air Force, and*  
12                   *Coast Guard Medal of Honor Roll.”.*

13           (B) *SPECIAL PROVISIONS RELATING TO*  
14           *MARRIAGES.*—*Section 103(d)(5) of such title is*  
15           *amended by adding at the end the following new*  
16           *subparagraph:*

17                   “(E) *Section 1562(a)(2), relating to Medal of*  
18                   *Honor special pension.”.*

19           (3) *EFFECTIVE DATE.*—*The amendments made*  
20           *by this subsection shall apply with respect to pay-*  
21           *ment of pension under section 1562 of title 38, United*  
22           *States Code, for months beginning after the date of*  
23           *the enactment of this Act.*

1 **SEC. 2004. MODERNIZATION OF SERVICE-DISABLED VET-**  
2 **ERANS INSURANCE.**

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

4 (1) *IN GENERAL.—Chapter 19 of title 38, United*  
5 *States Code, is amended by inserting after section*  
6 *1922A the following new section:*

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

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

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

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

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

20 “(B) *with respect to a veteran who has attained*  
21 *81 years of age—*

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

25 “(ii) *based on such claim, and after the vet-*  
26 *eran attained such age, the Secretary first deter-*

1           *mines that the veteran has a service-connected*  
2           *disability; and*

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

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

9                   *“(i) \$10,000.*

10                  *“(ii) \$20,000.*

11                  *“(iii) \$30,000.*

12                  *“(iv) \$40,000.*

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

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

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

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

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

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

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

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

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

16          “(ii) Such obligations issued for that purpose shall—

17                 “(I) have maturities fixed with due regard for  
18                 the needs of the fund; and

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

1        *tion of four years from the end of such calendar*  
2        *month; except that where such average market yield*  
3        *is not a multiple of one-eighth of one per centum, the*  
4        *rate of interest of such obligation shall be the multiple*  
5        *of one-eighth of one per centum nearest such market*  
6        *yield.*

7        *“(6)(A) Administrative support financed by the appro-*  
8        *priations for ‘General Operating Expenses, Department of*  
9        *Veterans Affairs’ and ‘Information Technology Systems,*  
10       *Department of Veterans Affairs’ for the insurance program*  
11       *under paragraph (1) shall be paid from premiums credited*  
12       *to the fund under paragraph (5).*

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

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

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

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

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

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

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

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

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

12       “(B) *The Secretary—*

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

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

17                       “(II) *may adjust such rate during such*  
18 *year based on program experience, except that*  
19 *the interest rate may not be less than zero per-*  
20 *cent;*

21               “(ii) *for the second and each subsequent year of*  
22 *the program, shall calculate such interest at an an-*  
23 *nuual rate equal to the rate of return on the revolving*  
24 *fund under subsection (a)(5) for the calendar year*  
25 *preceding the year of the veteran’s death, except that*

1 *the interest rate may not be less than zero percent;*  
2 *and*

3 *“(iii) on an annual basis, shall publish on the*  
4 *internet website of the Department the average inter-*  
5 *est rate calculated under clause (ii) for the preceding*  
6 *calendar year.*

7 *“(d) PREMIUMS.—(1) The Secretary shall establish a*  
8 *schedule of basic premium rates by age per \$10,000 of in-*  
9 *surance under subsection (a)(1) consistent with basic pre-*  
10 *mium rates generally charged for guaranteed acceptance life*  
11 *insurance policies by private life insurance companies.*

12 *“(2) The Secretary may adjust such schedule after the*  
13 *first policy year in a manner consistent with the general*  
14 *practice of guaranteed acceptance life insurance policies*  
15 *issued by private life insurance companies.*

16 *“(3) Section 1912 of this title shall not apply to life*  
17 *insurance policies under subsection (a)(1), and the Sec-*  
18 *retary may not otherwise waive premiums for such insur-*  
19 *ance policies.*

20 *“(e) BENEFICIARIES.—(1) A veteran who enrolls in the*  
21 *insurance program under subsection (a)(1) may designate*  
22 *a beneficiary of the life insurance policy.*

23 *“(2) If a veteran enrolled in the insurance program*  
24 *under subsection (a)(1) does not designate a beneficiary*  
25 *under paragraph (1) before the veteran dies, or if a des-*

1 *ignated beneficiary predeceases the veteran, the Secretary*  
2 *shall determine the beneficiary in the following order:*

3           “(A) *The surviving spouse of the veteran.*

4           “(B) *The children of the veteran and descendants*  
5 *of deceased children by representation.*

6           “(C) *The parents of the veteran or the survivors*  
7 *of the parents.*

8           “(D) *The duly appointed executor or adminis-*  
9 *trator of the estate of the veteran.*

10           “(E) *Other next of kin of the veteran entitled*  
11 *under the laws of domicile of the veteran at the time*  
12 *of the death of the veteran.*

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

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

19           “(B) *if the designated beneficiary does not file a*  
20 *claim for the payment during the period described in*  
21 *paragraph (1), or if payment to the designated bene-*  
22 *ficiary within that period is prohibited by Federal*  
23 *statute or regulation, a beneficiary described in sub-*  
24 *section (e)(2) may file a claim for such payment dur-*  
25 *ing the one-year period following the period described*

1       *in subparagraph (A) as if the designated beneficiary*  
2       *had predeceased the veteran.*

3       “(2) *If the deceased veteran did not designate a bene-*  
4       *ficiary under subsection (e)(1), or if the designated bene-*  
5       *ficiary predeceased the veteran, a beneficiary described in*  
6       *subsection (e)(2) may file a claim for payment under sub-*  
7       *section (g) during the two-year period beginning on the date*  
8       *of the death of the veteran.*

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

17       “(g) *PAYMENTS.—(1) In a case described in subsection*  
18       *(f)—*

19               “(A) *in paragraph (1)(A), the Secretary shall*  
20               *pay the designated beneficiary not later than 90 days*  
21               *after the designated beneficiary files a complete and*  
22               *valid claim for payment;*

23               “(B) *in paragraph (1)(B) or (2), the Secretary*  
24               *shall make any payment not later than one year after*  
25               *the end of the period described in the applicable such*

1       *paragraph, if the Secretary receives a complete and*  
2       *valid claim for payment in accordance with the ap-*  
3       *plicable such paragraph; or*

4               *“(C) in paragraph (3), the Secretary shall make*  
5       *any payment not later than one year after the end of*  
6       *the period described in such paragraph, if the Sec-*  
7       *retary receives a complete and valid claim for pay-*  
8       *ment.*

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

15               *“(3) Notwithstanding section 1917 of this title, the*  
16       *Secretary shall make an insurance payment under this sec-*  
17       *tion in a lump sum.*

18               *“(4) The Secretary may not make an insurance pay-*  
19       *ment under this section if such payment will escheat to a*  
20       *State.*

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

23               (2) *CLERICAL AMENDMENT.—The table of sec-*  
24       *tions at the beginning of such chapter is amended by*

1        *inserting after the item relating to section 1922A the*  
2        *following new item:*

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

3        (b) *SUNSET OF PREVIOUS PROGRAM AND TRANSI-*  
4        *TION.—*

5            (1) *S–DVI.—Section 1922 of such title is*  
6        *amended by adding at the end the following new sub-*  
7        *section:*

8        *“(d)(1) The Secretary may not accept any application*  
9        *by a veteran to be insured under this section after December*  
10       *31, 2022.*

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

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

20       *“(ii) If the veteran dies during such period, the Sec-*  
21       *retary shall pay the beneficiary under this section, and, if*  
22       *applicable, under section 1922A, plus the amount of pre-*  
23       *miums paid by the veteran under such section 1922B, plus*  
24       *interest.*

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

4           (2) *SUPPLEMENTAL S–DVI.—Section 1922A(b) of*  
 5 *such title is amended by adding after the period at*  
 6 *the end the following: “The Secretary may not accept*  
 7 *any such application after December 31, 2022. Except*  
 8 *as provided by section 1922(d)(2)(B), a veteran may*  
 9 *not have supplemental insurance under this section*  
 10 *and be insured under section 1922B simultaneously.*”.

11       (c) *CONFORMING AMENDMENTS.—Chapter 19 of such*  
 12 *title is amended—*

13           (1) *in the section heading of section 1922, by*  
 14 *striking “**Service**” and inserting “**Legacy serv-***  
 15 ***ice**”;*

16           (2) *in the section heading of section 1922A, by*  
 17 *striking “**Supplemental**” and inserting “**Legacy***  
 18 ***supplemental**”;* and

19           (3) *in the table of sections at the beginning of*  
 20 *such chapter by striking the items relating to sections*  
 21 *1922 and 1922A and inserting the following new*  
 22 *items:*

“1922. *Legacy service disabled veterans’ insurance.*

“1922A. *Legacy supplemental service disabled veterans’ insurance for totally dis-*  
*abled veterans.*”.

1 **SEC. 2005. DENIAL OF CLAIMS FOR TRAUMATIC INJURY**  
2 **PROTECTION UNDER SERVICEMEMBERS'**  
3 **GROUP LIFE INSURANCE.**

4 *Section 1980A of title 38, United States Code, is*  
5 *amended by adding at the end the following new subsection:*

6 *“(1) If a claim for benefits under this section is de-*  
7 *nied, the Secretary concerned shall provide to the member*  
8 *at the same time as the member is informed of such denial*  
9 *a description of the following:*

10 *“(A) Each reason for that denial, including a de-*  
11 *scription of all the information upon which the denial*  
12 *is based and a description of the applicable laws, reg-*  
13 *ulations, or policies, with appropriate citations, and*  
14 *an explanation of how such laws, regulations, or poli-*  
15 *cies affected the denial.*

16 *“(B) Each finding that is favorable to the mem-*  
17 *ber.*

18 *“(2) Any finding favorable to the member as described*  
19 *in paragraph (1)(B) shall be binding on all subsequent re-*  
20 *views or appeals of the denial of the claim, unless clear and*  
21 *convincing evidence is shown to the contrary to rebut such*  
22 *favorable finding.”.*

1 **SEC. 2006. PUBLICATION AND ACCEPTANCE OF DISABILITY**  
2 **BENEFIT QUESTIONNAIRE FORMS OF DE-**  
3 **PARTMENT OF VETERANS AFFAIRS.**

4 (a) *IN GENERAL.*—Section 5101 of title 38, United  
5 States Code, is amended—

6 (1) *by redesignating subsection (d) as subsection*  
7 *(e); and*

8 (2) *by inserting after subsection (c) the following*  
9 *new subsection (d):*

10 “(d)(1) *The Secretary shall publish in a central loca-*  
11 *tion on the internet website of the Department—*

12 “(A) *the disability benefit questionnaire forms of*  
13 *the Department for the submittal of evidence from*  
14 *non-Department medical providers regarding a dis-*  
15 *ability of a claimant, including any form or process*  
16 *that replaces any such disability benefit questionnaire*  
17 *form; and*

18 “(B) *details about the process used by the De-*  
19 *partment for submittal of evidence described in sub-*  
20 *paragraph (A).*

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

24 “(A) *accept the previous version of the form filed*  
25 *by a claimant if—*

1           “(i) the claimant provided to the non-De-  
2           partment medical provider the previous version  
3           of the form before the date on which the updated  
4           version of the form was made available; and

5           “(ii) the claimant files the previous version  
6           of the form during the one-year period following  
7           the date the form was completed by the non-De-  
8           partment medical provider;

9           “(B) request from the claimant (or from a non-  
10          Department medical provider if the claimant has au-  
11          thorized the provider to share health information with  
12          the Secretary) any other information that the updated  
13          version of the form requires; and

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

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

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

1 *respect to the use of the forms published under section*  
2 *5101(d)(1) of such title, as added by subsection (a).*

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

8 *(d) ALTERNATE PROCESS.—*

9 *(1) ASSESSMENT AND REPORT.—*

10 *(A) IN GENERAL.—Subject to paragraph*  
11 *(2), not later than 180 days after the date of the*  
12 *enactment of this act, the Secretary shall—*

13 *(i) assess the feasibility and advis-*  
14 *ability of replacing disability benefit ques-*  
15 *tionnaire forms that are used by non-De-*  
16 *partment medical providers to submit to the*  
17 *Secretary evidence regarding a disability of*  
18 *a claimant for benefits under laws adminis-*  
19 *tered by the Secretary, with another con-*  
20 *sistent process that considers evidence equal-*  
21 *ly, whether provided by a Department or a*  
22 *non-Department medical provider; and*

23 *(ii) submit to Congress—*

1                   (I) a report on the findings of the  
2                   Secretary with respect to the assess-  
3                   ment conducted under clause (i); and

4                   (II) if the report submitted under  
5                   subclause (I) of this clause includes a  
6                   finding that replacing the disability  
7                   benefit questionnaire forms described  
8                   in clause (i) as described in such  
9                   clause is feasible and advisable, a plan  
10                  to replace such forms as described in  
11                  such clause.

12                  (B) *COLLABORATION REQUIRED.*—If, in  
13                  carrying out the assessment required by clause  
14                  (i) of subparagraph (A), the Secretary deter-  
15                  mines that replacing the disability benefit ques-  
16                  tionnaire forms described in such clause as de-  
17                  scribed in such clause is feasible and advisable,  
18                  the Secretary shall collaborate with, partner  
19                  with, and consider the advice of veterans service  
20                  organizations, and such other stakeholders as the  
21                  Secretary considers appropriate, on the replace-  
22                  ment forms and process for submitting such  
23                  forms.

24                  (2) *REQUIREMENTS.*—The Secretary may only  
25                  determine under paragraph (1)(A) that replacing the

1 *forms described in such paragraph is feasible and ad-*  
2 *visable if the Secretary certifies that—*

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

5 *(B) the replacement process would include*  
6 *all the medical information needed to adjudicate*  
7 *a claim for benefits under laws administered by*  
8 *the Secretary; and*

9 *(C) the new process will ensure that all*  
10 *medical information provided will be considered*  
11 *equally, whether it is provided by a Department*  
12 *medical provider or a non-Department medical*  
13 *provider.*

14 *(3) IMPLEMENTATION.—*

15 *(A) IN GENERAL.—Subject to subparagraph*  
16 *(B), if the Secretary determines under para-*  
17 *graph (1)(A) that replacing the forms as de-*  
18 *scribed in such paragraph is feasible and advis-*  
19 *able, the Secretary shall, not later than two*  
20 *years after the date on which the Secretary sub-*  
21 *mits the report under paragraph (1)(B)(i)—*

22 *(i) replace the forms as described in*  
23 *paragraph (1)(A);*

1           (ii) publish such replacement pursuant  
2           to subparagraph (A) of section 5101(d)(1),  
3           as added by subsection (a)(2); and

4           (iii) update the details under subpara-  
5           graph (B) of such section.

6           (B) *REPORTS BY INSPECTOR GENERAL OF*  
7           *THE DEPARTMENT OF VETERANS AFFAIRS.*—If  
8           the Secretary replaces the forms under subpara-  
9           graph (A), the Inspector General of the Depart-  
10          ment of Veterans Affairs shall, not later than one  
11          year after the date that the Secretary replaces  
12          such forms and not less frequently than once  
13          each year thereafter until the date that is three  
14          years after the date on which the Secretary re-  
15          places such forms, submit to Congress a report  
16          on the process that replaced such forms that as-  
17          certains whether the process properly protects  
18          veterans.

19          (4) *LIMITATION.*—The Secretary may not dis-  
20          continue the use of the disability benefit questionnaire  
21          forms described in paragraph (1)(A) until a replace-  
22          ment form or process is implemented.

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

1 *new information technology system or otherwise require the*  
2 *Secretary to make any significant changes to the internet*  
3 *website of the Department.*

4 **SEC. 2007. THRESHOLD FOR REPORTING DEBTS TO CON-**  
5 **SUMER REPORTING AGENCIES.**

6 (a) *IN GENERAL.*—Chapter 53 of title 38, United  
7 States Code, is amended by adding after section 5319 the  
8 following new section:

9 **“§ 5320. Threshold for reporting debts to consumer re-**  
10 **porting agencies**

11 *“The Secretary shall prescribe regulations that estab-*  
12 *lish the minimum amount of a claim or debt, arising from*  
13 *a benefit administered by the Under Secretary for Benefits*  
14 *or Under Secretary for Health, that the Secretary will re-*  
15 *port to a consumer reporting agency under section 3711*  
16 *of title 31.”.*

17 (b) *CLERICAL AMENDMENT.*—The table of sections at  
18 the beginning of such chapter is amended by adding after  
19 the item relating to section 5319 the following new item:  
*“5320.Threshold for reporting debts to consumer reporting agencies.”.*

20 (c) *DEADLINE.*—The Secretary of Veterans Affairs  
21 shall prescribe regulations under section 5320 of such title,  
22 as added by subsection (a), not later than 180 days after  
23 the date of the enactment of this Act.

1 **SEC. 2008. REMOVAL OF DEPENDENTS FROM AWARD OF**  
2 **COMPENSATION OR PENSION.**

3 *Beginning not later than 90 days after the date of the*  
4 *enactment of this Act, the Secretary of Veterans Affairs*  
5 *shall ensure that—*

6 *(1) the recipient of an award of compensation or*  
7 *pension may remove any dependent from an award*  
8 *of compensation or pension to the individual using*  
9 *the eBenefits system of the Department of Veterans*  
10 *Affairs, or a successor system; and*

11 *(2) such removal takes effect not later than 60*  
12 *days after the date on which the recipient elects such*  
13 *removal.*

14 **SEC. 2009. ELIGIBILITY FOR DEPENDENCY AND INDEMNITY**  
15 **COMPENSATION FOR SURVIVING SPOUSES**  
16 **WHO REMARRY AFTER AGE 55.**

17 *Section 103(d)(2)(B) of title 38, United States Code,*  
18 *is amended in the second sentence by inserting “chapter 13*  
19 *or” after “benefits under”.*

20 **SEC. 2010. STUDY ON EXPOSURE BY MEMBERS OF THE**  
21 **ARMED FORCES TO TOXICANTS AT KARSHI-**  
22 **KHANABAD AIR BASE IN UZBEKISTAN.**

23 *(a) AGREEMENT AND STUDY.—Not later than 60 days*  
24 *after the date of the enactment of this Act, the Secretary*  
25 *of Veterans Affairs shall enter into an agreement with the*  
26 *Administrator of the Agency for Toxic Substances and Dis-*

1 ease Registry for the Administrator to complete, not later  
2 than 10 years after the date of the enactment of this Act,  
3 a study to identify—

4           (1) incidents of cancer and other diseases or ill-  
5 nesses experienced by individuals who served in the  
6 active military, naval, or air service (as defined in  
7 section 101 of title 38, United States Code) in the cov-  
8 ered location set forth under subsection (b) during the  
9 corresponding period set forth under such subsection;  
10 and

11           (2) a list of toxic substances, chemicals, ionizing  
12 radiation, and airborne hazards such individuals  
13 may have been exposed to during such service.

14           (b) COVERED LOCATION AND CORRESPONDING PE-  
15 RIOD.—The covered location and corresponding period set  
16 forth under this subsection are Karshi-Khanabad (K2) Air  
17 Base in Uzbekistan and the period beginning on October  
18 1, 2001, and ending on September 30, 2005.

19           (c) ELEMENTS.—The study conducted under sub-  
20 section (a) shall include the following:

21           (1) An assessment regarding the conditions of the  
22 covered location set forth under subsection (b), includ-  
23 ing an identification of toxic substances, chemicals,  
24 ionizing radiation, and airborne hazards contami-

1     *nating such covered location during such cor-*  
2     *responding period.*

3             (2) *An epidemiological study of the health con-*  
4     *sequences of the service described in subsection (a) to*  
5     *the individuals described in such subsection.*

6     (d) *SUPPORT FOR STUDY.—*

7             (1) *IN GENERAL.—The Secretary shall provide*  
8     *the Administrator with assistance in carrying out the*  
9     *study required by subsection (a), including by gath-*  
10    *ering such information as the Administrator may*  
11    *consider useful in carrying out the study.*

12            (2) *OBTAINING INFORMATION CONCERNING EXPO-*  
13    *SURE.—Assistance under paragraph (1) provided by*  
14    *the Secretary of Veterans Affairs shall include com-*  
15    *piling information on exposure described in sub-*  
16    *section (a)(2) and the Secretary of Defense shall pro-*  
17    *vide to the Secretary of Veterans Affairs such infor-*  
18    *mation concerning such exposure as the Secretary of*  
19    *Veterans Affairs considers appropriate for purposes of*  
20    *the study required by subsection (a), including envi-*  
21    *ronmental sampling data relative to any location cov-*  
22    *ered by the study.*

23            (e) *BIENNIAL UPDATES.—No later than the date that*  
24    *is two years after the date of the enactment of this Act and*  
25    *not less frequently than once every two years thereafter until*

1 *the date on which the study required by subsection (a) is*  
2 *completed, the Administrator shall submit to the appro-*  
3 *priate committees of Congress updates on the status of the*  
4 *matters covered by such study, including any preliminary*  
5 *findings of the Administrator.*

6 (f) *FINAL REPORT.*—*Not later than 60 days after the*  
7 *date on which the study required by subsection (a) is com-*  
8 *pleted, the Administrator shall submit to the appropriate*  
9 *committees of Congress a report on the findings of the Ad-*  
10 *ministrator with respect to such study.*

11 (g) *INCLUSION OF UZBEKISTAN IN CERTAIN REG-*  
12 *ISTRIES AND PROGRAMS.*—*Section 201(c)(2) of the Dig-*  
13 *nified Burial and Other Veterans' Benefits Improvement*  
14 *Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is*  
15 *amended, in the matter preceding subparagraph (A), by*  
16 *striking “Afghanistan or Iraq” and inserting “Afghanistan,*  
17 *Iraq, or Uzbekistan”.*

18 (h) *DEPLETED URANIUM FOLLOW-UP PROGRAMS.*—  
19 *The Secretary of Veterans Affairs shall ensure that any in-*  
20 *dividual who deployed as a member of the Armed Forces*  
21 *to the covered location set forth in subsection (b) during*  
22 *the corresponding period set forth in such subsection is cov-*  
23 *ered by the Depleted Uranium Follow-up Programs of the*  
24 *Department of Veterans Affairs.*

1       (i) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
 2 *FINED.*—*In this section, the term “appropriate committees*  
 3 *of Congress” means—*

4           (1) *the Committee on Veterans’ Affairs and the*  
 5 *Committee on Armed Services of the Senate; and*

6           (2) *the Committee on Veterans’ Affairs and the*  
 7 *Committee on Armed Services of the House of Rep-*  
 8 *resentatives.*

9 **SEC. 2011. COMPTROLLER GENERAL BRIEFING AND RE-**  
 10 **PORT ON REPEALING MANIFESTATION PE-**  
 11 **RIOD FOR PRESUMPTIONS OF SERVICE CON-**  
 12 **NECTION FOR CERTAIN DISEASES ASSOCI-**  
 13 **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
 14 **CIDE AGENTS.**

15       (a) *IN GENERAL.*—*Not later than one year after the*  
 16 *date of the enactment of this Act, the Comptroller General*  
 17 *of the United States shall provide to the Committee on Vet-*  
 18 *erans’ Affairs of the Senate and the Committee on Veterans’*  
 19 *Affairs of the House of Representatives a briefing on pre-*  
 20 *liminary observations of the Comptroller General, and not*  
 21 *later than 240 days after the date of such briefing, provide*  
 22 *such committees a briefing and submit to such committees*  
 23 *a final report, on the efforts of the Secretary of Veterans*  
 24 *Affairs to provide benefits, including compensation and*  
 25 *health care, to veterans—*

1           (1) *who during active military, naval, or air*  
2 *service, served in the Republic of Vietnam during the*  
3 *period beginning on January 9, 1962, and ending on*  
4 *May 7, 1975; and*

5           (2) *in whom chloracne, porphyria cutanea tarda,*  
6 *or acute or subacute peripheral neuropathy have*  
7 *manifested.*

8           (b) *ELEMENTS.*—*The report required by subsection (a)*  
9 *shall include the following:*

10           (1) *A description of how the Secretary establishes*  
11 *a service connection for a diseases described in para-*  
12 *graph (2) of subsection (a) manifesting in veterans,*  
13 *including the number of veterans described in para-*  
14 *graph (1) of such subsection who have filed a claim*  
15 *for a benefit associated with a disease described in*  
16 *paragraph (2) of such subsection.*

17           (2) *A description of how claims adjudicators of*  
18 *the Department of Veterans Affairs determine service*  
19 *connection for a disease described in subparagraph*  
20 *(C) or (E) of section 1116(a)(2) of title 38, United*  
21 *States Code, when documentation proving the pres-*  
22 *ence of the disease during the manifestation period set*  
23 *forth in such subparagraphs for the disease is not*  
24 *available.*

1           (3) *A description of the expected effect of repeal-*  
2 *ing the manifestation period from such subpara-*  
3 *graphs, including the expected effect on the number of*  
4 *claims for benefits the Department will receive, an es-*  
5 *timate of the cost to the Department of such repeal,*  
6 *and a review of the scientific evidence regarding such*  
7 *repeal.*

8           (4) *A review of all claims submitted to the Sec-*  
9 *retary for compensation under chapter 11 of such title*  
10 *that are associated with a disease described in sub-*  
11 *section (a)(2), including the type of proof presented to*  
12 *establish a service connection for the manifestation of*  
13 *the disease based on exposure to a herbicide agent.*

14           (5) *Recommendations on how the Department*  
15 *can better adjudicate claims for benefits, including*  
16 *compensation, submitted to the Department that are*  
17 *associated with a disease described in paragraph (2)*  
18 *of subsection (a) for veterans described in paragraph*  
19 *(1) of such subsection.*

20           (6) *An assessment of such other areas as the*  
21 *Comptroller General considers appropriate to study.*

22           (c) *ADMINISTRATIVE ACTION.*—*Not later than 120*  
23 *days after the date on which the Comptroller General of*  
24 *the United States submits the report required under sub-*  
25 *section (a), the Secretary shall commence carrying out the*

1 *recommendations submitted under subsection (b)(5) to the*  
 2 *degree that the Secretary is authorized to carry out the rec-*  
 3 *ommendations by a statute that was in effect on the day*  
 4 *before the date of the enactment of this Act.*

5 *(d) HERBICIDE AGENT DEFINED.—In this section, the*  
 6 *term “herbicide agent” has the meaning given such term*  
 7 *in section 1116(a)(3) of title 38, United States Code.*

8 **SEC. 2012. EXTENSION OF AUTHORITY OF SECRETARY OF**  
 9 **VETERANS AFFAIRS TO USE INCOME INFOR-**  
 10 **MATION FROM OTHER AGENCIES.**

11 *Section 5317(g) of title 38, United States Code, is*  
 12 *amended by striking “September 30, 2027” and inserting*  
 13 *“September 30, 2030”.*

14 **SEC. 2013. EXTENSION ON CERTAIN LIMITS ON PAYMENTS**  
 15 **OF PENSION.**

16 *Section 5503(d)(7) of title 38, United States Code, is*  
 17 *amended by striking “September 30, 2028” and inserting*  
 18 *“October 30, 2028”.*

19 ***Subtitle B—Housing***

20 **SEC. 2101. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-**  
 21 **SERVE COMPONENTS OF THE ARMED FORCES**  
 22 **FOR HOME LOANS FROM THE SECRETARY OF**  
 23 **VETERANS AFFAIRS.**

24 *(a) EXPANSION OF DEFINITION OF VETERAN FOR PUR-*  
 25 *POSES OF HOME LOANS.—Section 3701(b) of title 38,*

1 *United States Code, is amended by adding at the end the*  
2 *following new paragraph:*

3           “(7) *The term ‘veteran’ also includes, for pur-*  
4           *poses of home loans, an individual who performed*  
5           *full-time National Guard duty (as that term is de-*  
6           *defined in section 101 of title 10) for a period—*

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

8                   *and*

9                   “(B) *that includes 30 consecutive days.”.*

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

13                   “(G) *Each individual described in section*  
14                   *3701(b)(7) of this title.”.*

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

20 **SEC. 2102. REDUCING LOAN FEES FOR CERTAIN VETERANS**  
21 **AFFECTED BY MAJOR DISASTERS.**

22           *Section 3729(b)(4) of title 38, United States Code, is*  
23 *amended—*

24                   (1) *by amending subparagraph (D) to read as*  
25 *follows:*

1           “(D)(i) *The term ‘initial loan’ means a loan to*  
2 *a veteran guaranteed under section 3710 or made*  
3 *under section 3711 of this title if the veteran has*  
4 *never obtained a loan guaranteed under section 3710*  
5 *or made under section 3711 of this title.*

6           “(ii) *If a veteran has obtained a loan guaranteed*  
7 *under section 3710 or made under section 3711 of this*  
8 *title and the dwelling securing such loan was substan-*  
9 *tially damaged or destroyed by a major disaster de-*  
10 *clared by the President under section 401 of the Rob-*  
11 *ert T. Stafford Disaster Relief and Emergency Assist-*  
12 *ance Act (42 U.S.C. 5170), the Secretary shall treat*  
13 *as an initial loan, as defined in clause (i), the next*  
14 *loan the Secretary guarantees or makes to such vet-*  
15 *eran under section 3710 or 3711, respectively, if—*

16           “(I) *such loan is guaranteed or made before*  
17 *the date that is three years after the date on*  
18 *which the dwelling was substantially damaged or*  
19 *destroyed; and*

20           “(II) *such loan is only for repairs or con-*  
21 *struction of the dwelling, as determined by the*  
22 *Secretary.”; and*

23           (2) *in subparagraph (E), by striking “if the vet-*  
24 *eran has previously obtained a loan guaranteed under*



1           “(B) *An owner or seller of real estate used, or in-*  
2           *tended to be used, in connection with assistance under*  
3           *this chapter.*

4           “(C) *A builder, contractor, supplier,*  
5           *tradesperson, corporation, trust, partnership, or other*  
6           *person, who provided services or goods relating to as-*  
7           *sistance under this chapter.*

8           “(D) *An attorney, escrow agent, or financial in-*  
9           *stitution, that receives, or holds in escrow, funds re-*  
10          *lating to assistance under this chapter.*

11          “(E) *A surviving spouse, heir, assignee, or suc-*  
12          *cessor in interest of or to, any person described in this*  
13          *paragraph.*

14          “(3)(A) *Any overpayment referred to in this subsection*  
15          *may be recovered in the same manner as any other debt*  
16          *due the United States.*

17          “(B) *In recovering the overpayment, the Secretary*  
18          *may charge administrative costs, fees, and interest, as ap-*  
19          *propriate, in a manner similar to the authority under sec-*  
20          *tion 5315 of this title.*

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

23          “(B) *Waiver of any such overpayment as to a person*  
24          *described in paragraph (2) shall in no way release any*  
25          *other person described in such paragraph from liability.*

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

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

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

12           “(A) *administrative error that results in an in-*  
13 *dividual receiving assistance to which that individual*  
14 *is not entitled;*

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

17               “(i) *perform or allow to be performed any*  
18 *act relating to assistance under this chapter; or*

19               “(ii) *compensate any party performing*  
20 *services or supplying goods relating to assistance*  
21 *under this chapter; and*

22           “(C) *any disbursement of funds relating to as-*  
23 *sistance under this chapter, that, in the sole discretion*  
24 *of the Secretary, constitutes a misuse of such assist-*  
25 *ance.*

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

4               “(A) *notice of the finding by the Secretary of*  
5 *such overpayment;*

6               “(B) *a reasonable opportunity for such person to*  
7 *remedy the circumstances that effectuated the over-*  
8 *payment; and*

9               “(C) *a reasonable opportunity for such person to*  
10 *present evidence to the Secretary that an overpayment*  
11 *was not made.*

12       “(9) *For the purposes of section 511 of this title, a*  
13 *decision to collect an overpayment from a person other than*  
14 *a person described in paragraph (2)(A), or a dependent or*  
15 *survivor of such person, may not be treated as a decision*  
16 *that affects the provision of benefits.”.*

## 17               ***Subtitle C—Burial Matters***

### 18 **SEC. 2201. TRANSPORTATION OF DECEASED VETERANS TO** 19 **VETERANS’ CEMETERIES.**

20       (a) *IN GENERAL.*—*Subsection (a) of section 2308 of*  
21 *title 38, United States Code, is amended by striking “in*  
22 *a national cemetery” and inserting “in a national cemetery*  
23 *or a covered veterans’ cemetery”.*

1       **(b) COVERED VETERANS' CEMETERY DEFINED.**—Sec-  
 2       tion 2308 of such title is amended by adding at the end  
 3       the following new subsection:

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

7               “(1) in which a deceased veteran described in  
 8       subsection (b) is eligible to be buried;

9               “(2) that—

10               “(A) is owned by a State; or

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

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

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

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

“2308. Transportation of deceased veteran to a national cemetery or a covered vet-  
 erans’ cemetery.”.

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

4 **SEC. 2202. INCREASE IN CERTAIN FUNERAL BENEFITS**  
5                   **UNDER LAWS ADMINISTERED BY THE SEC-**  
6                   **RETARY OF VETERANS AFFAIRS.**

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

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

13               (2) *By striking section 2302.*

14               (3) *In section 2303—*

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

19                   (B) *in subsection (a)—*

20                           (i) *in paragraph (1), by striking “a*  
21 *veteran dies in a facility described in para-*  
22 *graph (2)” and inserting “a veteran de-*  
23 *scribed in paragraph (2) dies”;*

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

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

4           “(A) *The deceased veteran dies in—*

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

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

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

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

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

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

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

3           “(C) *The Secretary determines—*

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

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

12               (iii) *in subsection (b)—*

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

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

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

25       (b) *CONFORMING AMENDMENTS.—*

1           (1) *TITLE 38.—Such title is amended as follows:*

2                   (A) *In section 2304, by striking “Applica-*  
3 *tions for payments under section 2302 of this*  
4 *title” and inserting “Applications for payments*  
5 *under section 2303 of this title regarding vet-*  
6 *erans described in subparagraph (B) or (C) of*  
7 *subsection (a)(2) of such section”.*

8                   (B) *In section 2307, by striking “sections*  
9 *2302 and 2303(a)(1) and (b)(2) of this title” and*  
10 *inserting “subsections (a)(1) and (b)(2) of sec-*  
11 *tion 2303 of this title”.*

12                   (C) *In section 2308—*

13                           (i) *in subsection (a), by striking “pur-*  
14 *suant to section 2302 or 2307 of this title,”*  
15 *and inserting “pursuant to section 2303 of*  
16 *this title regarding veterans described in*  
17 *subparagraph (B) or (C) of subsection*  
18 *(a)(2) of such section, or pursuant to section*  
19 *2307 of this title,”; and*

20                           (ii) *in subsection (b)(3)—*

21                                   (I) *by striking “section 2302” and*  
22 *inserting “section 2303”; and*

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

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

3           (E) *In section 5101(a)(1)(B)(i), by striking*  
 4           “2302” and inserting “2303”.

5           (2) *EMERGENCY MEDICAL CARE.—Section 11 of*  
 6           *the Military Selective Service Act (50 U.S.C. 3810) is*  
 7           *amended by striking “section 2302(a) of title 38” and*  
 8           *inserting “section 2303 of title 38, United States*  
 9           *Code, regarding veterans described in subparagraph*  
 10          *(B) or (C) of subsection (a)(2) of such section”.*

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

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

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

19          **SEC. 2203. OUTER BURIAL RECEPTACLES FOR EACH NEW**  
 20                                **GRAVE IN CEMETERIES THAT ARE THE SUB-**  
 21                                **JECTS OF CERTAIN GRANTS MADE BY THE**  
 22                                **SECRETARY OF VETERANS AFFAIRS.**

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

25                (1) *in paragraph (1)—*

1           (A) in subparagraph (A)—

2                 (i) by striking “shall” and inserting  
3                 “may”; and

4                 (ii) by inserting “, or in a cemetery  
5                 that is the subject of a grant to a State or  
6                 a tribal organization under section 2408 of  
7                 this title,” after “National Cemetery Ad-  
8                 ministration”; and

9           (B) in subparagraph (C), by striking  
10           “shall” and inserting “may”; and

11           (2) by striking paragraph (2) and inserting the  
12           following new paragraph (2):

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

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

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

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

4 **SEC. 2204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**  
5 **CHILDREN ON CERTAIN HEADSTONES AND**  
6 **MARKERS FURNISHED BY THE SECRETARY OF**  
7 **VETERANS AFFAIRS.**

8       (a) *IN GENERAL.*—*Section 2306 of title 38, United*  
9 *States Code, is amended—*

10           (1) *by redesignating subsection (i) as subsection*  
11 *(j); and*

12           (2) *by inserting after subsection (h) the following*  
13 *new subsection (i):*

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

23       “(2) *If the spouse or eligible dependent child of an in-*  
24 *dividual referred to in paragraph (1) predeceases the indi-*  
25 *vidual, the Secretary may, if feasible and upon request, in-*

1 *clude an inscription for the spouse or dependent child on*  
2 *the headstone or marker furnished for the individual under*  
3 *subsection (a) or (d).”.*

4 *(b) APPLICATION.—Subsection (i) of section 2306 of*  
5 *title 38, United States Code, as added by subsection (a),*  
6 *shall apply with respect to an individual who dies on or*  
7 *after October 1, 2019.*

8 **SEC. 2205. AID TO COUNTIES FOR ESTABLISHMENT, EXPAN-**  
9 **SION, AND IMPROVEMENT OF VETERANS’**  
10 **CEMETERIES.**

11 *(a) IN GENERAL.—Section 2408 of title 38, United*  
12 *States Code, is amended—*

13 *(1) by inserting “or county” after “State” each*  
14 *place it appears;*

15 *(2) in subsection (a)(1), in the matter preceding*  
16 *subparagraph (A), by striking “subsection (b)” and*  
17 *inserting “subsections (b), (c), (d), and (g)”;*

18 *(3) by adding at the end the following new sub-*  
19 *section:*

20 *“(g)(1) The Secretary may make a grant to a county*  
21 *under this section only if—*

22 *“(A)(i) the State in which the county is located does*  
23 *not have a veterans’ cemetery owned by the State;*

1       “(ii) the State is not in receipt of a grant under this  
2 section for the construction of a new veterans’ cemetery to  
3 be owned by the State;

4       “(iii) the State did not apply for a grant under this  
5 section during the previous year;

6       “(iv) no tribal organization from the State in which  
7 the county is located has a veterans’ cemetery on trust land  
8 owned by, or held in trust for, the tribal organization;

9       “(v) no such tribal organization is in receipt of a grant  
10 under this section for the construction of a new veterans’  
11 cemetery to be located on such land; and

12       “(vi) no such tribal organization applied for a grant  
13 under this section during the previous year; and

14       “(B) the county demonstrates in the application under  
15 subsection (a)(2), to the satisfaction of the Secretary, that  
16 the county has the resources necessary to operate and main-  
17 tain the veterans’ cemetery owned by the county.

18       “(2)(A) If a county and the State in which the county  
19 is located both apply for a grant under this section for the  
20 same year, the Secretary shall give priority to the State.

21       “(B) If a county and a tribal organization from the  
22 State in which the county is located both apply for a grant  
23 under this section for the same year, the Secretary shall  
24 give priority to the tribal organization.

1       “(3) *The Secretary shall prescribe regulations to carry*  
2 *out this subsection.*”; and

3           (4) *in subsection (f)—*

4               (A) *by redesignating paragraph (3) as sub-*  
5 *section (h);*

6               (B) *by moving such subsection, as so redesi-*  
7 *gnated, to the location after subsection (g), as*  
8 *added by paragraph (3);*

9               (C) *in subsection (h), as so redesignated*  
10 *and moved, by redesignating subparagraphs (A)*  
11 *and (B) as paragraphs (1) and (2), respectively;*  
12 *and*

13              (D) *in the matter preceding paragraph (1),*  
14 *as so redesignated, by striking “this subsection”*  
15 *and inserting “this section”.*

16       (b) *CLERICAL AMENDMENTS.—*

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

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

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

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

4 **SEC. 2206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO**  
5                   **STATES, COUNTIES, AND TRIBAL ORGANIZA-**  
6                   **TIONS FOR OPERATING AND MAINTAINING**  
7                   **VETERANS' CEMETERIES.**

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

11 **SEC. 2207. PROVISION OF URNS AND COMMEMORATIVE**  
12                   **PLAQUES FOR REMAINS OF CERTAIN VET-**  
13                   **ERANS WHOSE CREMATED REMAINS ARE NOT**  
14                   **INTERRED IN CERTAIN CEMETERIES.**

15       (a) *IN GENERAL.*—Section 2306 of title 38, United  
16 States Code, as amended by section 2204 of this title, is  
17 further amended—

18               (1) *by redesignating subsections (h), (i), and (j)*  
19 *as subsections (i), (j), and (k), respectively; and*

20               (2) *by inserting after subsection (g) the following*  
21 *new subsection (h):*

22       “(h)(1) *In lieu of furnishing a headstone or marker*  
23 *under this section for a deceased individual described in*  
24 *paragraph (3), the Secretary shall furnish, upon request*  
25 *and at the expense of the United States—*

1           “(A) an urn made of any material to signify the  
2           individual’s status as a veteran, in which the remains  
3           of such individual may be placed at private expense;  
4           or

5           “(B) a commemorative plaque signifying the in-  
6           dividual’s status as a veteran.

7           “(2) If the Secretary furnishes an urn or commemora-  
8           tive plaque for an individual under paragraph (1), the Sec-  
9           retary may not provide for such individual—

10           “(A) a headstone or marker under this section;  
11           or

12           “(B) any burial benefit under section 2402 of  
13           this title.

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

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

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

21           “(C) whose remains were cremated and not in-  
22           terred in a national cemetery, a State veterans’ ceme-  
23           tery, a tribal cemetery, a county cemetery, or a pri-  
24           vate cemetery.

1       “(4)(A) Any urn or commemorative plaque furnished  
2 under this subsection shall be the personal property of the  
3 next of kin or such other individual as the Secretary con-  
4 siders appropriate.

5       “(B) The Federal Government shall not be liable for  
6 any damage to an urn or commemorative plaque furnished  
7 under this subsection that occurs after the date on which  
8 the urn or commemorative plaque is so furnished.

9       “(5) The Secretary shall prescribe regulations to carry  
10 out this subsection.”.

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

14 **SEC. 2208. TRAINING OF STATE AND TRIBAL VETERANS’**  
15 **CEMETERY PERSONNEL BY NATIONAL CEME-**  
16 **TERY ADMINISTRATION.**

17       (a) *IN GENERAL.*—Section 2408 of title 38, United  
18 States Code, as amended by sections 2205 and 2206 of this  
19 title, is further amended—

20               (1) in subsection (b)(1)—

21                       (A) in subparagraph (A)—

22                               (i) by striking “and (ii) the cost” and  
23                               inserting “(ii) the cost”; and

1                   (ii) by inserting “; and (iii) training  
2                   costs described in subsection (c)(1)” before  
3                   the semicolon; and

4                   (B) in subparagraph (B)—

5                   (i) by striking “and (ii) the cost” and  
6                   inserting “(ii) the cost”; and

7                   (ii) by inserting “; and (iii) training  
8                   costs described in subsection (c)(1)” before  
9                   the period;

10                  (2) by redesignating subsections (c) through (h)  
11                  as subsections (d) through (i), respectively; and

12                  (3) by inserting after subsection (b) the following  
13                  new subsection (c):

14                  “(c)(1) A grant under this section for a purpose de-  
15                  scribed in subparagraph (A) or (B) of subsection (a)(1) may  
16                  be used, solely or in part, for training costs, including trav-  
17                  el expenses and up to four weeks of lodging expenses, associ-  
18                  ated with attendance by employees of a veterans’ cemetery  
19                  owned by a State or on trust land owned by, or held in  
20                  trust for, a tribal organization at training provided by the  
21                  National Cemetery Administration.

22                  “(2) Any employee described in paragraph (1) who  
23                  participates in training described in such paragraph shall  
24                  fulfill a service requirement as determined by the Secretary.

1       “(3) *The Secretary may by regulation prescribe such*  
2 *additional terms and conditions for grants used for train-*  
3 *ing costs under this subsection as the Secretary considers*  
4 *appropriate.*”.

5       **(b) REPORTS.**—

6           **(1) IN GENERAL.**—*Not later than each of two*  
7 *years and five years after the date of the enactment*  
8 *of this Act, the Secretary of Veterans Affairs shall*  
9 *submit to the Committee on Veterans’ Affairs of the*  
10 *Senate and the Committee on Veterans’ Affairs of the*  
11 *House of Representatives a report on training pro-*  
12 *vided by the National Cemetery Administration*  
13 *under subsection (c) of section 2408 of title 38, United*  
14 *States Code, as added by subsection (a).*

15           **(2) ELEMENTS.**—*The report required by para-*  
16 *graph (1) shall include the following:*

17                   **(A)** *The attrition rate with respect to indi-*  
18 *viduals who participate in the training described*  
19 *in paragraph (1).*

20                   **(B)** *A description of how State and tribal*  
21 *veterans’ cemeteries that used grants awarded*  
22 *under section 2408 of title 38, United States*  
23 *Code, for training costs under subsection (c) of*  
24 *such section, as added by subsection (a), have*

1           *improved as a result of the training, according*  
 2           *to the administrators of such cemeteries.*

3           *(C) An identification of how many State*  
 4           *and tribal veterans' cemeteries used the authority*  
 5           *provided by subsection (c) of section 2408 of title*  
 6           *38, United States Code, as added by subsection*  
 7           *(a), in order to train individuals.*

8           *(D) The amount obligated or expended as a*  
 9           *result of the authority described in subparagraph*  
 10          *(C).*

### 11           ***TITLE III—HEALTH CARE***

#### 12          ***Subtitle A—Health Care Generally***

##### 13          ***SEC. 3001. EXPANSION OF MODIFICATIONS TO VETERAN DI-*** 14          ***RECTED CARE PROGRAM.***

15          *Section 20006 of the Coronavirus Aid, Relief, and Eco-*  
 16          *nomic Security Act (Public Law 116–136) is amended—*

17                 *(1) by striking “During a public health emer-*  
 18                 *gency” each place it appears and inserting “During*  
 19                 *the period specified in subsection (f)”;*

20                 *(2) in subsection (a)—*

21                         *(A) in the matter preceding paragraph (1),*  
 22                         *by striking “during a public health emergency”*  
 23                         *and inserting “during the period specified in*  
 24                         *subsection (f)”;* and

1           (B) in paragraph (1), by striking “an area  
2           agency on aging” and inserting “a covered pro-  
3           vider”; and

4           (3) by striking subsection (e) and inserting the  
5           following new subsections:

6           “(e) *TRANSFER OF CERTAIN VETERANS TO THE PRO-*  
7           *GRAM.*—During the period specified in subsection (f), the  
8           Secretary shall allow a veteran residing in an area covered  
9           by the Program to be transferred to the Program for the  
10          duration of such period if—

11           “(1) the veteran had been receiving extended care  
12          services paid for by the Department, such as adult  
13          day services or homemaker or home health aide serv-  
14          ices, immediately preceding such period; and

15           “(2) those services are no longer available due to  
16          a public health emergency.

17          “(f) *PERIOD SPECIFIED.*—The period specified in this  
18          subsection is the period beginning on the date on which a  
19          public health emergency was first declared and ending on  
20          the date that is 60 days after the date on which a public  
21          health emergency is no longer in effect.

22          “(g) *COVERED PROVIDER DEFINED.*—In this section,  
23          the term ‘covered provider’ means a provider participating  
24          in the Program, including—

1           “(1) an Aging and Disability Resource Center,  
2           an area agency on aging, or a State agency (as those  
3           terms are defined in section 102 of the Older Ameri-  
4           cans Act of 1965 (42 U.S.C. 3002)); or

5           “(2) a center for independent living (as defined  
6           in section 702 of the Rehabilitation Act of 1973 (29  
7           U.S.C. 796a)).”.

8 **SEC. 3002. PROHIBITION ON COLLECTION OF A HEALTH**  
9           **CARE COPAYMENT BY THE SECRETARY OF**  
10           **VETERANS AFFAIRS FROM A VETERAN WHO IS**  
11           **A MEMBER OF AN INDIAN TRIBE.**

12           (a) *IN GENERAL.*—Section 1730A of title 38, United  
13 *States Code, is amended—*

14           (1) *in the heading, by striking “catastroph-*  
15           *ically disabled” and inserting “certain”;*

16           (2) *by inserting “(a) PROHIBITION.—” before*  
17           *“Notwithstanding”;*

18           (3) *by striking “a veteran who is catastroph-*  
19           *ically disabled, as defined by the Secretary,” and in-*  
20           *serting “a covered veteran”;* and

21           (4) *by adding at the end the following new sub-*  
22           *section:*

23           “(b) *COVERED VETERAN DEFINED.*—*In this section,*  
24 *the term ‘covered veteran’ means a veteran who—*

1           “(1) is catastrophically disabled, as defined by  
2           the Secretary; or

3           “(2) is an Indian or urban Indian (as those  
4           terms are defined in section 4 of the Indian Health  
5           Care Improvement Act (25 U.S.C. 1603)).”.

6           (b) *TECHNICAL AMENDMENT.*—The table of sections at  
7           the beginning of chapter 17 of such title is amended by  
8           striking the item relating to section 1730A and inserting  
9           the following:

          “1730A. Prohibition on collection of copayments from certain veterans.”.

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

13       **SEC. 3003. OVERSIGHT FOR STATE HOMES REGARDING**  
14                       **COVID-19 INFECTIONS, RESPONSE CAPACITY,**  
15                       **AND STAFFING LEVELS.**

16          (a) *REPORTING.*—

17               (1) *IN GENERAL.*—During a covered public  
18               health emergency, each State home shall submit week-  
19               ly to the Secretary of Veterans Affairs and the Na-  
20               tional Healthcare Safety Network of the Centers for  
21               Disease Control and Prevention, through an electronic  
22               medium and in a standardized format specified by  
23               the Secretary, a report on the emergency.

1           (2) *ELEMENTS.*—*Each report required by para-*  
2 *graph (1) for a State home shall include the fol-*  
3 *lowing:*

4           (A) *The number of suspected and confirmed*  
5 *COVID–19 infections among residents and staff,*  
6 *including residents previously treated for*  
7 *COVID–19, disaggregated by—*

8           (i) *veteran, spouse of a veteran, staff,*  
9 *and other;*

10           (ii) *race and ethnicity;*

11           (iii) *gender; and*

12           (iv) *age.*

13           (B) *The number of total deaths and*  
14 *COVID–19 deaths among residents and staff,*  
15 *disaggregated by—*

16           (i) *veteran, spouse of a veteran, staff,*  
17 *and other;*

18           (ii) *race and ethnicity;*

19           (iii) *gender; and*

20           (iv) *age.*

21           (C) *An assessment of the supply of personal*  
22 *protective equipment and hand hygiene supplies.*

23           (D) *An assessment of ventilator capacity*  
24 *and supplies.*

1           (E) *The number of resident beds and the oc-*  
2           *cupancy rate, disaggregated by veteran, spouse of*  
3           *a veteran, and other.*

4           (F) *An assessment of the access of residents*  
5           *to testing for COVID–19.*

6           (G) *An assessment of staffing shortages, if*  
7           *any.*

8           (H) *Such other information as the Sec-*  
9           *retary may specify.*

10       (b) *PUBLICATION OF TOTAL INFECTIONS AND*  
11       *DEATHS.—*

12           (1) *IN GENERAL.—Not later than 30 days after*  
13           *the date of the enactment of this Act, and not less fre-*  
14           *quently than weekly thereafter, the Secretary shall*  
15           *post on a publicly available website of the Depart-*  
16           *ment of Veterans Affairs—*

17           (A) *the total number of residents and staff*  
18           *of State homes who are infected with COVID–19;*  
19           *and*

20           (B) *the total number of such residents and*  
21           *staff who have died from COVID–19.*

22           (2) *INFORMATION ON RESIDENTS AND STAFF.—*  
23           *The Secretary shall disaggregate information on resi-*  
24           *dents and staff published under paragraph (1) by vet-*  
25           *eran, staff, and other.*

1       (c) *DEFINITIONS.*—*In this section:*

2               (1) *COVERED PUBLIC HEALTH EMERGENCY.*—  
3       *The term “covered public health emergency” means*  
4       *an emergency with respect to COVID–19 declared by*  
5       *a Federal, State, or local authority.*

6               (2) *STATE HOME.*—*The term “State home” has*  
7       *the meaning given that term in section 101(19) of*  
8       *title 38, United States Code.*

9       **SEC. 3004. GRANTS FOR STATE HOMES LOCATED ON TRIBAL**  
10               **LANDS.**

11       (a) *STATE HOME DEFINED.*—*Section 101(19) of title*  
12       *38, United States Code, is amended by inserting “or Indian*  
13       *tribe (as defined in section 4 of the Indian Self-Determina-*  
14       *tion and Education Assistance Act (25 U.S.C. 5304))” after*  
15       *“(other than a possession)”.*

16       (b) *PAYMENTS TO STATE HOMES.*—*Section 1741 of*  
17       *title 38, United States Code, is amended by adding at the*  
18       *end the following new subsection:*

19               “(g) *In this subchapter, the term ‘State’ means each*  
20       *of the several States and each Indian tribe (as defined in*  
21       *section 4 of the Indian Self-Determination and Education*  
22       *Assistance Act (25 U.S.C. 5304)).”.*

23       (c) *STATE HOME CONSTRUCTION.*—

24               (1) *IN GENERAL.*—*Section 8131(2) of title 38,*  
25       *United States Code, is amended by inserting “in-*

1 *cludes each Indian tribe (as defined in section 4 of*  
2 *the Indian Self-Determination and Education Assist-*  
3 *ance Act (25 U.S.C. 5304)) but” before “does not”.*

4 (2) *CONFORMING AMENDMENT.—Section 8132 of*  
5 *such title is amended by striking “several”.*

6 (d) *ADDITIONAL LEGISLATIVE OR ADMINISTRATIVE*  
7 *ACTION.—*

8 (1) *CONSULTATION WITH INDIAN TRIBES.—Not*  
9 *later than 180 days after the date of the enactment*  
10 *of this Act, the Secretary of Veterans Affairs shall*  
11 *consult with Indian tribes to determine if any legisla-*  
12 *tive or administrative action is necessary to modify*  
13 *the State home program to function efficiently in sup-*  
14 *port of State homes operated by Indian tribes pursu-*  
15 *ant to the amendments made by this section.*

16 (2) *REPORT TO CONGRESS.—Not later than 90*  
17 *days after completing consultations under paragraph*  
18 *(1), the Secretary shall submit to the appropriate*  
19 *committees of Congress a report recommending legis-*  
20 *lative action that the Secretary considers appropriate*  
21 *to modify the State home program described in such*  
22 *paragraph in light of those consultations.*

23 (3) *MODIFICATIONS.—Not later than 180 days*  
24 *after completing consultations under paragraph (1),*  
25 *the Secretary shall make any modifications to regula-*

1        *tions implementing the State home program, for*  
2        *which legislative action is not necessary, as the Sec-*  
3        *retary considers appropriate in light of those con-*  
4        *sultations.*

5        *(e) TECHNICAL SUPPORT AND ASSISTANCE.—The Sec-*  
6        *retary of Veterans Affairs shall provide technical support*  
7        *and assistance to Indian tribes in carrying out the State*  
8        *home program at State homes operated by Indian tribes*  
9        *pursuant to the amendments made by this section.*

10       *(f) DEFINITIONS.—In this section:*

11            *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*  
12        *The term “appropriate committees of Congress”*  
13        *means—*

14            *(A) the Committee on Veterans’ Affairs and*  
15        *the Committee on Indian Affairs of the Senate;*  
16        *and*

17            *(B) the Committee on Veterans’ Affairs and*  
18        *the Subcommittee for Indigenous Peoples of the*  
19        *United States of the Committee on Natural Re-*  
20        *sources of the House of Representatives.*

21            *(2) INDIAN TRIBE.—The term “Indian tribe” has*  
22        *the meaning given that term in section 4 of the In-*  
23        *Indian Self-Determination and Education Assistance*  
24        *Act (25 U.S.C. 5304).*

1           (3) *STATE HOME*.—The term “State home” has  
2           the meaning given that term in section 101(19) of  
3           title 38, United States Code.

4           (4) *STATE HOME PROGRAM*.—The term “State  
5           home program” means the program of the Depart-  
6           ment of Veterans Affairs for which payments are  
7           made under subchapter V of chapter 17 of title 38,  
8           United States Code, and assistance is provided under  
9           subchapter III of chapter 81 of such title.

10 **SEC. 3005. CONTINUATION OF WOMEN’S HEALTH TRANSI-**  
11 **TION TRAINING PROGRAM OF DEPARTMENT**  
12 **OF VETERANS AFFAIRS.**

13           (a) *DURATION*.—The Secretary of Veterans Affairs  
14           shall carry out the Women’s Health Transition Training  
15           program of the Department of Veterans Affairs (in this sec-  
16           tion referred to as the “Program”) until at least one year  
17           after the date of the enactment of this Act.

18           (b) *REPORT*.—Not later than one year and ten days  
19           after the date of the enactment of this Act, the Secretary  
20           of Defense and the Secretary of Veterans Affairs shall joint-  
21           ly submit to the appropriate congressional committees a re-  
22           port on the Program that includes the following:

23                   (1) *The number of women members of the Armed*  
24                   *Forces, disaggregated by military department (with*  
25                   *respect to the Department of the Navy, disaggregated*

1       *by the Navy and Marine Corps), who participated in*  
2       *the Program.*

3               (2) *The number of courses held under the Pro-*  
4       *gram.*

5               (3) *The locations at which such courses were*  
6       *held, the number of seats available for such courses,*  
7       *and the number of participants at each such location.*

8               (4) *With respect to the number of members of the*  
9       *Armed Forces who participated in the Program as*  
10       *specified under paragraph (1)—*

11               (A) *the number who enrolled in the health*  
12       *care system of the Department of Veterans Af-*  
13       *airs under section 1705(a) of title 38, United*  
14       *States Code; and*

15               (B) *the number who attended at least one*  
16       *health care appointment at a medical facility of*  
17       *the Department of Veterans Affairs.*

18               (5) *Data relating to—*

19               (A) *satisfaction with courses held under the*  
20       *Program;*

21               (B) *improved awareness of health care serv-*  
22       *ices administered by the Secretary of Veterans*  
23       *Affairs; and*

24               (C) *any other available statistics regarding*  
25       *the Program.*

1           (6) *A discussion of regulatory, legal, or resource*  
2 *barriers to—*

3                 (A) *making the Program permanent to en-*  
4 *able access to services provided under the Pro-*  
5 *gram by a greater number of women members of*  
6 *the Armed Forces at locations throughout the*  
7 *United States;*

8                 (B) *offering the Program online for women*  
9 *members of the Armed Forces who are unable to*  
10 *attend courses held under the Program in person;*  
11 *and*

12                 (C) *the feasibility of automatically enroll-*  
13 *ing Program participants in the health care sys-*  
14 *tem of the Department of Veterans Affairs under*  
15 *section 1705(a) of title 38, United States Code.*

16         (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
17 *FINED.—In this section, the term “appropriate congres-*  
18 *sional committees” means—*

19                 (1) *the Committee on Armed Services and the*  
20 *Committee on Veterans’ Affairs of the Senate; and*

21                 (2) *the Committee on Armed Services and the*  
22 *Committee on Veterans’ Affairs of the House of Rep-*  
23 *resentatives.*

1 **SEC. 3006. AUTHORITY FOR SECRETARY OF VETERANS AF-**  
2 **FAIRS TO FURNISH MEDICALLY NECESSARY**  
3 **TRANSPORTATION FOR NEWBORN CHILDREN**  
4 **OF CERTAIN WOMEN VETERANS.**

5 (a) *IN GENERAL.*—Section 1786 of title 38, United  
6 States Code, as amended by section 9102 of the William  
7 M. (Mac) Thornberry National Defense Authorization Act  
8 for Fiscal Year 2021, is further amended—

9 (1) *in subsection (a)*—

10 (A) *in the matter before paragraph (1), by*  
11 *inserting “and transportation necessary to re-*  
12 *ceive such services” after “described in subsection*  
13 *(b)”;*

14 (B) *in paragraph (1), by striking “or”;*

15 (C) *in paragraph (2), by striking the period*  
16 *at the end and inserting “; or”;* and

17 (D) *by adding at the end the following new*  
18 *paragraph:*

19 “(3) *another location, including a health care fa-*  
20 *cility, if the veteran delivers the child before arriving*  
21 *at a facility described in paragraph (1) or (2).”;*

22 (2) *in subsection (b), by inserting before the pe-*  
23 *riod at the end the following: “, including necessary*  
24 *health care services provided by a facility other than*  
25 *the facility where the newborn child was delivered*  
26 *(including a specialty pediatric hospital) that accepts*

1       *transfer of the newborn child and responsibility for*  
2       *treatment of the newborn child”;* and

3               *(3) by adding at the end the following new sub-*  
4       *sections:*

5       “*(d) TRANSPORTATION.—(1) Transportation furnished*  
6       *under subsection (a) to, from, or between care settings to*  
7       *meet the needs of a newborn child includes costs for either*  
8       *or both the newborn child and parents.*

9       “*(2) Transportation furnished under subsection (a) in-*  
10       *cludes transportation by ambulance, including air ambu-*  
11       *lance, or other appropriate medically staffed modes of*  
12       *transportation—*

13               “*(A) to another health care facility (including a*  
14       *specialty pediatric hospital) that accepts transfer of*  
15       *the newborn child or otherwise provides post-delivery*  
16       *care services when the treating facility is not capable*  
17       *of furnishing the care or services required; or*

18               “*(B) to a health care facility in a medical emer-*  
19       *gency of such nature that a prudent layperson reason-*  
20       *ably expects that delay in seeking immediate medical*  
21       *attention would be hazardous to life or health.*

22       “*(3) Amounts paid by the Department for transpor-*  
23       *tation under this section shall be derived from the Medical*  
24       *Services appropriations account of the Department.*

1       “(e) *REIMBURSEMENT OR PAYMENT FOR HEALTH*  
2 *CARE SERVICES OR TRANSPORTATION.*—(1) *Pursuant to*  
3 *regulations the Secretary shall prescribe to establish rates*  
4 *of reimbursement and any limitations thereto under this*  
5 *section, the Secretary shall directly reimburse a covered en-*  
6 *tity for health care services or transportation services pro-*  
7 *vided under this section, unless the cost of the services or*  
8 *transportation is covered by an established agreement or*  
9 *contract. If such an agreement or contract exists, its nego-*  
10 *tiated payment terms shall apply.*

11       “(2)(A) *Reimbursement or payment by the Secretary*  
12 *under this section on behalf of an individual to a covered*  
13 *entity shall, unless rejected and refunded by the covered en-*  
14 *tity within 30 days of receipt, extinguish any liability on*  
15 *the part of the individual for the health care services or*  
16 *transportation covered by such payment.*

17       “(B) *Neither the absence of a contract or agreement*  
18 *between the Secretary and a covered entity nor any provi-*  
19 *sion of a contract, agreement, or assignment to the contrary*  
20 *shall operate to modify, limit, or negate the requirements*  
21 *of subparagraph (A).*

22       “(3) *In this subsection, the term ‘covered entity’ means*  
23 *any individual, transportation carrier, organization, or*  
24 *other entity that furnished or paid for health care services*  
25 *or transportation under this section.’.*”

1       **(b) TREATMENT OF CERTAIN EXPENSES ALREADY IN-**  
2 **CURRED.—**

3           **(1) IN GENERAL.—***Pursuant to such regulations*  
4 *as the Secretary of Veterans Affairs shall prescribe,*  
5 *with respect to transportation furnished in order for*  
6 *a newborn child of a veteran to receive health care*  
7 *services under section 1786 of title 38, United States*  
8 *Code, during the period specified in paragraph (2),*  
9 *the Secretary may—*

10           **(A)** *waive a debt owed by the veteran to the*  
11 *Department of Veterans Affairs or reimburse ex-*  
12 *penses already paid by the veteran to the De-*  
13 *partment for such transportation;*

14           **(B)** *reimburse the veteran for expenses al-*  
15 *ready paid by the veteran to a covered entity for*  
16 *such transportation; or*

17           **(C)** *reimburse a covered entity for the costs*  
18 *of such transportation.*

19           **(2) PERIOD SPECIFIED.—***The period specified in*  
20 *this paragraph is the period beginning on May 5,*  
21 *2010, and ending on the date of the enactment of this*  
22 *Act.*

23           **(3) COVERED ENTITY DEFINED.—***In this sub-*  
24 *section, the term “covered entity” has the meaning*

1       *given that term in section 1786(e)(3) of title 38,*  
2       *United States Code, as added by subsection (a).*

3   **SEC. 3007. WAIVER OF REQUIREMENTS OF DEPARTMENT OF**  
4                   **VETERANS AFFAIRS FOR RECEIPT OF PER**  
5                   **DIEM PAYMENTS FOR DOMICILIARY CARE AT**  
6                   **STATE HOMES AND MODIFICATION OF ELIGI-**  
7                   **BILITY FOR SUCH PAYMENTS.**

8       *(a) WAIVER OF REQUIREMENTS.—Notwithstanding*  
9       *section 1741 of title 38, United States Code (as amended*  
10       *by subsection (b)), the Secretary of Veterans Affairs shall*  
11       *modify section 51.51(b) of title 38, Code of Federal Regula-*  
12       *tions (or successor regulations), to provide the Secretary the*  
13       *authority to waive the requirements under such section*  
14       *51.51(b) for a veteran to be eligible for per diem payments*  
15       *for domiciliary care at a State home if—*

16               *(1) the veteran has met not fewer than four of*  
17       *the requirements set forth in such section; or*

18               *(2) such waiver would be in the best interest of*  
19       *the veteran.*

20       *(b) MODIFICATION OF ELIGIBILITY.—Section*  
21       *1741(a)(1) of title 38, United States Code, is amended, in*  
22       *the flush text following subparagraph (B), by striking “in*  
23       *a Department facility” and inserting “under the laws ad-*  
24       *ministered by the Secretary”.*

1       (c) *STATE HOME DEFINED.*—*In this section, the term*  
2 *“State home” has the meaning given that term in section*  
3 *101(19) of title 38, United States Code.*

4 **SEC. 3008. EXPANSION OF QUARTERLY UPDATE OF INFOR-**  
5 **MATION ON STAFFING AND VACANCIES AT FA-**  
6 **CILITIES OF THE DEPARTMENT OF VETERANS**  
7 **AFFAIRS TO INCLUDE INFORMATION ON DU-**  
8 **RATION OF HIRING PROCESS.**

9       (a) *QUARTERLY UPDATE.*—*Subsection (a)(1) of sec-*  
10 *tion 505 of the VA MISSION Act of 2018 (Public Law 115–*  
11 *182; 38 U.S.C. 301 note) is amended by adding at the end*  
12 *the following new subparagraph:*

13               *“(E) Beginning with any update under*  
14 *paragraph (3) on or after the date of the enact-*  
15 *ment of the Johnny Isakson and David P. Roe,*  
16 *M.D. Veterans Health Care and Benefits Im-*  
17 *provement Act of 2020, the following:*

18               *“(i) For employees appointed under*  
19 *paragraphs (1) and (3) of section 7401 of*  
20 *title 38, United States Code, the number of*  
21 *employees for which the duration of the*  
22 *process from validation of vacancy to re-*  
23 *ceipt of official offer and notification of ac-*  
24 *tual start date exceeds the metrics laid out*

1           *in the Time to Hire Model of the Veterans*  
2           *Health Administration, or successor model.*

3           “(ii) *The percentage of employees who*  
4           *are described in clause (i) compared to all*  
5           *employees appointed under paragraphs (1)*  
6           *and (3) of section 7401 of such title during*  
7           *the same period.*

8           “(iii) *The average number of days po-*  
9           *tential hires or new hires appointed under*  
10          *paragraphs (1) and (3) of section 7401 of*  
11          *such title spent in each phase of the Time*  
12          *to Hire Model, or successor model.”.*

13          **(b) ANNUAL REPORT.**—*Subsection (b) of such section*  
14          *is amended, in the first sentence, by adding before the pe-*  
15          *riod at the end the following: “and to improve the onboard*  
16          *timeline for facilities for which the duration of the*  
17          *onboarding process exceeds the metrics laid out in the Time*  
18          *to Hire Model of the Veterans Health Administration, or*  
19          *successor model”.*

1 **SEC. 3009. REQUIREMENT FOR CERTAIN DEPARTMENT OF**  
2 **VETERANS AFFAIRS MEDICAL FACILITIES TO**  
3 **HAVE PHYSICAL LOCATION FOR THE DIS-**  
4 **POSAL OF CONTROLLED SUBSTANCES MEDI-**  
5 **CATIONS.**

6 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
7 *shall ensure that each covered Department medical facility*  
8 *has a physical location where patients may dispose of con-*  
9 *trolled substances medications.*

10 (b) *COVERED DEPARTMENT MEDICAL FACILITY.*—*In*  
11 *this section, the term “covered Department medical facility”*  
12 *means a medical facility of the Department of Veterans Af-*  
13 *fairs with an onsite pharmacy or a physical location dedi-*  
14 *cated for law enforcement purposes.*

15 (c) *EFFECTIVE DATE.*—*This section shall take effect*  
16 *on January 1, 2022.*

17 **SEC. 3010. DEPARTMENT OF VETERANS AFFAIRS PILOT**  
18 **PROGRAM FOR CLINICAL OBSERVATION BY**  
19 **UNDERGRADUATE STUDENTS.**

20 (a) *ESTABLISHMENT.*—*The Secretary of Veterans Af-*  
21 *fairs shall carry out a pilot program for a one-year period,*  
22 *beginning not later than August 15, 2021, to provide cer-*  
23 *tain students described in subsection (d) a clinical observa-*  
24 *tion experience at medical centers of the Department of Vet-*  
25 *erans Affairs.*

1       (b) *MEDICAL CENTER SELECTION.*—*The Secretary*  
2 *shall carry out the pilot program under this section at not*  
3 *fewer than five medical centers of the Department. In select-*  
4 *ing such medical centers, the Secretary shall ensure regional*  
5 *diversity among such selected medical centers.*

6       (c) *CLINICAL OBSERVATION SESSIONS.*—

7           (1) *FREQUENCY AND DURATION.*—*In carrying*  
8 *out the pilot program, the Secretary shall—*

9                   (A) *provide at least one and not more than*  
10 *three clinical observation sessions at each med-*  
11 *ical center selected during each calendar year;*

12                   (B) *ensure that each clinical observation*  
13 *session—*

14                           (i) *lasts between four and six months;*  
15 *and*

16                           (ii) *to the extent practicable, begins*  
17 *and ends concurrently with one or more*  
18 *academic terms of an institution of higher*  
19 *education (as defined in section 101 of the*  
20 *Higher Education Act of 1965 (20 U.S.C.*  
21 *1001)); and*

22                   (C) *ensure that the clinical observation ses-*  
23 *sions provided at a medical center have minimal*  
24 *overlap.*

1           (2) *SESSIONS.*—*The Secretary shall ensure that*  
2 *the pilot program consists of clinical observation ses-*  
3 *sions as follows:*

4                   (A) *Each session shall allow for not fewer*  
5 *than five students nor greater than 15 students*  
6 *to participate in the session.*

7                   (B) *Each session shall consist of not fewer*  
8 *than 20 observational hours nor greater than 40*  
9 *observational hours.*

10                   (C) *A majority of the observational hours*  
11 *shall be spent observing a health professional.*  
12 *The other observational hours shall be spent in*  
13 *a manner that ensures a robust, well rounded ex-*  
14 *perience that exposes the students to a variety of*  
15 *aspects of medical care and health care adminis-*  
16 *tration.*

17                   (D) *Each session shall provide a diverse*  
18 *clinical observation experience.*

19 (d) *STUDENTS.*—

20           (1) *SELECTION.*—*The Secretary shall select to*  
21 *participate in the pilot program under subsection (a)*  
22 *students who are—*

23                   (A) *nationals of the United States;*

24                   (B) *enrolled in an accredited program of*  
25 *study at an institution of higher education; and*

1           (C) referred by their institution of higher  
2           education following an internal application  
3           process.

4           (2) *PRIORITY.*—In making such selection, the  
5           Secretary shall give priority to each of the following  
6           five categories of students:

7           (A) Students who, at the time of the comple-  
8           tion of their secondary education, resided in a  
9           health professional shortage area (as defined in  
10          section 332 of the Public Health Service Act (42  
11          U.S.C. 254e)).

12          (B) First generation college students (as de-  
13          fined in section 402A(h)(3) of the Higher Edu-  
14          cation Act of 1965 (20 U.S.C. 1067q(a))).

15          (C) Students who have been referred by mi-  
16          nority-serving institutions (as defined in section  
17          371(a) of the Higher Education Act of 1965 (20  
18          U.S.C. 1067q(a))).

19          (D) Veterans (as defined in section 101 of  
20          title 38, United States Code).

21          (E) Students who indicate an intention to  
22          specialize in a health professional occupation  
23          identified by the Inspector General of the De-  
24          partment under section 7412 of title 38, United  
25          States Code, as having a staffing shortage.

1           (3) *ASSIGNMENT TO MEDICAL CENTERS.*—*The*  
2           *Secretary shall assign students selected under para-*  
3           *graph (1) to medical centers selected under subsection*  
4           *(b) without regard for whether such medical centers*  
5           *have staffing shortages in any health professional oc-*  
6           *cupation pursuant to section 7412 of title 38, United*  
7           *States Code.*

8           (e) *OTHER MATTERS.*—*In carrying out the pilot pro-*  
9           *gram under this section, the Secretary shall—*

10           (1) *establish a formal status to facilitate the ac-*  
11           *cess to medical centers of the Department by student*  
12           *observers participating in the pilot program;*

13           (2) *establish standardized legal, privacy, and*  
14           *ethical requirements for the student observers, includ-*  
15           *ing with respect to—*

16           (A) *ensuring that no student observer pro-*  
17           *vides any care to patients while participating as*  
18           *an observer; and*

19           (B) *ensuring the suitability of a student to*  
20           *participate in the pilot program to ensure that*  
21           *the student poses no risk to patients;*

22           (3) *develop and implement a partnership strat-*  
23           *egy with minority-serving institutions to encourage*  
24           *referrals;*

1           (4) *create standardized procedures for student*  
2 *observers;*

3           (5) *create an online information page about the*  
4 *pilot program on the internet website of the Depart-*  
5 *ment;*

6           (6) *publish on the online information page cre-*  
7 *ated under paragraph (5) the locations of such cen-*  
8 *ters, and other information on the pilot program, not*  
9 *later than 180 days before the date on which applica-*  
10 *tions are required to be submitted by potential stu-*  
11 *dent observers;*

12           (7) *identify medical centers and specific health*  
13 *professionals participating in the pilot program; and*

14           (8) *notify the Committees on Veterans' Affairs of*  
15 *the House of Representatives and the Senate of the*  
16 *medical centers selected under subsection (c) within*  
17 *30 days of selection, to facilitate program awareness.*

18           (f) *REPORT.—Not later than 180 days after the com-*  
19 *pletion of the pilot program under subsection (a), the Sec-*  
20 *retary shall submit to the Committees on Veterans' Affairs*  
21 *of the House of Representatives and the Senate a report on*  
22 *the results of the pilot program, including—*

23           (1) *the number and demographics of all appli-*  
24 *cants, those accepted to participate in the pilot pro-*

1     *gram, and those who completed the pilot program;*  
2     *and*

3             *(2) if participating institutions of higher edu-*  
4     *cation choose to administer satisfaction surveys that*  
5     *assess the experience of those who completed the pilot*  
6     *program, the results of any such satisfaction surveys,*  
7     *provided at the discretion of the institution of higher*  
8     *education.*

9     *(g) SENSE OF CONGRESS REGARDING DEPARTMENT*  
10  *OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL OB-*  
11  *SERVATION BY UNDERGRADUATE STUDENTS.—It is the*  
12  *sense of Congress that the pilot program described in sub-*  
13  *section (a) should be designed to—*

14             *(1) increase the awareness, knowledge, and em-*  
15     *pathy of future health professionals toward the health*  
16     *conditions common to veterans;*

17             *(2) increase the diversity of the recruitment pool*  
18     *of future physicians of the Department; and*

19             *(3) expand clinical observation opportunities for*  
20     *all students by encouraging students of all back-*  
21     *grounds to consider a career in the health professions.*

22     *(h) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*  
23  *tional funds are authorized to be appropriated to carry out*  
24  *the requirements of this section. Such requirements shall be*

1 *carried out using amounts otherwise authorized to be ap-*  
2 *propriated.*

3           ***Subtitle B—Scheduling and***  
4           ***Consult Management***

5 ***SEC. 3101. PROCESS AND REQUIREMENTS FOR SCHED-***  
6           ***ULING APPOINTMENTS FOR HEALTH CARE***  
7           ***FROM DEPARTMENT OF VETERANS AFFAIRS***  
8           ***AND NON-DEPARTMENT HEALTH CARE.***

9           *(a) PROCESS AND REQUIREMENTS.—*

10                   *(1) IN GENERAL.—Not later than 60 days after*  
11           *the date of the enactment of this Act, the Secretary of*  
12           *Veterans Affairs shall—*

13                           *(A) establish a process and requirements for*  
14                   *scheduling appointments for—*

15                                   *(i) health care from the Department of*  
16                           *Veterans Affairs; and*

17                                   *(ii) health care furnished through the*  
18                           *Veterans Community Care Program under*  
19                           *section 1703 of title 38, United States Code,*  
20                           *by a non-Department health care provider;*  
21                           *and*

22                           *(B) submit to the Committee on Veterans’*  
23                   *Affairs of the Senate and the Committee on Vet-*  
24                   *erans’ Affairs of the House of Representatives a*  
25                   *description of such process and requirements.*

1           (2) *ELEMENTS OF DESCRIPTION.*—*The descrip-*  
2 *tion of the process and requirements for scheduling*  
3 *appointments for health care required to be submitted*  
4 *under paragraph (1)(B) shall include—*

5                   (A) *information on how such process and*  
6 *requirements take into account the access stand-*  
7 *ards established under section 1703B of title 38,*  
8 *United States Code; and*

9                   (B) *the maximum number of days allowed*  
10 *to complete each step of such process.*

11           (3) *PERIODIC REVISION.*—

12                   (A) *IN GENERAL.*—*The Secretary may re-*  
13 *visе the process and requirements required under*  
14 *paragraph (1) as the Secretary considers nec-*  
15 *essary.*

16                   (B) *SUBMITTAL TO CONGRESS.*—*Not later*  
17 *than 30 days before revising the process and re-*  
18 *quirements under subparagraph (A), the Sec-*  
19 *retary shall submit to the Committee on Vet-*  
20 *erans' Affairs of the Senate and the Committee*  
21 *on Veterans' Affairs of the House of Representa-*  
22 *tives a description of such revised process and re-*  
23 *quirements, including a description of any modi-*  
24 *fications to the certification and training under*  
25 *subsection (b).*

1       **(b) CERTIFICATION AND TRAINING ON PROCESS AND**  
2 **REQUIREMENTS.—**

3           **(1) CERTIFICATION.—***Not later than one year*  
4 *after the date of the enactment of this Act, the Sec-*  
5 *retary shall require each individual involved in the*  
6 *scheduling of appointments for health care from the*  
7 *Department or health care described in subsection*  
8 *(a)(1)(A)(ii), including schedulers, clinical coordina-*  
9 *tors, and supervisors, to certify to the Secretary that*  
10 *the individual understands the process and require-*  
11 *ments established under subsection (a), including the*  
12 *maximum number of days allowed to complete each*  
13 *step of such process.*

14           **(2) NEW EMPLOYEES.—***The Secretary shall re-*  
15 *quire each employee hired by the Department on or*  
16 *after the date of the enactment of this Act who is to*  
17 *be involved in the scheduling of appointments for*  
18 *health care from the Department or health care de-*  
19 *scribed in subsection (a)(1)(A)(ii)—*

20                   **(A)** *to undergo training on the process and*  
21 *requirements established under subsection (a) as*  
22 *part of training for the position for which the*  
23 *employee has been hired; and*

24                   **(B)** *to make the certification to the Sec-*  
25 *retary required under paragraph (1).*

1       (c) *METHOD TO MONITOR COMPLIANCE.*—

2               (1) *IN GENERAL.*—Not later than 180 days after  
3 the date of the enactment of this Act, the Secretary  
4 shall establish or maintain a method or tool—

5                       (A) to enable monitoring of the compliance  
6 of the Department with the process and require-  
7 ments established under subsection (a), including  
8 compliance with policies of the Department re-  
9 lating to the maximum number of days allowed  
10 to complete each step of such process; and

11                      (B) to ensure that each medical facility of  
12 the Department complies with such process and  
13 requirements.

14       (2) *USE THROUGHOUT DEPARTMENT.*—

15               (A) *IN GENERAL.*—The Secretary shall re-  
16 quire each medical facility of the Department to  
17 use the method or tool described in paragraph  
18 (1).

19               (B) *REPORT.*—Not later than one year after  
20 the date of the enactment of this Act, the Sec-  
21 retary shall submit to the Committee on Vet-  
22 erans' Affairs of the Senate and the Committee  
23 on Veterans' Affairs of the House of Representa-  
24 tives a report indicating whether each medical

1           *facility of the Department is using the method or*  
2           *tool described in paragraph (1).*

3           *(d) COMPTROLLER GENERAL REPORT.—Not later than*  
4           *two years after the date of the enactment of this Act, the*  
5           *Comptroller General of the United States shall submit to*  
6           *the Committee on Veterans' Affairs of the Senate and the*  
7           *Committee on Veterans' Affairs of the House of Representa-*  
8           *tives a report on the compliance of the Secretary with the*  
9           *requirements of this section.*

10 **SEC. 3102. AUDITS REGARDING SCHEDULING OF APPOINT-**  
11           **MENTS AND MANAGEMENT OF CONSULTA-**  
12           **TIONS FOR HEALTH CARE FROM DEPART-**  
13           **MENT OF VETERANS AFFAIRS AND NON-DE-**  
14           **PARTMENT HEALTH CARE.**

15           *(a) IN GENERAL.—Not later than each of one year and*  
16           *two years after the date of the enactment of this Act, the*  
17           *Secretary of Veterans Affairs shall provide for the conduct*  
18           *of a facility-level audit of the scheduling of appointments*  
19           *and the management of consultations for health care under*  
20           *the laws administered by the Secretary.*

21           *(b) APPLICATION.—*

22                   *(1) FIRST AUDIT.—The first audit required*  
23           *under subsection (a) shall apply to each medical facil-*  
24           *ity of the Department of Veterans Affairs.*

1           (2) *SECOND AUDIT.*—*The second audit required*  
2           *under subsection (a) shall apply to only those medical*  
3           *facilities of the Department that are in need of correc-*  
4           *tive action based on the first audit, as determined by*  
5           *the Secretary.*

6           (c) *ELEMENTS.*—*Each audit conducted under sub-*  
7           *section (a) shall include the following:*

8           (1) *With respect to each medical center of the*  
9           *Department covered by the audit, an assessment of*  
10           *any scheduling or consultation management issues at*  
11           *that medical center, including the following:*

12           (A) *An assessment of noncompliance with*  
13           *policies of the Veterans Health Administration*  
14           *relating to scheduling appointments and man-*  
15           *aging consultations.*

16           (B) *An assessment of the extent to which*  
17           *appointments or consultations are not timely*  
18           *processed.*

19           (C) *A description of any backlogs in ap-*  
20           *pointments or consultations that are awaiting*  
21           *action.*

22           (D) *An assessment of whether consultations*  
23           *are appropriately processed.*

24           (E) *Data with respect to consultations as*  
25           *follows:*

1                   (i) *Consultations that were scheduled*  
2                   *within the request window.*

3                   (ii) *Duplicate consultation requests.*

4                   (iii) *Consultations that were discon-*  
5                   *tinued.*

6                   (iv) *Delays in consultations.*

7                   (v) *Consultations that were not prop-*  
8                   *erly closed or discontinued, including a de-*  
9                   *scription of remediation attempts.*

10                  (F) *A review for accuracy with respect to*  
11                  *consultation management as follows:*

12                   (i) *A review of the accuracy of the type*  
13                   *of service, either administrative or clinical,*  
14                   *that is inputted in the electronic health*  
15                   *record.*

16                   (ii) *A review of the accuracy of the*  
17                   *type of consultation setting, either impa-*  
18                   *tient or outpatient, that is inputted in the*  
19                   *electronic health record.*

20                   (iii) *A review of the appropriateness of*  
21                   *the level of urgency of the consultation that*  
22                   *is inputted in the electronic health record.*

23                   (iv) *A review of any delayed or unre-*  
24                   *solved consultations.*

1           (2) *An identification of such recommendations*  
2 *for corrective action as the Secretary considers nec-*  
3 *essary, including additional training, increased per-*  
4 *sonnel, and other resources.*

5           (3) *A certification that the director of each med-*  
6 *ical center of the Department covered by the audit is*  
7 *in compliance with the process and requirements es-*  
8 *tablished under section 3101(a) and such other re-*  
9 *quirements relating to the scheduling of appointments*  
10 *and management of consultations as the Secretary*  
11 *considers appropriate.*

12           (4) *With respect to referrals for health care be-*  
13 *tween health care providers or facilities of the Depart-*  
14 *ment, a measurement of, for each medical facility of*  
15 *the Department covered by the audit—*

16                 (A) *the period of time between—*

17                         (i) *the date that a clinician of the De-*  
18 *partment determines that a veteran requires*  
19 *care from another health care provider or*  
20 *facility and the date that the referral for*  
21 *care is sent to the other health care provider*  
22 *or facility;*

23                         (ii) *the date that the referral for care*  
24 *is sent to the other health care provider or*

1           *facility and the date that the other health*  
2           *care provider or facility accepts the referral;*

3           (iii) *the date that the other health care*  
4           *provider or facility accepts the referral and*  
5           *the date that the appointment with the*  
6           *other health care provider or at the other fa-*  
7           *cility is made; and*

8           (iv) *the date that the appointment with*  
9           *the other health care provider or at the*  
10          *other facility is made and the date of the*  
11          *appointment with the other health care pro-*  
12          *vider or at the other facility; and*

13          (B) *any other period of time that the Sec-*  
14          *retary determines necessary to measure.*

15          (5) *With respect to referrals for non-Department*  
16          *health care originating from medical facilities of the*  
17          *Department, a measurement of, for each such facility*  
18          *covered by the audit—*

19               (A) *the period of time between—*

20                   (i) *the date that a clinician of the De-*  
21                   *partment determines that a veteran requires*  
22                   *care, or a veteran presents to the Depart-*  
23                   *ment requesting care, and the date that the*  
24                   *referral for care is sent to a non-Depart-*  
25                   *ment health care provider;*

1           (ii) the date that the referral for care  
2 is sent to a non-Department health care  
3 provider and the date that a non-Depart-  
4 ment health care provider accepts the refer-  
5 ral;

6           (iii) the date that a non-Department  
7 health care provider accepts the referral and  
8 the date that the referral to a non-Depart-  
9 ment health care provider is completed;

10          (iv) the date that the referral to a non-  
11 Department health care provider is com-  
12 pleted and the date that an appointment  
13 with a non-Department health care provider  
14 is made; and

15          (v) the date that an appointment with  
16 a non-Department health care provider is  
17 made and the date that an appointment  
18 with a non-Department health care provider  
19 occurs; and

20          (B) any other period of time that the Sec-  
21 retary determines necessary to measure.

22          (d) CONDUCT OF AUDIT BY THIRD PARTY.—Each  
23 audit conducted under subsection (a) with respect to a med-  
24 ical facility of the Department shall be conducted by an  
25 individual or entity that is not affiliated with the facility.

1       (e) *TRANSMITTAL TO VHA.*—Each audit conducted  
2 under subsection (a) shall be transmitted to the Under Sec-  
3 retary for Health of the Department so that the Under Sec-  
4 retary can—

5           (1) *strengthen oversight of the scheduling of ap-*  
6 *pointments and management of consultations*  
7 *throughout the Department;*

8           (2) *monitor national policy on such scheduling*  
9 *and management; and*

10          (3) *develop a remediation plan to address issues*  
11 *uncovered by those audits.*

12       (f) *ANNUAL REPORT.*—

13           (1) *IN GENERAL.*—Not later than December 31 of  
14 each year in which an audit is conducted under sub-  
15 section (a), the Secretary shall submit to the Com-  
16 mittee on Veterans' Affairs of the Senate and the  
17 Committee on Veterans' Affairs of the House of Rep-  
18 resentatives a report on the audit conducted during  
19 that year.

20           (2) *ELEMENTS.*—The Secretary shall include in  
21 each report required by paragraph (1)—

22           (A) *the nationwide results of the audit con-*  
23 *ducted under subsection (a);*

1           (B) the results of such audit with respect to  
2 each medical facility of the Department covered  
3 by such audit;

4           (C) an assessment of how the Department  
5 strengthened oversight of the scheduling of ap-  
6 pointments and management of consultations at  
7 each such facility as a result of the audit;

8           (D) an assessment of how the audit in-  
9 formed the national policy of the Department  
10 with respect to the scheduling of appointments  
11 and management of consultations; and

12           (E) a description of any remediation plans  
13 to address issues raised by the audit that was  
14 completed.

15 **SEC. 3103. ADMINISTRATION OF NON-DEPARTMENT OF VET-**  
16 **ERANS AFFAIRS HEALTH CARE.**

17       (a) *CERTIFICATION OF PROPER ADMINISTRATION OF*  
18 *NON-DEPARTMENT CARE.*—

19           (1) *REVIEW.*—

20           (A) *IN GENERAL.*—*The Secretary of Vet-*  
21 *erans Affairs shall conduct a review of the staff-*  
22 *ing, training, and other requirements necessary*  
23 *to administer section 1703 of title 38, United*  
24 *States Code.*

1           (B) *ELEMENTS.*—*The review conducted*  
2           *under subparagraph (A) shall include, with re-*  
3           *spect to each medical facility of the Department*  
4           *of Veterans Affairs—*

5                   (i) *an assessment of the type of posi-*  
6                   *tions required to be staffed at the medical*  
7                   *facility;*

8                   (ii) *the number of such positions au-*  
9                   *thorized;*

10                  (iii) *the number of such positions*  
11                  *funded;*

12                  (iv) *the number of such positions filled;*

13                  *and*

14                  (v) *the number of additional such posi-*  
15                  *tions required to be authorized.*

16           (2) *SUBMITTAL TO CONGRESS.*—*Not later than*  
17           *180 days after the date of the enactment of this Act,*  
18           *and every 180 days thereafter, the Secretary shall*  
19           *submit to the Committee on Veterans' Affairs of the*  
20           *Senate and the Committee on Veterans' Affairs of the*  
21           *House of Representatives—*

22                   (A) *the results of the review conducted*  
23                   *under paragraph (1); and*

24                   (B) *a certification that the Secretary has es-*  
25                   *tablished all staffing, training, and other re-*

1            *quirements required to be reviewed under such*  
2            *paragraph.*

3            *(b) SCHEDULING OF APPOINTMENTS.—*

4            *(1) MEASUREMENT OF TIMELINESS FOR EACH*  
5            *FACILITY.—Not later than 120 days after the date of*  
6            *the enactment of this Act, the Secretary shall meas-*  
7            *ure, with respect to referrals for non-Department*  
8            *health care originating from medical facilities of the*  
9            *Department, for each such facility—*

10            *(A) the period of time between—*

11            *(i) the date that a clinician of the De-*  
12            *partment determines that a veteran requires*  
13            *care, or a veteran presents to the Depart-*  
14            *ment requesting care, and the date that the*  
15            *referral for care is sent to a non-Depart-*  
16            *ment health care provider;*

17            *(ii) the date that the referral for care*  
18            *is sent to a non-Department health care*  
19            *provider and the date that a non-Depart-*  
20            *ment health care provider accepts the refer-*  
21            *ral;*

22            *(iii) the date that a non-Department*  
23            *health care provider accepts the referral and*  
24            *the date that the referral to a non-Depart-*  
25            *ment health care provider is completed;*

1           (iv) the date that the referral to a non-  
2           Department health care provider is com-  
3           pleted and the date that an appointment  
4           with a non-Department health care provider  
5           is made; and

6           (v) the date that an appointment with  
7           a non-Department health care provider is  
8           made and the date that an appointment  
9           with a non-Department health care provider  
10          occurs; and

11          (B) any other period of time that the Sec-  
12          retary determines necessary to measure.

13          (2) *SUBMISSIONS TO CONGRESS.*—

14           (A) *IN GENERAL.*—Not later than one year  
15           after the date of the enactment of this Act, the  
16           Secretary shall submit to the Committee on Vet-  
17           erans' Affairs of the Senate and the Committee  
18           on Veterans' Affairs of the House of Representa-  
19           tives the data measured under paragraph (1),  
20           disaggregated by medical facility.

21           (B) *UPDATE.*—Not less frequently than bi-  
22           weekly, the Secretary shall update the data sub-  
23           mitted under subparagraph (A).

24          (c) *COMPTROLLER GENERAL REPORT.*—

1           (1) *REVIEW.*—Beginning not later than one year  
2 after the date of the enactment of this Act, the Comptroller  
3 General of the United States shall review compliance by the Secretary with the requirements of this  
4 section, including a review of the validity and reliability of data submitted by the Secretary under sub-  
5 section (b)(2).  
6

7  
8           (2) *REPORT.*—Not later than three years after  
9 the date of the enactment of this Act, the Comptroller  
10 General shall submit to the Committee on Veterans'  
11 Affairs of the Senate and the Committee on Veterans'  
12 Affairs of the House of Representatives the results of  
13 the review conducted under paragraph (1).

14 **SEC. 3104. EXAMINATION OF HEALTH CARE CONSULTATION**  
15 **AND SCHEDULING POSITIONS OF DEPART-**  
16 **MENT OF VETERANS AFFAIRS.**

17           (a) *PROPER GRADING OF CONSULTATION AND SCHED-*  
18 *ULING POSITIONS.*—

19           (1) *IN GENERAL.*—The Secretary of Veterans Af-  
20 fairs shall conduct an examination of health care po-  
21 sitions of the Department of Veterans Affairs to deter-  
22 mine whether health care positions involved in the  
23 consultation and scheduling processes are appro-  
24 priately graded.

1           (2) *CONSULTATION.*—*In conducting the exam-*  
2 *ination under paragraph (1), the Secretary shall con-*  
3 *sult with health care staffing experts in the Federal*  
4 *Government and the private sector.*

5           (3) *SUBMITTAL TO CONGRESS.*—*Not later than*  
6 *120 days after the date of the enactment of this Act,*  
7 *the Secretary shall submit to the appropriate commit-*  
8 *tees of Congress the results of the examination con-*  
9 *ducted under paragraph (1).*

10          (b) *REVIEW OF ONBOARDING PROCESS.*—*Not later*  
11 *than 180 days after the date of the enactment of this Act,*  
12 *the Secretary shall submit to the appropriate committees*  
13 *of Congress—*

14                 (1) *a review of the onboarding process of indi-*  
15 *viduals in health care positions described in sub-*  
16 *section (a), including how long it takes to hire those*  
17 *individuals; and*

18                 (2) *a description of any changes that the Sec-*  
19 *retary has made or plans to make to improve that*  
20 *process.*

21          (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
22 *FINED.*—*In this section, the term “appropriate committees*  
23 *of Congress” means—*

24                 (1) *the Committee on Veterans’ Affairs and the*  
25 *Committee on Appropriations of the Senate; and*

1           (2) *the Committee on Veterans' Affairs and the*  
2           *Committee on Appropriations of the House of Rep-*  
3           *resentatives.*

4           ***TITLE IV—NAVY SEAL BILL***  
5           ***MULDER***

6           ***SEC. 4001. SHORT TITLE.***

7           *This title may be cited as the “Navy SEAL Bill*  
8           *Mulder Act of 2020”.*

9           ***Subtitle A—Service-connection and***  
10           ***COVID–19***

11           ***SEC. 4101. PRESUMPTIONS OF SERVICE-CONNECTION FOR***  
12                           ***MEMBERS OF ARMED FORCES WHO CON-***  
13                           ***TRACT CORONAVIRUS DISEASE 2019 UNDER***  
14                           ***CERTAIN CIRCUMSTANCES.***

15           *(a) IN GENERAL.—Subchapter VI of chapter 11 of title*  
16           *38, United States Code, is amended by adding at the end*  
17           *the following new section:*

18           ***“§ 1164. Presumptions of service-connection for***  
19                           ***Coronavirus Disease 2019***

20           *“(a) PRESUMPTIONS GENERALLY.—(1) For purposes*  
21           *of laws administered by the Secretary and subject to section*  
22           *1113 of this title, if symptoms of Coronavirus Disease 2019*  
23           *(in this section referred to as ‘COVID–19’) described in sub-*  
24           *section (d) manifest within one of the manifestation periods*

1 *described in paragraph (2) in an individual who served in*  
2 *a qualifying period of duty described in subsection (b)—*

3       “(A) *infection with severe acute respiratory syn-*  
4 *drome coronavirus 2 (in this section referred to as*  
5 *‘SARS–CoV–2’) shall be presumed to have occurred*  
6 *during the qualifying period of duty;*

7       “(B) *COVID–19 shall be presumed to have been*  
8 *incurred during the qualifying period of duty; and*

9       “(C) *if the individual becomes disabled or dies as*  
10 *a result of COVID–19, it shall be presumed that the*  
11 *individual became disabled or died during the quali-*  
12 *fying period of duty for purposes of establishing that*  
13 *the individual served in the active military, naval, or*  
14 *air service.*

15       “(2)(A) *The manifestation periods described in this*  
16 *paragraph are the following:*

17       “(i) *During a qualifying period of duty de-*  
18 *scribed in subsection (b), if that period of duty was*  
19 *more than 48 continuous hours in duration.*

20       “(ii) *Within 14 days after the individual’s com-*  
21 *pletion of a qualifying period of duty described in*  
22 *subsection (b).*

23       “(iii) *An additional period prescribed under sub-*  
24 *paragraph (B).*

1       “(B)(i) *If the Secretary determines that a manifesta-*  
2 *tion period of more than 14 days after completion of a*  
3 *qualifying period of service is appropriate for the presump-*  
4 *tions under paragraph (1), the Secretary may prescribe*  
5 *that additional period by regulation.*

6       “(ii) *A determination under clause (i) shall be made*  
7 *in consultation with the Director of the Centers for Disease*  
8 *Control and Prevention.*

9       “(b) *QUALIFYING PERIOD OF DUTY DESCRIBED.—A*  
10 *qualifying period of duty described in this subsection is—*

11           “(1) *a period of active duty performed—*

12               “(A) *during the national emergency de-*  
13 *clared by the President under the National*  
14 *Emergencies Act (50 U.S.C. 1601 et seq.); and*

15               “(B) *before the date that is three years after*  
16 *the date of the enactment of the Johnny Isakson*  
17 *and David P. Roe, M.D. Veterans Health Care*  
18 *and Benefits Improvement Act of 2020; or*

19           “(2) *training duty under title 10 or full-time*  
20 *National Guard duty (as defined in section 101 of*  
21 *title 10), performed under orders issued on or after*  
22 *March 13, 2020—*

23               “(A) *during the national emergency de-*  
24 *clared by the President under the National*  
25 *Emergencies Act (50 U.S.C. 1601 et seq.); and*

1           “(B) before the date that is three years after  
2           the date of the enactment of the Johnny Isakson  
3           and David P. Roe, M.D. Veterans Health Care  
4           and Benefits Improvement Act of 2020.

5           “(c) *APPLICATION OF PRESUMPTIONS FOR TRAINING*  
6 *DUTY.*—When, pursuant to subsection (a), COVID–19 is  
7 presumed to have been incurred during a qualifying period  
8 of duty described in subsection (b)(2)—

9           “(1) COVID–19 shall be deemed to have been in-  
10          curred in the line of duty during a period of active  
11          military, naval, or air service; and

12          “(2) where entitlement to benefits under this title  
13          is predicated on the individual who was disabled or  
14          died being a veteran, benefits for disability or death  
15          resulting from COVID–19 as described in subsection  
16          (a) shall be paid or furnished as if the individual was  
17          a veteran, without regard to whether the period of  
18          duty would constitute active military, naval, or air  
19          service under section 101 of this title.

20          “(d) *SYMPTOMS OF COVID–19.*—For purposes of sub-  
21          section (a), symptoms of COVID–19 are those symptoms  
22          that competent medical evidence demonstrates are experi-  
23          enced by an individual affected and directly related to  
24          COVID–19.



1     *may use amounts appropriated or otherwise made*  
2     *available to the Department of Veterans Affairs to*  
3     *carry out sections 2011, 2012, 2031, and 2061 of title*  
4     *38, United States Code, to provide to homeless vet-*  
5     *erans and veterans participating in the program car-*  
6     *ried out under section 8(o)(19) of the United States*  
7     *Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (com-*  
8     *monly referred to as “HUD-VASH”), as the Secretary*  
9     *determines is needed, the following:*

10             *(A) Assistance required for safety and sur-*  
11             *vival (such as food, shelter, clothing, blankets,*  
12             *and hygiene items).*

13             *(B) Transportation required to support sta-*  
14             *bility and health (such as for appointments with*  
15             *service providers, conducting housing searches,*  
16             *and obtaining food and supplies).*

17             *(C) Communications equipment and serv-*  
18             *ices (such as tablets, smartphones, disposable*  
19             *phones, and related service plans) required to*  
20             *support stability and health (such as maintain-*  
21             *ing contact with service providers, prospective*  
22             *landlords, and family).*

23             *(D) Such other assistance as the Secretary*  
24             *determines is needed.*

1           (2) *HOMELESS VETERANS ON LAND OF THE DE-*  
2 *PARTMENT.*—

3           (A) *COLLABORATION.*—*During a covered*  
4 *public health emergency, to the extent possible,*  
5 *the Secretary may collaborate with one or more*  
6 *organizations to manage use of land of the De-*  
7 *partment for homeless veterans for living and*  
8 *sleeping.*

9           (B) *ELEMENTS.*—*Collaboration under sub-*  
10 *paragraph (A) may include the provision by ei-*  
11 *ther the Secretary or the organization of food*  
12 *services and security for property, buildings, and*  
13 *other facilities owned or controlled by the De-*  
14 *partment.*

15 (b) *GRANT AND PER DIEM PROGRAM.*—

16           (1) *LIMITS ON RATES FOR PER DIEM PAY-*  
17 *MENTS.*—*Section 20013(b) of the Coronavirus Aid,*  
18 *Relief, and Economic Security Act (38 U.S.C. 2011*  
19 *note; Public Law 116–136) is amended—*

20           (A) *by redesignating paragraphs (1) and*  
21 *(2) as subparagraphs (A) and (B), respectively;*

22           (B) *in the matter preceding subparagraph*  
23 *(A), as so redesignated, by inserting “(1)” before*  
24 *“In the case”; and*

25           (C) *by adding at the end the following:*

1       “(2) *If the Secretary waives any limit on grant*  
2 *amounts or rates for per diem payments under paragraph*  
3 *(1), notwithstanding section 2012(a)(2)(B) of such title, the*  
4 *maximum rate for per diem payments described in para-*  
5 *graph (1)(B) shall be three times the rate authorized for*  
6 *State homes for domiciliary care under section 1741 of such*  
7 *title.*”.

8               (2) *MODIFICATION OF FUNDING LIMITS FOR*  
9 *GRANTS.*—*Subsection (c)(2) of section 2011 of title 38,*  
10 *United States Code, shall not apply to any grant*  
11 *awarded during a covered public health emergency*  
12 *under such section for a project described in sub-*  
13 *section (b)(1) of such section.*

14               (3) *USE OF PER DIEM PAYMENTS.*—*During a*  
15 *covered public health emergency, a recipient of a*  
16 *grant or an eligible entity under the grant and per*  
17 *diem program of the Department (in this subsection*  
18 *referred to as the “program”) may use per diem pay-*  
19 *ments under sections 2012 and 2061 of title 38,*  
20 *United States Code, to provide assistance required for*  
21 *safety and survival (such as food, shelter, clothing,*  
22 *blankets, and hygiene items) for—*

23                       (A) *homeless veterans; and*

24                       (B) *formerly homeless veterans residing in a*  
25 *facility operated wholly or in part by such a re-*

1            *recipient or eligible entity receiving per diem pay-*  
2            *ments under section 2012 of such title.*

3            (4) *ADDITIONAL TRANSITIONAL HOUSING.—*

4                    (A) *IN GENERAL.—During a covered public*  
5                    *health emergency, under the program, the Sec-*  
6                    *retary may provide amounts for additional tran-*  
7                    *sitional housing beds to facilitate access to hous-*  
8                    *ing and services provided to homeless veterans.*

9                    (B) *NOTICE; COMPETITION; PERIOD OF PER-*  
10                    *FORMANCE.—The Secretary may provide*  
11                    *amounts under subparagraph (A)—*

12                            (i) *without notice or competition; and*

13                            (ii) *for a period of performance deter-*  
14                            *mined by the Secretary.*

15            (5) *INSPECTIONS AND LIFE SAFETY CODE RE-*  
16            *QUIREMENTS.—*

17                    (A) *IN GENERAL.—During a covered public*  
18                    *health emergency, the Secretary may waive any*  
19                    *requirement under subsection (b) or (c) of section*  
20                    *2012 of title 38, United States Code, in order to*  
21                    *allow the recipient of a grant or an eligible enti-*  
22                    *ty under the program—*

23                            (i) *to quickly identify temporary alter-*  
24                            *nate sites of care for homeless veterans that*  
25                            *are suitable for habitation;*

1                   (ii) to facilitate social distancing or  
2                   isolation needs; or

3                   (iii) to facilitate activation or continu-  
4                   ation of a program for which a grant has  
5                   been awarded.

6                   (B) *LIMITATION.*—The Secretary may  
7                   waive a requirement pursuant to the authority  
8                   provided by subparagraph (A) with respect to a  
9                   facility of a recipient of a grant or an eligible  
10                  entity under the program only if the facility  
11                  meets applicable local safety requirements, in-  
12                  cluding fire safety requirements.

13                  (6) *DISPOSITION OF PROPERTY RELATING TO*  
14                  *GRANTS.*—During a covered public health emergency,  
15                  if the recipient of a grant awarded before or during  
16                  such emergency under section 2011 of title 38, United  
17                  States Code, for a project described in subsection  
18                  (b)(1) of such section is no longer providing services  
19                  in accordance with the terms of the grant, the recipi-  
20                  ent shall not be subject during such emergency to any  
21                  property disposition requirements relating to the  
22                  grant under subsection (c) or (f) of section 61.67 of  
23                  title 38, Code of Federal Regulations, section  
24                  200.311(c) of title 2, Code of Federal Regulations, or  
25                  successor regulations.

1       (c) *INSPECTION AND LIFE SAFETY CODE REQUIRE-*  
2 *MENTS FOR THERAPEUTIC HOUSING.*—

3           (1) *IN GENERAL.*—*During a covered public*  
4 *health emergency, the Secretary may waive any in-*  
5 *spection or life safety code requirement under sub-*  
6 *section (c) of section 2032 of title 38, United States*  
7 *Code—*

8                   (A) *to allow quick identification of tem-*  
9 *porary alternate sites of care for homeless vet-*  
10 *erans that are suitable for habitation;*

11                   (B) *to facilitate social distancing or isola-*  
12 *tion needs; or*

13                   (C) *to facilitate the operation of housing*  
14 *under such section.*

15           (2) *LIMITATION.*—*The Secretary may waive a*  
16 *requirement pursuant to the authority provided by*  
17 *paragraph (1) with respect to a residence or facility*  
18 *referred to in such section 2032 only if the residence*  
19 *or facility, as the case may be, meets applicable local*  
20 *safety requirements, including fire safety require-*  
21 *ments.*

22       (d) *ACCESS TO DEPARTMENT OF VETERANS AFFAIRS*  
23 *TELEHEALTH SERVICES.*—*To the extent practicable, dur-*  
24 *ing a covered public health emergency, the Secretary shall*  
25 *ensure that veterans participating in or receiving services*

1 *from a program under chapter 20 of title 38, United States*  
2 *Code, have access to telehealth services to which such vet-*  
3 *erans are eligible under the laws administered by the Sec-*  
4 *retary, including by ensuring that telehealth capabilities*  
5 *are available to—*

6           (1) *such veterans;*

7           (2) *case managers of the Department of pro-*  
8 *grams for homeless veterans authorized under such*  
9 *chapter; and*

10           (3) *community-based service providers for home-*  
11 *less veterans receiving funds from the Department*  
12 *through grants or contracts.*

13 *(e) DEFINITIONS.—In this section:*

14           (1) *COVERED PUBLIC HEALTH EMERGENCY.—*  
15 *The term “covered public health emergency” means*  
16 *an emergency with respect to COVID–19 declared by*  
17 *a Federal, State, or local authority.*

18           (2) *HOMELESS VETERAN; VETERAN.—The terms*  
19 *“homeless veteran” and “veteran” have the meanings*  
20 *given those terms in section 2002 of title 38, United*  
21 *States Code.*

22           (3) *TELEHEALTH.—*

23           (A) *IN GENERAL.—The term “telehealth”*  
24 *means the use of electronic information and tele-*  
25 *communications technologies to support and pro-*

1           *mote long-distance clinical health care, patient*  
2           *and professional health-related education, public*  
3           *health, and health administration.*

4           *(B) TECHNOLOGIES.—For purposes of sub-*  
5           *paragraph (A), “telecommunications tech-*  
6           *nologies” include video conferencing, the inter-*  
7           *net, streaming media, and terrestrial and wire-*  
8           *less communications.*

9   **SEC. 4202. LEGAL SERVICES FOR HOMELESS VETERANS**  
10           **AND VETERANS AT RISK FOR HOMELESS-**  
11           **NESS.**

12           *(a) IN GENERAL.—Subchapter III of chapter 20 of*  
13           *title 38, United States Code, is amended by inserting after*  
14           *section 2022 the following new section:*

15   **“§ 2022A. Legal services for homeless veterans and vet-**  
16           **erans at risk for homelessness**

17           *“(a) GRANTS.—Subject to the availability of appro-*  
18           *priations provided for such purpose, the Secretary shall*  
19           *award grants to eligible entities that provide legal services*  
20           *to homeless veterans and veterans at risk for homelessness.*

21           *“(b) CRITERIA.—(1) The Secretary shall—*

22                   *“(A) establish criteria and requirements for*  
23                   *grants under this section, including criteria for enti-*  
24                   *ties eligible to receive such grants; and*

1           “(B) publish such criteria and requirements in  
2           the *Federal Register*.

3           “(2) In establishing criteria and requirements under  
4           paragraph (1), the Secretary shall—

5           “(A) take into consideration any criteria and re-  
6           quirements needed with respect to carrying out this  
7           section in rural communities, on trust lands, and in  
8           the territories and possessions of the United States;  
9           and

10           “(B) consult with organizations that have expe-  
11           rience in providing services to homeless veterans, in-  
12           cluding—

13           “(i) veterans service organizations;

14           “(ii) the *Equal Justice Works AmeriCorps*  
15           *Veterans Legal Corps*; and

16           “(iii) such other organizations as the Sec-  
17           retary determines appropriate.

18           “(c) *ELIGIBLE ENTITIES*.—The Secretary may award  
19           a grant under this section to an entity applying for such  
20           a grant only if the applicant for the grant—

21           “(1) is a public or nonprofit private entity with  
22           the capacity (as determined by the Secretary) to effec-  
23           tively administer a grant under this section;

24           “(2) demonstrates that adequate financial sup-  
25           port will be available to carry out the services for

1       *which the grant is sought consistent with the applica-*  
2       *tion;*

3           “(3) *agrees to meet the applicable criteria and*  
4       *requirements established under subsection (b)(1); and*

5           “(4) *has, as determined by the Secretary, dem-*  
6       *onstrated the capacity to meet such criteria and re-*  
7       *quirements.*

8       “(d) *USE OF FUNDS.—Grants under this section shall*  
9       *be used to provide homeless veterans and veterans at risk*  
10      *for homelessness the following legal services:*

11           “(1) *Legal services relating to housing, including*  
12      *eviction defense, representation in landlord-tenant*  
13      *cases, and representation in foreclosure cases.*

14           “(2) *Legal services relating to family law, in-*  
15      *cluding assistance in court proceedings for child sup-*  
16      *port, divorce, estate planning, and family reconcili-*  
17      *ation.*

18           “(3) *Legal services relating to income support,*  
19      *including assistance in obtaining public benefits.*

20           “(4) *Legal services relating to criminal defense,*  
21      *including defense in matters symptomatic of home-*  
22      *lessness, such as outstanding warrants, fines, and*  
23      *driver’s license revocation, to reduce recidivism and*  
24      *facilitate the overcoming of reentry obstacles in em-*  
25      *ployment or housing.*

1           “(5) *Legal services relating to requests to up-*  
2           *grade the characterization of a discharge or dismissal*  
3           *of a former member of the Armed Forces under section*  
4           *1553 of title 10.*

5           “(6) *Such other legal services as the Secretary*  
6           *determines appropriate.*

7           “(e) *FUNDS FOR WOMEN VETERANS.—For any fiscal*  
8           *year, not less than 10 percent of the amount authorized to*  
9           *be appropriated for grants under this section shall be used*  
10          *to provide legal services described in subsection (d) to*  
11          *women veterans.*

12          “(f) *LOCATIONS.—To the extent practicable, the Sec-*  
13          *retary shall award grants under this section to eligible enti-*  
14          *ties in a manner that is equitably distributed across the*  
15          *geographic regions of the United States, including with re-*  
16          *spect to—*

17                  “(1) *rural communities;*

18                  “(2) *trust lands (as defined in section 3765 of*  
19                  *this title);*

20                  “(3) *Native Americans; and*

21                  “(4) *tribal organizations (as defined in section 4*  
22                  *of the Indian Self-Determination and Education As-*  
23                  *sistance Act (25 U.S.C. 5304)).*

24          “(g) *BIENNIAL REPORTS.—(1) Not less frequently than*  
25          *once every two years, the Secretary shall submit to the Com-*

1 *mittee on Veterans' Affairs of the Senate and the Committee*  
2 *on Veterans' Affairs of the House of Representatives a report*  
3 *on grants awarded under this section.*

4       “(2) *To the extent feasible, each report required by*  
5 *paragraph (1) shall include the following with respect to*  
6 *the period covered by the report:*

7               “(A) *The number of homeless veterans and vet-*  
8 *erans at risk for homelessness assisted.*

9               “(B) *A description of the legal services provided.*

10              “(C) *A description of the legal matters addressed.*

11              “(D) *An analysis by the Secretary with respect*  
12 *to the operational effectiveness and cost-effectiveness of*  
13 *the services provided.”.*

14       (b) *CLERICAL AMENDMENT.—The table of sections at*  
15 *the beginning of chapter 20 of such title is amended by in-*  
16 *serting after the item relating to section 2022 the following*  
17 *new item:*

“2022A. *Legal services for homeless veterans and veterans at risk for homeless-*  
*ness.”.*

18       (c) *CRITERIA.—Not later than 180 days after the date*  
19 *of the enactment of this Act, the Secretary of Veterans Af-*  
20 *airs shall establish and publish in the Federal Register the*  
21 *criteria and requirements pursuant to subsection (b)(1) of*  
22 *section 2022A of title 38, United States Code, as added by*  
23 *subsection (a).*

1 **SEC. 4203. GAP ANALYSIS OF DEPARTMENT OF VETERANS**  
2 **AFFAIRS PROGRAMS THAT PROVIDE ASSIST-**  
3 **ANCE TO WOMEN VETERANS WHO ARE HOME-**  
4 **LESS.**

5 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
6 *shall complete an analysis of programs of the Department*  
7 *of Veterans Affairs that provide assistance to women vet-*  
8 *erans who are homeless or precariously housed to identify*  
9 *the areas in which such programs are failing to meet the*  
10 *needs of such women.*

11 (b) *REPORT.*—*Not later than 270 days after the date*  
12 *of the enactment of this Act, the Secretary shall submit to*  
13 *the Committee on Veterans' Affairs of the Senate and the*  
14 *Committee on Veterans' Affairs of the House of Representa-*  
15 *tives a report on the analysis completed under subsection*  
16 *(a).*

17 **SEC. 4204. IMPROVEMENTS TO GRANTS AWARDED BY THE**  
18 **SECRETARY OF VETERANS AFFAIRS TO ENTI-**  
19 **TIES THAT PROVIDE SERVICES TO HOMELESS**  
20 **VETERANS.**

21 (a) *INCREASE IN PER DIEM PAYMENTS.*—*Paragraph*  
22 *(2) of subsection (a) of section 2012 of title 38, United*  
23 *States Code, is amended to read as follows:*

24 “(2)(A)(i) *Except as otherwise provided in subpara-*  
25 *graph (B), the rate for such per diem payments shall be*

1 *the daily cost of care estimated by the grant recipient or*  
2 *eligible entity adjusted by the Secretary under clause (ii).*

3       “(ii)(I) *The Secretary shall adjust the rate estimated*  
4 *by the grant recipient or eligible entity under clause (i)*  
5 *to exclude other sources of income described in subclause*  
6 *(III) that the grant recipient or eligible entity certifies to*  
7 *be correct.*

8       “(II) *Each grant recipient or eligible entity shall pro-*  
9 *vide to the Secretary such information with respect to other*  
10 *sources of income as the Secretary may require to make the*  
11 *adjustment under subclause (I).*

12       “(III) *The other sources of income referred to in sub-*  
13 *clauses (I) and (II) are payments to the grant recipient*  
14 *or eligible entity for furnishing services to homeless veterans*  
15 *under programs other than under this subchapter, includ-*  
16 *ing payments and grants from other departments and agen-*  
17 *cies of the United States, from departments or agencies of*  
18 *State or local government, and from private entities or or-*  
19 *ganizations.*

20       “(iii) *For purposes of calculating the rate for per diem*  
21 *payments under clause (i), in the case of a homeless veteran*  
22 *who has care of a minor dependent while receiving services*  
23 *from the grant recipient or eligible entity, the daily cost*  
24 *of care of the homeless veteran shall be the sum of the daily*  
25 *cost of care of the homeless veteran determined under clause*

1 *(i) plus, for each such minor dependent, an amount that*  
2 *equals 50 percent of such daily cost of care.*

3       *“(B)(i)(I) Except as provided in clause (ii), and sub-*  
4 *ject to the availability of appropriations, the Secretary may*  
5 *adjust the rate for per diem payments under this para-*  
6 *graph, as the Secretary considers appropriate.*

7       *“(II) Any adjustment made under this clause—*

8           *“(aa) may not result in a rate that—*

9               *“(AA) is lower than the rate in effect under*  
10 *this paragraph as in effect immediately pre-*  
11 *ceding the date of the enactment of the Navy*  
12 *SEAL Bill Mulder Act of 2020; or*

13               *“(BB) exceeds the rate that is 115 percent*  
14 *of the rate authorized for State homes for domi-*  
15 *ciliary care under subsection (a)(1)(A) of section*  
16 *1741 of this title, as the Secretary may increase*  
17 *from time to time under subsection (c) of that*  
18 *section; and*

19           *“(bb) may be determined on the basis of locality.*

20       *“(ii) In the case of services furnished to a homeless*  
21 *veteran who is placed in housing that will become perma-*  
22 *nent housing for the veteran upon termination of the fur-*  
23 *nishing of such services to such veteran, the maximum rate*  
24 *of per diem authorized under this section is 150 percent*  
25 *of the rate authorized for State homes for domiciliary care*

1 *under subsection (a)(1)(A) of section 1741 of this title, as*  
2 *the Secretary may increase from time to time under sub-*  
3 *section (c) of that section.”.*

4 *(b) REIMBURSEMENT OF CERTAIN FEES.—Such sec-*  
5 *tion is further amended by adding at the end the following*  
6 *new subsection:*

7 *“(e) REIMBURSEMENT OF ENTITIES FOR CERTAIN*  
8 *FEES.—The Secretary may reimburse a recipient of a*  
9 *grant under section 2011, 2013, or 2061 of this title or a*  
10 *recipient of per diem payments under this section for fees*  
11 *charged to that grant or per diem payment recipient for*  
12 *the use of the homeless management information system de-*  
13 *scribed in section 402(f) of the McKinney-Vento Homeless*  
14 *Assistance Act (42 U.S.C. 11360a(f))—*

15 *“(1) in amounts the Secretary determines to be*  
16 *reasonable; and*

17 *“(2) if the Secretary determines that the grant or*  
18 *per diem payment recipient is unable to obtain infor-*  
19 *mation contained in such system through other means*  
20 *and at no cost to the grant or per diem payment re-*  
21 *ipient.”.*

1 **SEC. 4205. REPEAL OF SUNSET ON AUTHORITY TO CARRY**  
2 **OUT PROGRAM OF REFERRAL AND COUN-**  
3 **SELING SERVICES FOR VETERANS AT RISK**  
4 **FOR HOMELESSNESS WHO ARE**  
5 **TRANSITIONING FROM CERTAIN INSTITU-**  
6 **TIONS.**

7 (a) *IN GENERAL.*—Section 2023 of title 38, United  
8 States Code, is amended—

9 (1) *by striking subsection (d); and*

10 (2) *by redesignating subsection (e) as subsection*  
11 *(d).*

12 (b) *CONFORMING AMENDMENT.*—Section 2021(a)(4) of  
13 such title is amended by striking “section 2023(e)” and in-  
14 serting “section 2023(d)”.

15 **SEC. 4206. COORDINATION OF CASE MANAGEMENT SERV-**  
16 **ICES FOR VETERANS RECEIVING HOUSING**  
17 **VOUCHERS UNDER TRIBAL HOUSING AND**  
18 **URBAN DEVELOPMENT-VETERANS AFFAIRS**  
19 **SUPPORTIVE HOUSING PROGRAM.**

20 Section 2003 of title 38, United States Code, is amend-  
21 ed by adding at the end the following new subsection:

22 “(c) *MEMORANDUM OF UNDERSTANDING ON ASSIST-*  
23 *ANCE FROM INDIAN HEALTH SERVICE.*—The Secretary  
24 may enter into a memorandum of understanding with the  
25 Secretary of Health and Human Services under which case  
26 managers of the Indian Health Service may provide case

1 *management assistance to veterans who receive housing*  
2 *vouchers under the Tribal Housing and Urban Develop-*  
3 *ment-Veterans Affairs Supportive Housing (Tribal HUD-*  
4 *VASH) program of the Department of Housing and Urban*  
5 *Development.”.*

6 **SEC. 4207. CONTRACTS RELATING TO CASE MANAGERS FOR**  
7 **HOMELESS VETERANS IN SUPPORTED HOUS-**  
8 **ING PROGRAM.**

9 *(a) IN GENERAL.—Section 304 of the Honoring Amer-*  
10 *ica’s Veterans and Caring for Camp Lejeune Families Act*  
11 *of 2012 (Public Law 112–154; 38 U.S.C. 2041 note) is*  
12 *amended—*

13 *(1) in subsection (a)—*

14 *(A) by inserting “(1)” before “The Sec-*  
15 *retary”;*

16 *(B) by adding at the end the following new*  
17 *paragraphs:*

18 *“(2)(A) The director of each covered medical center*  
19 *shall seek to enter into one or more contracts or agreements*  
20 *described in paragraph (1).*

21 *“(B) Any contract or agreement under subparagraph*  
22 *(A) may require that each case manager employed by an*  
23 *eligible entity who performs services under the contract or*  
24 *agreement has credentials equivalent to the credentials re-*  
25 *quired for a case manager of the Department.*

1       “(C)(i) *The Secretary may waive the requirement*  
2 *under subparagraph (A) with respect to a covered medical*  
3 *center if the Secretary determines that fulfilling such re-*  
4 *quirement is infeasible.*

5       “(ii) *If the Secretary grants a waiver under clause (i),*  
6 *the Secretary shall, not later than 90 days after granting*  
7 *such waiver, submit to the Committee on Veterans’ Affairs*  
8 *of the Senate and the Committee on Veterans’ Affairs of*  
9 *the House of Representatives a report containing—*

10           “(I) *an explanation of the determination made*  
11 *under clause (i);*

12           “(II) *a plan to increase the number of case man-*  
13 *agers of the Department; and*

14           “(III) *a plan for the covered medical center to*  
15 *increase use of housing vouchers allocated to that*  
16 *medical center under the program described in para-*  
17 *graph (1).*

18       “(D) *In this paragraph, the term ‘covered medical cen-*  
19 *ter’ means a medical center of the Department with respect*  
20 *to which the Secretary determines that—*

21           “(i) *more than 15 percent of all housing vouchers*  
22 *allocated to that medical center under the program*  
23 *described in paragraph (1) during the fiscal year pre-*  
24 *ceding the fiscal year in which such determination*

1       *was made were unused due to a lack of case manage-*  
2       *ment services provided by the Secretary; and*

3             “(i) one or more case manager positions have  
4       *been vacant for at least nine consecutive months im-*  
5       *mediately preceding the date of such determination.”;*  
6       *and*

7             (2) in subsection (b)(2)—

8                 (A) in the matter before subparagraph (A),  
9                 by striking “, including because—” and insert-  
10                ing a period; and

11               (B) by striking subparagraphs (A), (B),  
12                and (C).

13       (b) *EFFECTIVE DATE.*—*The amendments made by this*  
14       *section shall take effect on the first day of the first fiscal*  
15       *year that begins after the date of the enactment of this Act.*

16       **SEC. 4208. REPORT ON STAFFING OF DEPARTMENT OF**  
17                **HOUSING AND URBAN DEVELOPMENT-DE-**  
18                **PARTMENT OF VETERANS AFFAIRS SUP-**  
19                **PORTED HOUSING PROGRAM.**

20       *Not later than 180 days after the date of the enactment*  
21       *of this Act, and every three years thereafter, the Secretary*  
22       *of Veterans Affairs shall submit to the Committee on Vet-*  
23       *erans' Affairs of the Senate and the Committee on Veterans'*  
24       *Affairs of the House of Representatives a report that in-*  
25       *cludes the following:*

1           (1) *An assessment of the hiring needs of the pro-*  
2 *gram carried out under section 8(o)(19) of the United*  
3 *States Housing Act of 1937 (42 U.S.C. 1437f(o)(19))*  
4 *(in this section referred to as the “HUD-VASH pro-*  
5 *gram”), including—*

6           (A) *an identification of the number of case*  
7 *managers of the HUD-VASH program as of the*  
8 *date of the report including—*

9           (i) *the total number of vacancies; and*

10           (ii) *the vacancies at each medical cen-*  
11 *ter of the Department of Veterans Affairs;*

12           (B) *the number of case managers of the*  
13 *HUD-VASH program that the Secretary of Vet-*  
14 *erans Affairs and the Secretary of Housing and*  
15 *Urban Development jointly determine necessary*  
16 *to meet the needs of the Department and the pro-*  
17 *gram; and*

18           (C) *the amount of turnover among case*  
19 *managers of the HUD-VASH program and*  
20 *whether the turnover was planned or unexpected.*

21           (2) *An assessment of how compensation, includ-*  
22 *ing recruitment and retention incentives, for case*  
23 *managers of the HUD-VASH program affects turn-*  
24 *over, and what percentage of retention compensation*  
25 *is provided to such case managers at each medical*

1 center of the Department of Veterans Affairs (com-  
2 pared to other positions).

3 (3) A comparison of compensation described in  
4 paragraph (2) with the compensation provided to  
5 State, local, and nongovernmental housing employees  
6 at comparable training and experience levels.

7 (4) Examples of how the Department of Veterans  
8 Affairs and the Department of Housing and Urban  
9 Development have worked with non-Federal partners  
10 (such as local governments, nongovernmental organi-  
11 zations, veterans service organizations, and employee  
12 unions) to meet the staffing needs of the HUD-VASH  
13 program.

14 (5) Examples of how medical centers of the De-  
15 partment of Veterans Affairs with high retention rates  
16 for case managers of the HUD-VASH program have  
17 been able to maintain staffing levels.

18 ***Subtitle C—Retraining Assistance***  
19 ***for Veterans***

20 ***SEC. 4301. ACCESS FOR THE SECRETARIES OF LABOR AND***  
21 ***VETERANS AFFAIRS TO THE FEDERAL DIREC-***  
22 ***TORY OF NEW HIRES.***

23 *Section 453A(h) of the Social Security Act (42 U.S.C.*  
24 *653a(h)) is amended by adding at the end the following*  
25 *new paragraph:*

1           “(4) *VETERAN EMPLOYMENT.*—*The Secretaries of*  
2           *Labor and of Veterans Affairs shall have access to in-*  
3           *formation reported by employers pursuant to sub-*  
4           *section (b) of this section for purposes of tracking em-*  
5           *ployment of veterans.*”.

6   **SEC. 4302. EXPANSION OF ELIGIBLE CLASS OF PROVIDERS**  
7                           **OF HIGH TECHNOLOGY PROGRAMS OF EDU-**  
8                           **CATION FOR VETERANS.**

9           *Section 116 of the Harry W. Colmery Veterans Edu-*  
10          *cational Assistance Act of 2017 (Public Law 115–48; 38*  
11          *U.S.C. 3001 note) is amended—*

12                   (1) *in subsection (b), by adding at the end the*  
13                   *following: “The Secretary shall treat an individual as*  
14                   *an eligible veteran if the Secretary determines that*  
15                   *the individual shall become an eligible veteran fewer*  
16                   *than 180 days after the date of such determination.*  
17                   *If an individual treated as an eligible veteran by rea-*  
18                   *son of the preceding sentence does anything to make*  
19                   *the veteran ineligible during the 180-day period re-*  
20                   *ferred to in such sentence, the Secretary may require*  
21                   *the veteran to repay any benefits received by such vet-*  
22                   *eran by reason of such sentence.”;*

23                   (2) *in subsection (c)—*

24                           (A) *in paragraph (3)(A), by striking “has*  
25                           *been operational for at least 2 years” and insert-*

1           ing “employs instructors whom the Secretary de-  
2           termines are experts in their respective fields in  
3           accordance with paragraph (6)”;

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

6                   “(6) *EXPERTS.*—The Secretary shall determine  
7           whether instructors are experts under paragraph  
8           (3)(A) based on evidence furnished to the Secretary by  
9           the provider regarding the ability of the instructors  
10          to—

11                   “(A) identify professions in need of new em-  
12          ployees to hire, tailor the programs to meet mar-  
13          ket needs, and identify the employers likely to  
14          hire graduates;

15                   “(B) effectively teach the skills offered to eli-  
16          gible veterans;

17                   “(C) provide relevant industry experience  
18          in the fields of programs offered to incoming eli-  
19          gible veterans; and

20                   “(D) demonstrate relevant industry experi-  
21          ence in such fields of programs.”;

22          (3) in subsection (d), in the matter preceding  
23          paragraph (1)—



1           (2) *by striking “to assess the feasibility and ad-*  
2 *visability of providing such program to eligible indi-*  
3 *viduals at locations other than military installa-*  
4 *tions”.*

5           (b) *LOCATIONS.—Subsection (c) of such section is*  
6 *amended—*

7           (1) *in paragraph (1)—*

8           (A) *in the paragraph heading, by striking*  
9 *“STATES” and inserting “LOCATIONS”; and*

10           (B) *by striking “not less than three and not*  
11 *more than five States” and inserting “not fewer*  
12 *than 50 locations in States (as defined in section*  
13 *101 of title 38, United States Code)”;*

14           (2) *in paragraph (2), by striking “at least two”*  
15 *and inserting “at least 20”; and*

16           (3) *by adding at the end the following new para-*  
17 *graphs:*

18           “(5) *PREFERENCES.—In selecting States for par-*  
19 *ticipation in the pilot program, the Secretary shall*  
20 *provide a preference for any State with—*

21           “(A) *a high rate of usage of unemployment*  
22 *benefits for recently separated members of the*  
23 *Armed Forces; or*

1           “(B) a labor force or economy that has been  
2           significantly impacted by a covered public health  
3           emergency.

4           “(6) COVERED PUBLIC HEALTH EMERGENCY DE-  
5           FINED.—In this subsection, the term ‘covered public  
6           health emergency’ means—

7           “(A) the public health emergency declared  
8           by the Secretary of Health and Human Services  
9           under section 319 of the Public Health Service  
10          Act (42 U.S.C. 247d) on January 31, 2020, with  
11          respect to Coronavirus Disease 2019 (COVID-  
12          19); or

13          “(B) a domestic emergency declared, based  
14          on an outbreak of Coronavirus Disease 2019  
15          (COVID–19), by the President, the Secretary of  
16          Homeland Security, or a State or local author-  
17          ity.”.

18          (c) ANNUAL REPORT.—Subsection (e) of such section  
19          is amended by adding at the end the following new sentence:  
20          “Each such report shall include information about the em-  
21          ployment outcomes of the eligible individuals who received  
22          such training during the year covered by the report.”.

23          (d) CONFORMING REPEAL.—Subsection (f) of such sec-  
24          tion is repealed.

1 **SEC. 4304. GRANTS FOR PROVISION OF TRANSITION ASSIST-**  
2 **ANCE TO MEMBERS OF THE ARMED FORCES**  
3 **AFTER SEPARATION, RETIREMENT, OR DIS-**  
4 **CHARGE.**

5 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
6 *shall make grants to eligible organizations for the provision*  
7 *of transition assistance to members of the Armed Forces*  
8 *who are separated, retired, or discharged from the Armed*  
9 *Forces, and spouses of such members.*

10 (b) *USE OF FUNDS.*—*The recipient of a grant under*  
11 *this section shall use the grant to provide to members of*  
12 *the Armed Forces and spouses described in subsection (a)*  
13 *resume assistance, interview training, job recruitment*  
14 *training, and related services leading directly to successful*  
15 *transition, as determined by the Secretary.*

16 (c) *ELIGIBLE ORGANIZATIONS.*—*To be eligible for a*  
17 *grant under this section, an organization shall submit to*  
18 *the Secretary an application containing such information*  
19 *and assurances as the Secretary, in consultation with the*  
20 *Secretary of Labor, may require.*

21 (d) *PRIORITY.*—*In making grants under this section,*  
22 *the Secretary shall give priority to an organization that—*

23 (1) *provides multiple forms of services described*  
24 *in subsection (b); or*

25 (2) *is located in a State with—*

1           (A) a high rate of unemployment among  
2           veterans;

3           (B) a high rate of usage of unemployment  
4           benefits for recently separated members of the  
5           Armed Forces; or

6           (C) a labor force or economy that has been  
7           significantly impacted by a covered public health  
8           emergency (as such term is defined in section  
9           131(n)).

10       (e) *AMOUNT OF GRANT.*—A grant under this section  
11       shall be in an amount that does not exceed 50 percent of  
12       the amount required by the organization to provide the serv-  
13       ices described in subsection (b).

14       (f) *DEADLINE.*—The Secretary shall carry out this sec-  
15       tion not later than 180 days after the date of the enactment  
16       of this Act.

17       (g) *TERMINATION.*—The authority to provide a grant  
18       under this section shall terminate on the date that is five  
19       years after the date on which the Secretary implements the  
20       grant program under this section.

21       **SEC. 4305. ONE-YEAR INDEPENDENT ASSESSMENT OF THE**  
22                               **EFFECTIVENESS OF TRANSITION ASSISTANCE**  
23                               **PROGRAM.**

24       (a) *INDEPENDENT ASSESSMENT.*—Not later than 90  
25       days after the date of the enactment of this Act, the Sec-

1 *retary of Veterans Affairs, in consultation with the covered*  
2 *officials, shall enter into an agreement with an appropriate*  
3 *entity with experience in adult education to carry out a*  
4 *one-year independent assessment of the Transition Assist-*  
5 *ance Program under sections 1142 and 1144 of title 10,*  
6 *United States Code (TAP), including—*

7           (1) *the effectiveness of the Transition Assistance*  
8 *Program for members of each military department*  
9 *during the entire military life cycle;*

10           (2) *the appropriateness of the career readiness*  
11 *standards of the Transition Assistance Program;*

12           (3) *a review of information that is provided to*  
13 *the Department of Veterans Affairs under the Transi-*  
14 *tion Assistance Program, including mental health*  
15 *data;*

16           (4) *whether the Transition Assistance Program*  
17 *effectively addresses the challenges veterans face enter-*  
18 *ing the civilian workforce and in translating experi-*  
19 *ence and skills from military service to the job mar-*  
20 *ket;*

21           (5) *whether the Transition Assistance Program*  
22 *effectively addresses the challenges faced by the fami-*  
23 *lies of veterans making the transition to civilian life;*

24           (6) *appropriate metrics regarding outcomes of*  
25 *the Transition Assistance Program for members of the*

1 *Armed Forces one year after separation, retirement,*  
2 *or discharge from the Armed Forces;*

3 *(7) what the Secretary, in consultation with the*  
4 *covered officials and veterans service organizations,*  
5 *determine to be successful outcomes for the Transition*  
6 *Assistance Program;*

7 *(8) whether members of the Armed Forces achieve*  
8 *successful outcomes for the Transition Assistance Pro-*  
9 *gram, as determined under paragraph (7);*

10 *(9) how the Secretary and the covered officials*  
11 *provide feedback to each other regarding such out-*  
12 *comes;*

13 *(10) recommendations for the Secretaries of the*  
14 *military departments regarding how to improve out-*  
15 *comes for members of the Armed Forces after separa-*  
16 *tion, retirement, and discharge; and*

17 *(11) other topics the Secretary and the covered*  
18 *officials determine would aid members of the Armed*  
19 *Forces as they transition to civilian life.*

20 *(b) REPORT.—Not later than 90 days after the comple-*  
21 *tion of the independent assessment under subsection (a), the*  
22 *Secretary and the covered officials shall jointly submit to*  
23 *the appropriate committees of Congress—*

24 *(1) the findings and recommendations (including*  
25 *recommended legislation) of the independent assess-*

1 *ment prepared by the entity described in subsection*  
2 *(a); and*

3 *(2) responses of the Secretary and the covered of-*  
4 *ficials to the findings and recommendations described*  
5 *in paragraph (1).*

6 *(c) DEFINITIONS.—In this section:*

7 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*  
8 *The term “appropriate committees of Congress”*  
9 *means—*

10 *(A) the Committee on Veterans’ Affairs and*  
11 *the Committee on Armed Services of the Senate;*  
12 *and*

13 *(B) the Committee on Veterans’ Affairs and*  
14 *the Committee on Armed Services of the House*  
15 *of Representatives.*

16 *(2) COVERED OFFICIALS.—The term “covered of-*  
17 *ficials” means—*

18 *(A) the Secretary of Defense;*

19 *(B) the Secretary of Labor;*

20 *(C) the Administrator of the Small Business*  
21 *Administration; and*

22 *(D) the Secretaries of the military depart-*  
23 *ments.*

1           (3) *MILITARY DEPARTMENT.*—*The term “mili-*  
2           *tary department” has the meaning given that term in*  
3           *section 101 of title 10, United States Code.*

4 **SEC. 4306. LONGITUDINAL STUDY ON CHANGES TO TRANSI-**  
5           **TION ASSISTANCE PROGRAM.**

6           (a) *STUDY.*—*Not later than 90 days after the date of*  
7           *the enactment of this Act, the Secretary of Veterans Affairs,*  
8           *in consultation with the Secretary of Defense, the Secretary*  
9           *of Labor, and the Administrator of the Small Business Ad-*  
10          *ministration, shall conduct a five-year longitudinal study*  
11          *regarding the Transition Assistance Program under sec-*  
12          *tions 1142 and 1144 of title 10, United States Code (TAP),*  
13          *on three separate cohorts of members of the Armed Forces*  
14          *who have separated from the Armed Forces, including—*

15                 (1) *a cohort that has attended counseling under*  
16                 *the Transition Assistance Program as implemented*  
17                 *on the date of the enactment of this Act;*

18                 (2) *a cohort that attends counseling under the*  
19                 *Transition Assistance Program after the Secretary of*  
20                 *Defense and the Secretary of Labor implement*  
21                 *changes recommended in the report under section*  
22                 *136(b); and*

23                 (3) *a cohort that has not attended counseling*  
24                 *under the Transition Assistance Program.*

1       (b) *PROGRESS REPORTS.*—Not later than 90 days  
2 after the date that is one year after the date of the initiation  
3 of the study under subsection (a), and annually thereafter  
4 for the three subsequent years, the Secretary of Veterans Af-  
5 fairs, the Secretary of Defense, the Secretary of Labor, and  
6 the Administrator of the Small Business Administration  
7 shall jointly submit to the appropriate committees of Con-  
8 gress a progress report of activities under the study during  
9 the immediately preceding year.

10       (c) *FINAL REPORT.*—

11           (1) *IN GENERAL.*—Not later than 180 days after  
12 the completion of the study under subsection (a), the  
13 Secretary of Veterans Affairs, the Secretary of De-  
14 fense, the Secretary of Labor, and the Administrator  
15 of the Small Business Administration shall jointly  
16 submit to the appropriate committees of Congress a  
17 report of final findings and recommendations based  
18 on the study.

19           (2) *ELEMENTS.*—The final report under para-  
20 graph (1) shall include information regarding the fol-  
21 lowing:

22           (A) The percentage of each cohort that re-  
23 ceived unemployment benefits during the study  
24 under subsection (a).

1           (B) *The numbers of months members of each*  
2 *cohort were employed during the study.*

3           (C) *Annual starting and ending salaries of*  
4 *members of each cohort who were employed dur-*  
5 *ing the study.*

6           (D) *How many members of each cohort en-*  
7 *rolled in an institution of higher learning, as*  
8 *that term is defined in section 3452(f) of title 38,*  
9 *United States Code.*

10          (E) *The academic credit hours, degrees, and*  
11 *certificates obtained by members of each cohort*  
12 *during the study.*

13          (F) *The annual income of members of each*  
14 *cohort.*

15          (G) *The total household income of members*  
16 *of each cohort.*

17          (H) *How many members of each cohort own*  
18 *their principal residences.*

19          (I) *How many dependents members of each*  
20 *cohort have.*

21          (J) *The percentage of each cohort that*  
22 *achieves a successful outcome for the Transition*  
23 *Assistance Program, as determined under section*  
24 *136(a)(7).*

1                   (K) *Other criteria the Secretaries and the*  
 2                   *Administrator of the Small Business Adminis-*  
 3                   *tration determine appropriate.*

4           (d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
 5 *FINED.—In this section, the term “appropriate committees*  
 6 *of Congress” means—*

7                   (1) *the Committee on Veterans’ Affairs and the*  
 8                   *Committee on Armed Services of the Senate; and*

9                   (2) *the Committee on Veterans’ Affairs and the*  
 10                   *Committee on Armed Services of the House of Rep-*  
 11                   *resentatives.*

## 12       **TITLE V—DEBORAH SAMPSON**

### 13       **SEC. 5001. SHORT TITLE.**

14           *This title may be cited as the “Deborah Sampson Act*  
 15 *of 2020”.*

## 16       **Subtitle A—Improving Access for** 17       **Women Veterans to the Depart-** 18       **ment of Veterans Affairs**

### 19       **SEC. 5101. OFFICE OF WOMEN’S HEALTH IN DEPARTMENT** 20       **OF VETERANS AFFAIRS.**

21           (a) *CHIEF OFFICER OF WOMEN’S HEALTH.—Sub-*  
 22 *section (a) of section 7306 of title 38, United States Code,*  
 23 *is amended—*

24                   (1) *by redesignating paragraph (10) as para-*  
 25                   *graph (11); and*

1           (2) *by inserting after paragraph (9) the fol-*  
2 *lowing new paragraph (10):*

3           “*(10) The Chief Officer of Women’s Health.*”.

4           ***(b) ORGANIZATION OF OFFICE AND ANNUAL RE-***  
5 ***PORTS.—***

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

9           **“§ 7310. Office of Women’s Health**

10           “*(a) ESTABLISHMENT.—(1) The Under Secretary for*  
11 *Health shall establish and operate in the Veterans Health*  
12 *Administration the Office of Women’s Health (in this sec-*  
13 *tion referred to as the ‘Office’).*

14           “*(2) The Office shall be located at the Central Office*  
15 *of the Department of Veterans Affairs.*

16           “*(3)(A) The head of the Office is the Chief Officer of*  
17 *Women’s Health (in this section referred to as the ‘Chief*  
18 *Officer’).*

19           “*(B) The Chief Officer shall report to the Under Sec-*  
20 *retary for Health.*

21           “*(4) The Under Secretary for Health shall provide the*  
22 *Office with such staff and other support as may be nec-*  
23 *essary for the Office to carry out effectively the functions*  
24 *of the Office under this section.*

1       “(5) *The Under Secretary for Health may reorganize*  
2 *existing offices within the Veterans Health Administration*  
3 *as of the date of the enactment of this section in order to*  
4 *avoid duplication with the functions of the Office.*

5       “(b) *FUNCTIONS.—The functions of the Office include*  
6 *the following:*

7               “(1) *To provide a central office for monitoring*  
8 *and encouraging the activities of the Veterans Health*  
9 *Administration with respect to the provision, evalua-*  
10 *tion, and improvement of health care services pro-*  
11 *vided to women veterans by the Department.*

12               “(2) *To develop and implement standards of care*  
13 *for the provision of health care for women veterans by*  
14 *the Department.*

15               “(3) *To monitor and identify deficiencies in*  
16 *standards of care for the provision of health care for*  
17 *women veterans by the Department, to provide tech-*  
18 *nical assistance to medical facilities of the Depart-*  
19 *ment to address and remedy deficiencies, and to per-*  
20 *form oversight of implementation of such standards of*  
21 *care.*

22               “(4) *To monitor and identify deficiencies in*  
23 *standards of care for the provision of health care for*  
24 *women veterans provided through the community*  
25 *pursuant to this title and to provide recommendations*

1       to the appropriate office to address and remedy any  
2       deficiencies.

3               “(5) To oversee distribution of resources and in-  
4       formation related to health programming for women  
5       veterans under this title.

6               “(6) To promote the expansion and improvement  
7       of clinical, research, and educational activities of the  
8       Veterans Health Administration with respect to the  
9       health care of women veterans.

10              “(7) To provide, as part of the annual budgeting  
11       process, recommendations with respect to the amounts  
12       to be requested for furnishing hospital care and med-  
13       ical services to women veterans pursuant to chapter  
14       17 of this title, including, at a minimum, rec-  
15       ommendations that ensure that such amounts either  
16       reflect or exceed the proportion of veterans enrolled in  
17       the system of patient enrollment of the Department  
18       established and operated under section 1705(a) of this  
19       title who are women.

20              “(8) To provide recommendations to the Under  
21       Secretary for Health with respect to modifying the  
22       Veterans Equitable Resource Allocation system, or  
23       successor system, to ensure that resource allocations  
24       under such system, or successor system, reflect the  
25       health care needs of women veterans.

1           “(9) *To carry out such other duties as the Under*  
2           *Secretary for Health may require.*

3           “(c) *RECOMMENDATIONS.—(1) If the Under Secretary*  
4           *for Health determines not to implement any recommenda-*  
5           *tion made by the Chief Officer with respect to the allocation*  
6           *of resources to address the health care needs of women vet-*  
7           *erans, the Secretary shall notify the appropriate congres-*  
8           *sional committees of such determination by not later than*  
9           *30 days after the date on which the Under Secretary for*  
10           *Health receives the recommendation.*

11           “(2) *Each notification under paragraph (1) relating*  
12           *to a determination with respect to a recommendation shall*  
13           *include the following:*

14           “(A) *The reasoning of the Under Secretary for*  
15           *Health in making the determination.*

16           “(B) *An alternative, if one is selected, to the rec-*  
17           *ommendation that the Under Secretary for Health*  
18           *will carry out to fulfill the health care needs of*  
19           *women veterans.*

20           “(d) *STANDARDS OF CARE.—For purposes of carrying*  
21           *out the functions of the Office under this section, the stand-*  
22           *ards of care for the provision of health care for women vet-*  
23           *erans from the Department shall include, at a minimum,*  
24           *the following:*

25           “(1) *A requirement for—*

1           “(A) at least one designated women’s health  
2           primary care provider at each medical center of  
3           the Department whose duties include, to the ex-  
4           tent practicable, providing training to other  
5           health care providers of the Department with re-  
6           spect to the needs of women veterans; and

7           “(B) at least one designated women’s health  
8           primary care provider at each community-based  
9           outpatient clinic of the Department who may  
10          serve women patients as a percentage of the total  
11          duties of the provider.

12          “(2) Other requirements as determined by the  
13          Under Secretary for Health.

14          “(e) *OUTREACH.*—The Chief Officer shall ensure  
15          that—

16                 “(1) not less frequently than biannually, each  
17                 medical facility of the Department holds a public  
18                 forum for women veterans that occurs outside of reg-  
19                 ular business hours; and

20                 “(2) not less frequently than quarterly, each  
21                 medical facility of the Department convenes a focus  
22                 group of women veterans that includes a discussion of  
23                 harassment occurring at such facility.

24          “(f) *DEFINITIONS.*—In this section:

1           “(1) *The term ‘appropriate congressional com-*  
2 *mittees’ has the meaning given that term in section*  
3 *7310A(h) of this title.*

4           “(2) *The term ‘facility of the Department’ has*  
5 *the meaning given the term ‘facilities of the Depart-*  
6 *ment’ in section 1701(3) of this title.*

7           “(3) *The term ‘Veterans Equitable Resource Allo-*  
8 *cation system’ means the resource allocation system*  
9 *established pursuant to section 429 of the Depart-*  
10 *ments of Veterans Affairs and Housing and Urban*  
11 *Development, and Independent Agencies Appropria-*  
12 *tions Act, 1997 (Public Law 104–204; 110 Stat.*  
13 *2929).*

14 **“§ 7310A. *Annual reports on women’s health***

15           “(a) *ANNUAL REPORTS.—Not later than December 1*  
16 *of each year, the Chief Officer of Women’s Health shall sub-*  
17 *mit to the appropriate congressional committees a report*  
18 *containing the matters under subsections (b) through (g).*

19           “(b) *OFFICE OF WOMEN’S HEALTH.—Each report*  
20 *under subsection (a) shall include a description of—*

21           “(1) *actions taken by the Office of Women’s*  
22 *Health established under section 7310 of this title in*  
23 *the preceding fiscal year to improve the provision of*  
24 *health care by the Department to women veterans;*

1           “(2) any identified deficiencies related to the  
2           provision of health care by the Department to women  
3           veterans and the standards of care established in such  
4           section and the plan of the Department to address  
5           such deficiencies;

6           “(3) the funding and personnel provided to the  
7           Office and whether additional funding or personnel  
8           are needed to meet the requirements of such section;  
9           and

10           “(4) other information that would be of interest  
11           to the appropriate congressional committees with re-  
12           spect to oversight of the provision of health care by  
13           the Department to women veterans.

14           “(c) ACCESS TO GENDER-SPECIFIC SERVICES.—(1)  
15           Each report under subsection (a) shall include an analysis  
16           of the access of women veterans to gender-specific services  
17           under contracts, agreements, or other arrangements with  
18           non-Department medical providers entered into by the Sec-  
19           retary for the provision of hospital care or medical services  
20           to veterans.

21           “(2) The analysis under paragraph (1) shall include  
22           data and performance measures for the availability of gen-  
23           der-specific services described in such paragraph, includ-  
24           ing—

1           “(A) *the average wait time between the preferred*  
2 *appointment date of the veteran and the date on*  
3 *which the appointment is completed;*

4           “(B) *the average driving time required for vet-*  
5 *erans to attend appointments; and*

6           “(C) *reasons why appointments could not be*  
7 *scheduled with non-Department medical providers.*

8           “(d) *MODELS OF CARE.—(1) Each report under sub-*  
9 *section (a) shall include an analysis of the use by the De-*  
10 *partment of general primary care clinics, separate but*  
11 *shared spaces, and women’s health centers as delivery of*  
12 *care models for women veterans.*

13           “(2) *The analysis under paragraph (1) shall include*  
14 *the following:*

15           “(A) *The number of facilities of the Department*  
16 *that fall into each delivery of care model described in*  
17 *such paragraph, disaggregated by Veterans Integrated*  
18 *Service Network and State.*

19           “(B) *A description of the criteria used by the De-*  
20 *partment to determine which such model is most ap-*  
21 *propriate for each facility of the Department.*

22           “(C) *An assessment of how the Department de-*  
23 *cides to make investments to modify facilities to a dif-*  
24 *ferent model.*

1           “(D) A description of what, if any, plans the De-  
2           partment has to modify facilities from general pri-  
3           mary care clinics to another model.

4           “(E) An assessment of whether any facilities  
5           could be modified to a separate but shared space for  
6           a women’s health center within planned investments  
7           under the strategic capital investment planning proc-  
8           ess of the Department.

9           “(F) An assessment of whether any facilities  
10          could be modified to a separate or shared space or a  
11          women’s health center with minor modifications to  
12          existing plans under the strategic capital investment  
13          planning process of the Department.

14          “(G) An assessment of whether the Department  
15          has a goal for how many facilities should fall into  
16          each such model.

17          “(e) STAFFING.—Each report under subsection (a)  
18          shall include an analysis of the staffing of the Department  
19          relating to the treatment of women, including the following,  
20          disaggregated by Veterans Integrated Service Network and  
21          State (except with respect to paragraph (4)):

22                  “(1) The number of women’s health centers.

23                  “(2) The number of patient aligned care teams  
24          of the Department relating to women’s health.

1           “(3) *The number of full- and part-time gynecologists of the Department.*

2  
3           “(4) *The number of designated women’s health care providers of the Department, disaggregated by facility of the Department.*

4  
5  
6           “(5) *The number of health care providers of the Department who have completed a mini-residency for women’s health care through the Women Veterans Health Care Mini-Residency Program of the Department during the one-year period preceding the submittal of the report and the number of mini-residency training slots for such program that are available during the one-year period following such date.*

7  
8  
9  
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14           “(6) *The number of designated women’s health care providers of the Department who have sufficient women patient loads or case complexities to retain their competencies and proficiencies.*

15  
16  
17  
18           “(f) *ACCESSIBILITY AND TREATMENT OPTIONS.—Each report under subsection (a) shall include an analysis of the accessibility and treatment options for women veterans, including the following:*

19  
20  
21  
22           “(1) *An assessment of wheelchair accessibility of women’s health centers of the Department, including, with respect to each such center, an assessment of accessibility for each kind of treatment provided at the*

1 center, including with respect to radiology and mam-  
2 mography, that addresses all relevant factors, includ-  
3 ing door sizes, hoists, and equipment.

4 “(2) The options for women veterans to access  
5 mental health providers and primary care providers  
6 who are women.

7 “(3) The options for women veterans at medical  
8 facilities of the Department with respect to clothing  
9 sizes, including for gowns, drawstring pants, and pa-  
10 jamas.

11 “(g) DEFINITIONS.—In this section:

12 “(1) The term ‘appropriate congressional com-  
13 mittees’ means—

14 “(A) the Committee on Appropriations and  
15 the Committee on Veterans’ Affairs of the Senate;  
16 and

17 “(B) the Committee on Appropriations and  
18 the Committee on Veterans’ Affairs of the House  
19 of Representatives.

20 “(2) The term ‘gender-specific services’ means  
21 mammography, obstetric care, gynecological care, and  
22 such other services as the Secretary determines appro-  
23 priate.”.

24 (2) REFERENCES TO HEALTH CARE AND SERV-  
25 ICES.—The references to health care and the references

1       to services in sections 7310 and 7310A of title 38,  
2       United States Code, as added by paragraph (1), are  
3       references to the health care and services included in  
4       the medical benefits package provided by the Depart-  
5       ment as in effect on the day before the date of the en-  
6       actment of this Act.

7               (3) *CLERICAL AMENDMENT.*—The table of sec-  
8       tions for such chapter is amended by inserting after  
9       the item relating to section 7309A the following new  
10      items:

“7310. Office of Women’s Health.

“7310A. Annual reports on women’s health.”.

11       (c) *INITIAL REPORT.*—The Chief Officer of Women’s  
12      Health of the Department of Veterans Affairs shall submit  
13      the initial report under section 7310A of title 38, United  
14      States Code, as added by subsection (b), by not later than  
15      one year after the date of the enactment of this Act.

16      **SEC. 5102. WOMEN VETERANS RETROFIT INITIATIVE.**

17       (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
18      shall prioritize the retrofitting of existing medical facilities  
19      of the Department of Veterans Affairs with fixtures, mate-  
20      rials, and other outfitting measures to support the provision  
21      of care to women veterans at such facilities.

22       (b) *PLAN.*—

23               (1) *IN GENERAL.*—Not later than one year after  
24      the date of the enactment of this Act, the Secretary

1       *shall submit to Congress, the Committee on Veterans’*  
2       *Affairs of the Senate, and the Committee on Veterans’*  
3       *Affairs of the House of Representatives a plan to ad-*  
4       *dress deficiencies in environment of care for women*  
5       *veterans at medical facilities of the Department.*

6               (2) *ELEMENTS.—The plan required by para-*  
7       *graph (1) shall include the following:*

8                       (A) *An explanation of the specific environ-*  
9       *ment of care deficiencies that need correcting.*

10                      (B) *An assessment of how the Secretary*  
11       *prioritizes retrofitting existing medical facilities*  
12       *to support provision of care to women veterans*  
13       *in comparison to other requirements.*

14                      (C) *A five-year strategic plan and cost pro-*  
15       *jection for retrofitting medical facilities of the*  
16       *Department to support the provision of care to*  
17       *women veterans as required under subsection (a).*

18               (c) *AUTHORIZATION OF APPROPRIATIONS.—Subject to*  
19       *appropriations and the plan under (b), there is authorized*  
20       *to be appropriated to the Secretary \$20,000,000 to carry*  
21       *out subsection (a) in addition to amounts otherwise made*  
22       *available to the Secretary for the purposes set forth in such*  
23       *subsection.*

1 **SEC. 5103. ESTABLISHMENT OF ENVIRONMENT OF CARE**  
2 **STANDARDS AND INSPECTIONS AT DEPART-**  
3 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**  
4 **TERS.**

5 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
6 *shall establish a policy under which the environment of care*  
7 *standards and inspections at medical centers of the Depart-*  
8 *ment of Veterans Affairs include—*

9 (1) *an alignment of the requirements for such*  
10 *standards and inspections with the women’s health*  
11 *handbook of the Veterans Health Administration;*

12 (2) *a requirement for the frequency of such in-*  
13 *spections;*

14 (3) *delineation of the roles and responsibilities of*  
15 *staff at each medical center who are responsible for*  
16 *compliance;*

17 (4) *the requirement that each medical center sub-*  
18 *mit to the Secretary and make publicly available a*  
19 *report on the compliance of the medical center with*  
20 *the standards; and*

21 (5) *a remediation plan.*

22 (b) *REPORT.*—*Not later than 180 days after the date*  
23 *of the enactment of this Act, the Secretary shall submit to*  
24 *the Committee on Veterans’ Affairs of the Senate and the*  
25 *Committee on Veterans’ Affairs of the House of Representa-*  
26 *tives a report certifying in writing that the policy required*

1 *by subsection (a) has been finalized and disseminated to*  
2 *all medical centers of the Department.*

3 **SEC. 5104. PROVISION OF REINTEGRATION AND READJUST-**  
4 **MENT SERVICES TO VETERANS AND FAMILY**  
5 **MEMBERS IN GROUP RETREAT SETTINGS.**

6 *(a) IN GENERAL.—Section 1712A of title 38, United*  
7 *States Code, is amended—*

8 *(1) in subsection (a)(1)(B)—*

9 *(A) in clause (ii), by redesignating sub-*  
10 *clauses (I) and (II) as items (aa) and (bb);*

11 *(B) by redesignating clauses (i) and (ii) as*  
12 *subclauses (I) and (II);*

13 *(C) in the matter preceding subclause (I),*  
14 *as redesignated by subparagraph (B), by striking*  
15 *“Counseling” and inserting “(i) Counseling”;*  
16 *and*

17 *(D) by adding at the end the following new*  
18 *clause:*

19 *“(ii)(I) Except as provided in subclauses (IV) and (V),*  
20 *counseling furnished to an individual under subparagraph*  
21 *(A) may include reintegration and readjustment services*  
22 *described in subclause (II) furnished in group retreat set-*  
23 *tings.*

24 *“(II) Reintegration and readjustment services de-*  
25 *scribed in this subclause are the following:*

1           “(aa) Information on reintegration of the indi-  
2           vidual into family, employment, and community.

3           “(bb) Financial counseling.

4           “(cc) Occupational counseling.

5           “(dd) Information and counseling on stress re-  
6           duction.

7           “(ee) Information and counseling on conflict res-  
8           olution.

9           “(ff) Such other information and counseling as  
10          the Secretary considers appropriate to assist the indi-  
11          vidual in reintegration into family, employment, and  
12          community.

13          “(III) In furnishing reintegration and readjustment  
14          services under subclause (I), the Secretary shall offer women  
15          the opportunity to receive such services in group retreat set-  
16          tings in which the only participants are women.

17          “(IV) An individual described in subparagraph (C)(v)  
18          may receive reintegration and readjustment services under  
19          subclause (I) of this clause only if the individual receives  
20          such services with a family member described in subclause  
21          (I) or (II) of such subparagraph.

22          “(V) In each of fiscal years 2021 through 2025, the  
23          maximum number of individuals to whom integration and  
24          readjustment services may be furnished in group retreat set-

1 *tings under this subclause (I) shall not exceed 1,200 indi-*  
2 *viduals.”.*

3 (b) *REQUEST FOR SERVICES.*—*Subsection (a)(2) of*  
4 *such section is amended—*

5 (1) *by striking “Upon” and inserting “(A)*  
6 *Upon”;*

7 (2) *by striking “paragraph (1)(B)” and insert-*  
8 *ing “paragraph (1)(B)(i)”;* and

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

11 *“(B) Upon the request of an individual described in*  
12 *paragraph (1)(C), the Secretary shall furnish the indi-*  
13 *vidual reintegration and readjustment services in group re-*  
14 *treat settings under paragraph (1)(B)(ii) if the Secretary*  
15 *determines the experience will be therapeutically appro-*  
16 *priate.”.*

17 **SEC. 5105. PROVISION OF LEGAL SERVICES FOR WOMEN**  
18 **VETERANS.**

19 (a) *AGREEMENT REQUIRED.*—*The Secretary of Vet-*  
20 *erans Affairs shall enter into one or more agreements with*  
21 *public or private entities to provide legal services to women*  
22 *veterans.*

23 (b) *FOCUS.*—*The focus of an agreement entered into*  
24 *under subsection (a) shall be to address the following unmet*  
25 *needs of women veterans as set forth in the most recently*

1 completed Community Homelessness Assessment, Local  
 2 Education and Networking Groups for Veterans  
 3 (CHALENG for Veterans) survey:

- 4 (1) Child support.
- 5 (2) Prevention of eviction and foreclosure.
- 6 (3) Discharge upgrades.
- 7 (4) Financial guardianship.
- 8 (5) Credit counseling.
- 9 (6) Family reconciliation assistance.

10 **SEC. 5106. COMPTROLLER GENERAL SURVEYS AND REPORT**  
 11 **ON SUPPORTIVE SERVICES PROVIDED FOR**  
 12 **VERY LOW-INCOME WOMEN VETERANS.**

13 (a) SURVEYS.—

14 (1) SURVEY OF WOMEN VETERANS.—*The Comp-*  
 15 *troller General of the United States shall survey*  
 16 *women veterans who have received or are receiving*  
 17 *supportive services provided under section 2044 of*  
 18 *title 38, United States Code, to determine satisfaction*  
 19 *with the ability of such services to meet the specific*  
 20 *needs of such veterans.*

21 (2) SURVEY OF ELIGIBLE ENTITIES.—*The Comp-*  
 22 *troller General shall survey eligible entities receiving*  
 23 *financial assistance under such section and other*  
 24 *partners of the Department of Veterans Affairs, in-*  
 25 *cluding veterans service organizations and the Na-*

1        *tional Coalition of Homeless Veterans, on the view of*  
2        *such entities and partners regarding—*

3                *(A) whether the Department is meeting the*  
4                *needs of women veterans through the provision of*  
5                *supportive services under such section; and*

6                *(B) any additional supportive services that*  
7                *may be required to meet such needs.*

8        *(b) REPORT.—*

9                *(1) IN GENERAL.—Not later than 18 months*  
10              *after the date of the enactment of this Act, the Comp-*  
11              *troller General of the United States shall submit to*  
12              *the Committee on Veterans' Affairs of the Senate and*  
13              *the Committee on Veterans' Affairs of the House of*  
14              *Representatives a report on the efforts of the Depart-*  
15              *ment of Veterans Affairs to provide supportive serv-*  
16              *ices to women veterans under section 2044 of title 38,*  
17              *United States.*

18              *(2) ELEMENTS.—The report required by para-*  
19              *graph (1) shall include the following:*

20              *(A) A review of how the Department deter-*  
21              *mines which categories of supportive services*  
22              *would be beneficial to women veterans who re-*  
23              *ceive services under such section.*

24              *(B) A description of the challenges women*  
25              *veterans who have children face in accessing sup-*

1            *portive services under such section, including*  
2            *with respect to accessing—*

3                    *(i) homeless shelters with their chil-*  
4                    *dren;*

5                    *(ii) homeless shelters that have restric-*  
6                    *tions on male children; and*

7                    *(iii) affordable child care.*

8            *(C) A description of how the Department*  
9            *identifies eligible entities under such section that*  
10           *can provide supportive services to meet the needs*  
11           *of women veterans, including eligible entities*  
12           *with experience in—*

13                    *(i) intimate partner violence;*

14                    *(ii) legal matters pertaining especially*  
15                    *to women veterans, including temporary re-*  
16                    *straining orders and child care orders;*

17                    *(iii) supportive services for children;*

18                    *and*

19                    *(iv) the evaluation of which categories*  
20                    *of services would be beneficial to women vet-*  
21                    *erans who receive such services under such*  
22                    *section.*

23            *(D) A description of how much the Depart-*  
24            *ment spends, from funds appropriated to carry*  
25            *out such section and funds provided under the*

1           *Coronavirus Aid, Relief, and Economic Security*  
2           *Act (Public Law 116–136), on supportive serv-*  
3           *ices specifically for women veterans, and in par-*  
4           *ticular, on the services described in subpara-*  
5           *graph (A).*

6           *(E) The results of the surveys conducted*  
7           *under subsection (a).*

8           *(F) A review of the resources and program-*  
9           *ming offered to woman veterans under such sec-*  
10          *tion.*

11          *(G) An assessment of such other areas as the*  
12          *Comptroller General considers appropriate.*

13   **SEC. 5107. PROGRAMS ON ASSISTANCE FOR CHILD CARE**  
14           **FOR CERTAIN VETERANS.**

15          *(a) ASSISTANCE FOR CHILD CARE FOR CERTAIN VET-*  
16          *ERANS RECEIVING HEALTH CARE.—*

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

20    **“§ 1709C. Assistance for child care for certain vet-**  
21           **erans receiving health care**

22           **“(a) PROGRAM REQUIRED.—The Secretary shall carry**  
23          **out a program to provide, subject to subsection (b), assist-**  
24          **ance to qualified veterans described in subsection (c) to ob-**

1 *tain child care so that such veterans can receive health care*  
2 *services described in subsection (c)(2).*

3 “(b) *LIMITATION ON PERIOD OF PAYMENTS.*—*Assist-*  
4 *ance may be provided to a qualified veteran under this sec-*  
5 *tion for receipt of child care only during the period that*  
6 *the qualified veteran—*

7 “(1) *receives the types of health care services de-*  
8 *scribed in subsection (c)(2) at a facility of the De-*  
9 *partment; and*

10 “(2) *requires travel to and return from such fa-*  
11 *cility for the receipt of such health care services.*

12 “(c) *QUALIFIED VETERANS.*—*For purposes of this sec-*  
13 *tion, a qualified veteran is a veteran who—*

14 “(1) *is the primary caretaker of a child or chil-*  
15 *dren; and*

16 “(2)(A) *receives from the Department—*

17 “(i) *regular mental health care services;*

18 “(ii) *intensive mental health care services;*

19 *or*

20 “(iii) *such other intensive health care serv-*  
21 *ices that the Secretary determines that provision*  
22 *of assistance to the veteran to obtain child care*  
23 *would improve access to such health care services*  
24 *by the veteran; or*

1           “(B) is in need of regular or intensive mental  
2 health care services from the Department, and but for  
3 lack of child care services, would receive such health  
4 care services from the Department.

5           “(d) LOCATIONS.—Not later than five years after the  
6 date of the enactment of the Deborah Sampson Act of 2020,  
7 the Secretary shall carry out the program at each medical  
8 center of the Department.

9           “(e) FORMS OF CHILD CARE ASSISTANCE.—(1) Child  
10 care assistance under this section may include the fol-  
11 lowing:

12           “(A) Stipends for the payment of child care of-  
13 fered by a licensed child care center (either directly  
14 or through a voucher program) that shall be, to the  
15 extent practicable, modeled after the Department of  
16 Veterans Affairs Child Care Subsidy Program estab-  
17 lished pursuant to section 630 of the Treasury and  
18 General Government Appropriations Act, 2002 (Pub-  
19 lic Law 107–67; 115 Stat. 552).

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

22           “(C) Payments to private child care agencies.

23           “(D) Collaboration with facilities or programs of  
24 other Federal agencies.

1           “(E) *Such other forms of assistance as the Sec-*  
2           *retary considers appropriate.*”

3           “(2) *In providing child care assistance under this sec-*  
4           *tion, the child care needs of the local area shall be consid-*  
5           *ered and the head of each medical center may select the type*  
6           *of care that is most appropriate or feasible for such medical*  
7           *center.*”

8           “(3) *In the case that child care assistance under this*  
9           *section is provided as a stipend under paragraph (1)(A),*  
10          *such stipend shall cover the full cost of such child care.*”.

11           (2) *CONFORMING AMENDMENT.*—*Section 205(e)*  
12          *of the Caregivers and Veterans Omnibus Health Serv-*  
13          *ices Act of 2010 (Public Law 111–163; 38 U.S.C.*  
14          *1710 note) is amended by striking “September 30,*  
15          *2020” and inserting “the date of the enactment of the*  
16          *Deborah Sampson Act of 2020”.*

17           (3) *CLERICAL AMENDMENT.*—*The table of sec-*  
18          *tions at the beginning of chapter 17 of such title is*  
19          *amended by inserting after the item relating to sec-*  
20          *tion 1709B the following new item:*

“1709C. Assistance for child care for certain veterans receiving health care.”.

21          (b) *PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE*  
22          *FOR CERTAIN VETERANS RECEIVING READJUSTMENT*  
23          *COUNSELING AND RELATED MENTAL HEALTH SERV-*  
24          *ICES.*—

1           (1) *IN GENERAL.*—*The Secretary of Veterans Af-*  
2 *fairs shall carry out a pilot program to assess the fea-*  
3 *sibility and advisability of providing, subject to para-*  
4 *graph (2), assistance to qualified veterans described*  
5 *in paragraph (3) to obtain child care so that such*  
6 *veterans can receive readjustment counseling and re-*  
7 *lated mental health services.*

8           (2) *LIMITATION ON PERIOD OF PAYMENTS.*—*As-*  
9 *sistance may be provided to a qualified veteran under*  
10 *the pilot program for receipt of child care only during*  
11 *the period that the qualified veteran receives readjust-*  
12 *ment counseling and related health care services at a*  
13 *Vet Center.*

14           (3) *QUALIFIED VETERANS.*—*For purposes of this*  
15 *subsection, a qualified veteran is a veteran who—*

16                   (A) *is the primary caretaker of a child or*  
17 *children; and*

18                   (B)(i) *receives from the Department regular*  
19 *readjustment counseling and related mental*  
20 *health services; or*

21                   (ii) *is in need of regular readjustment coun-*  
22 *seling and related mental health services from*  
23 *the Department, and but for lack of child care*  
24 *services, would receive such counseling and serv-*  
25 *ices from the Department.*

1           (4) *LOCATIONS.*—*The Secretary shall carry out*  
2 *the pilot program in not fewer than three Readjust-*  
3 *ment Counseling Service Regions selected by the Sec-*  
4 *retary for purposes of the pilot program.*

5           (5) *FORMS OF CHILD CARE ASSISTANCE.*—

6           (A) *IN GENERAL.*—*Child care assistance*  
7 *under the pilot program may include the fol-*  
8 *lowing:*

9           (i) *Stipends for the payment of child*  
10 *care offered by a licensed child care center*  
11 *(either directly or through a voucher pro-*  
12 *gram) that shall be, to the extent prac-*  
13 *ticable, modeled after the Department of*  
14 *Veterans Affairs Child Care Subsidy Pro-*  
15 *gram established pursuant to section 630 of*  
16 *the Treasury and General Government Ap-*  
17 *propriations Act, 2002 (Public Law 107–*  
18 *67; 115 Stat. 552).*

19           (ii) *Payments to private child care*  
20 *agencies.*

21           (iii) *Collaboration with facilities or*  
22 *programs of other Federal agencies.*

23           (iv) *Such other forms of assistance as*  
24 *the Secretary considers appropriate.*

1           (B) *LOCAL AREA.*—*In providing child care*  
2           *assistance under the pilot program, the child*  
3           *care needs of the local area shall be considered*  
4           *and the head of each Vet Center may select the*  
5           *type of care that is most appropriate or feasible*  
6           *for such Vet Center.*

7           (C) *USE OF STIPEND.*—*In the case that*  
8           *child care assistance under the pilot program is*  
9           *provided as a stipend under subparagraph*  
10          *(A)(i), such stipend shall cover the full cost of*  
11          *such child care.*

12          (6) *DURATION.*—*The pilot program shall be car-*  
13          *ried out during the two-year period beginning on the*  
14          *date of the commencement of the pilot program.*

15          (7) *REPORT.*—

16                (A) *IN GENERAL.*—*Not later than 180 days*  
17                *after the completion of the pilot program, the*  
18                *Secretary shall submit to Congress a report on*  
19                *the pilot program.*

20                (B) *ELEMENTS.*—*The report required by*  
21                *subparagraph (A) shall include the findings and*  
22                *conclusions of the Secretary regarding the pilot*  
23                *program, and shall include such recommenda-*  
24                *tions for the continuation or expansion of the*

1           *pilot program as the Secretary considers appro-*  
 2           *priate.*

3           (8) *VET CENTER DEFINED.*—*In this subsection,*  
 4           *the term “Vet Center” has the meaning given that*  
 5           *term in section 1712A(h) of title 38, United States*  
 6           *Code.*

7 **SEC. 5108. AVAILABILITY OF PROSTHETICS FOR WOMEN**  
 8           **VETERANS FROM DEPARTMENT OF VETERANS**  
 9           **AFFAIRS.**

10          (a) *ACCESS AT EACH MEDICAL FACILITY.*—*Section*  
 11          *1714(a) of title 38, United States Code, is amended—*

12                 (1) *by striking “(a) Any veteran” and inserting*  
 13                 *“(a)(1) Any veteran”; and*

14                 (2) *by adding at the end the following new para-*  
 15                 *graph:*

16                 “(2) *In furnishing prosthetic appliances under para-*  
 17                 *graph (1), the Secretary shall ensure women veterans are*  
 18                 *able to access clinically appropriate prosthetic appliances*  
 19                 *through each medical facility of the Department.”.*

20          (b) *REPORT.*—

21                 (1) *IN GENERAL.*—*Not later than one year after*  
 22                 *the date of the enactment of this Act, the Secretary of*  
 23                 *Veterans Affairs shall submit to the Committee on*  
 24                 *Veterans’ Affairs of the Senate and the Committee on*  
 25                 *Veterans’ Affairs of the House of Representatives a re-*

1 *port on the availability from the Department of Vet-*  
2 *erans Affairs of prosthetics made for women veterans,*  
3 *including an assessment of the availability of such*  
4 *prosthetics at medical facilities of the Department.*

5 (2) *ELEMENTS.—The report required by para-*  
6 *graph (1) shall include—*

7 (A) *a list of all devices classified by the De-*  
8 *partment as prosthetic devices, including a*  
9 *breakdown of whether a device is considered gen-*  
10 *der-neutral or gender-specific;*

11 (B) *for gender-neutral devices, a breakdown*  
12 *of sizing;*

13 (C) *the average time it takes for a woman*  
14 *veteran to receive a prosthetic device after it is*  
15 *prescribed, disaggregated by Veterans Integrated*  
16 *Service Network and medical center of the De-*  
17 *partment;*

18 (D) *the total number of women veterans uti-*  
19 *lizing the Department for prosthetic services,*  
20 *disaggregated by facility of the Department;*

21 (E) *an assessment of efforts by the Depart-*  
22 *ment on research, development, and employment*  
23 *of additive manufacture technology (commonly*  
24 *referred to as 3D printing) to provide prosthetic*  
25 *items for women veterans;*

1           (F) the results of a survey with a represent-  
2           ative sample of not fewer than 50,000 veterans  
3           (of which women shall be overrepresented) in an  
4           amputee care program on satisfaction with pros-  
5           thetic furnished or procured by the Department  
6           that replace appendages or their function; and

7           (G) such other information as the Secretary  
8           considers appropriate.

9 **SEC. 5109. REQUIREMENT TO IMPROVE DEPARTMENT OF**  
10 **VETERANS AFFAIRS WOMEN VETERANS CALL**  
11 **CENTER.**

12           The Secretary of Veterans Affairs shall enhance the ca-  
13 pabilities of the women veterans call center of the Depart-  
14 ment of Veterans Affairs to respond to requests by women  
15 veterans for assistance with accessing health care and bene-  
16 fits furnished under the laws administered by the Secretary.

17 **SEC. 5110. STUDY ON INFERTILITY SERVICES FURNISHED**  
18 **AT DEPARTMENT OF VETERANS AFFAIRS.**

19           (a) *STUDY REQUIRED.*—The Secretary of Veterans Af-  
20 fairs shall conduct a study on the infertility services offer-  
21 ings at the Department of Veterans Affairs.

22           (b) *ELEMENTS.*—The study conducted under sub-  
23 section (a) shall include the following:

24           (1) An assessment of the following:

1           (A) *The availability of infertility services at*  
2           *facilities of the Department and through laws*  
3           *administered by the Secretary for the provision*  
4           *of non-Department care.*

5           (B) *The demand for such services from eli-*  
6           *gible individuals.*

7           (2) *Identification of potential challenges in ac-*  
8           *cessing infertility services for eligible individuals.*

9           (3) *An analysis of Department resources for the*  
10          *furnishing of infertility services, including analysis of*  
11          *Department workforce and non-Department pro-*  
12          *viders.*

13          (4) *Development of recommendations for the im-*  
14          *provement of infertility services under laws adminis-*  
15          *tered by the Secretary to improve eligible individuals'*  
16          *access, delivery of services, and health outcomes.*

17          (c) *REPORT.*—*Not later than one year after the date*  
18          *of the enactment of this Act, the Secretary shall submit to*  
19          *the Committee on Veterans' Affairs of the Senate and the*  
20          *Committee on Veterans' Affairs of the House of Representa-*  
21          *tives a report on the study conducted under subsection (a).*

22          (d) *ELIGIBLE INDIVIDUAL DEFINED.*—*In this section,*  
23          *the term "eligible individual" means an individual who is*  
24          *a veteran who is eligible for and enrolled in the health care*

1 *system of the Department under section 1705(a) of title 38,*  
2 *United States Code.*

3 **SEC. 5111. SENSE OF CONGRESS ON ACCESS TO FACILITIES**  
4 **OF DEPARTMENT OF VETERANS AFFAIRS BY**  
5 **RESERVISTS FOR COUNSELING AND TREAT-**  
6 **MENT RELATING TO MILITARY SEXUAL TRAU-**  
7 **MA.**

8 (a) *IN GENERAL.*—*It is the sense of Congress that*  
9 *members of the reserve components of the Armed Forces, in-*  
10 *cluding members of the National Guard, should be able to*  
11 *access all health care facilities of the Department of Vet-*  
12 *erans Affairs, not just Vet Centers, to receive counseling and*  
13 *treatment relating to military sexual trauma.*

14 (b) *DEFINITIONS.*—*In this section:*

15 (1) *MILITARY SEXUAL TRAUMA.*—*The term*  
16 *“military sexual trauma” has the meaning given such*  
17 *term in section 1164(c) of title 38, United States*  
18 *Code, as added by section 5501(a) of this title.*

19 (2) *VET CENTER.*—*The term “Vet Center” has*  
20 *the meaning given that term in section 1712A(h) of*  
21 *such title.*

1           ***Subtitle B—Increasing Staff***  
2                   ***Cultural Competency***

3   ***SEC. 5201. STAFFING OF WOMEN’S HEALTH PRIMARY CARE***  
4                   ***PROVIDERS AT MEDICAL FACILITIES OF DE-***  
5                   ***PARTMENT OF VETERANS AFFAIRS.***

6           *The Secretary of Veterans Affairs shall ensure that*  
7   *each medical facility of the Department of Veterans Affairs*  
8   *has not fewer than one full-time or part-time women’s*  
9   *health primary care provider whose duties include, to the*  
10   *extent possible, providing training to other health care pro-*  
11   *viders of the Department on the needs of women veterans.*

12   ***SEC. 5202. ADDITIONAL FUNDING FOR PRIMARY CARE AND***  
13                   ***EMERGENCY CARE CLINICIANS IN WOMEN***  
14                   ***VETERANS HEALTH CARE MINI-RESIDENCY***  
15                   ***PROGRAM.***

16           *(a) IN GENERAL.—There is authorized to be appro-*  
17   *priated to the Secretary of Veterans Affairs \$1,000,000 for*  
18   *each fiscal years 2021 through 2025 to provide opportuni-*  
19   *ties for participation in the Women Veterans Health Care*  
20   *Mini-Residency Program of the Department of Veterans Af-*  
21   *fairs for primary care and emergency care clinicians.*

22           *(b) TREATMENT OF AMOUNTS.—The amounts author-*  
23   *ized to be appropriated under subsection (a) shall be in ad-*  
24   *dition to amounts otherwise made available to the Secretary*  
25   *for the purposes set forth in such subsection.*

1 **SEC. 5203. ESTABLISHMENT OF WOMEN VETERAN TRAINING**  
2 **MODULE FOR NON-DEPARTMENT OF VET-**  
3 **ERANS AFFAIRS HEALTH CARE PROVIDERS.**

4 (a) *IN GENERAL.*—Not later than one year after the  
5 date of the enactment of this Act, the Secretary of Veterans  
6 Affairs shall establish and make available to community  
7 providers a training module that is specific to women vet-  
8 erans.

9 (b) *TRAINING MATERIALS PROVIDED.*—Under the  
10 training module established and made available to commu-  
11 nity providers under subsection (a), the Secretary shall pro-  
12 vide to community providers the same training materials  
13 relating to treatment of women veterans that is provided  
14 to health care providers of the Department of Veterans Af-  
15 fairs to ensure that all health care providers treating women  
16 veterans have access to the same materials to support com-  
17 petency throughout the community.

18 (c) *ADMINISTRATION OF TRAINING MODULE.*—The  
19 Secretary shall administer the training module established  
20 under subsection (a) to community providers through an  
21 internet website of the Department.

22 (d) *ANNUAL REPORT.*—Not later than one year after  
23 the establishment of the training module under subsection  
24 (a), and annually thereafter, the Secretary shall submit to  
25 Congress a report on—

1           (1) *the utilization by community providers of the*  
2 *training module; and*

3           (2) *the effectiveness of the training module.*

4       (e) *DEFINITIONS.—In this section:*

5           (1) *COMMUNITY PROVIDER.—The term “commu-*  
6 *nity provider” means a non-Department of Veterans*  
7 *Affairs health care provider who provides*  
8 *preauthorized health care to veterans under the laws*  
9 *administered by the Secretary of Veterans Affairs.*

10          (2) *PREAUTHORIZED HEALTH CARE.—The term*  
11 *“preauthorized health care” means health care pro-*  
12 *vided to a veteran that is authorized by the Secretary*  
13 *before being provided.*

14 **SEC. 5204. STUDY ON STAFFING OF WOMEN VETERAN PRO-**  
15 **GRAM MANAGER PROGRAM AT MEDICAL CEN-**  
16 **TERS OF DEPARTMENT OF VETERANS AF-**  
17 **FAIRS AND TRAINING OF STAFF.**

18       (a) *STUDY.—The Secretary of Veterans Affairs shall*  
19 *conduct a study on the use of the Women Veteran Program*  
20 *Manager program of the Department of Veterans Affairs to*  
21 *determine—*

22           (1) *if the program is appropriately staffed at*  
23 *each medical center of the Department;*

1           (2) *whether each medical center of the Depart-*  
2 *ment is staffed with a Women Veteran Program Man-*  
3 *ager; and*

4           (3) *whether it would be feasible and advisable to*  
5 *have a Women Veteran Program Ombudsman at each*  
6 *medical center of the Department.*

7       (b) *REPORT.*—*Not later than 270 days after the date*  
8 *of the enactment of this Act, the Secretary shall submit to*  
9 *the Committee on Veterans' Affairs of the Senate and the*  
10 *Committee on Veterans' Affairs of the House of Representa-*  
11 *tives a report on the study conducted under subsection (a).*

12       (c) *TRAINING.*—*The Secretary shall ensure that all*  
13 *Women Veteran Program Managers and Women Veteran*  
14 *Program Ombudsmen receive the proper training to carry*  
15 *out their duties.*

16 **SEC. 5205. STUDY ON WOMEN VETERAN COORDINATOR**  
17 **PROGRAM.**

18       (a) *STUDY AND REPORT REQUIRED.*—*Not later than*  
19 *180 days after the date of the enactment of this Act, the*  
20 *Secretary of Veterans Affairs shall—*

21           (1) *complete a study on the Women Veteran Co-*  
22 *ordinator program of the Veterans Benefits Adminis-*  
23 *tration of the Department of Veterans Affairs; and*

24           (2) *submit to the Committee on Veterans' Affairs*  
25 *of the Senate and the Committee on Veterans' Affairs*



1           (1) *IN GENERAL.*—Not later than 90 days after  
2           the date of the enactment of this Act, the Secretary of  
3           Veterans Affairs, in consultation with the Inspector  
4           General of the Department of Veterans Affairs, shall  
5           commence an assessment of the capacity of peer spe-  
6           cialists of the Department of Veterans Affairs who are  
7           women.

8           (2) *ELEMENTS.*—The assessment required by  
9           paragraph (1) shall include an assessment of the fol-  
10          lowing:

11                 (A) *The geographical distribution of peer*  
12                 *specialists of the Department who are women.*

13                 (B) *The geographical distribution of women*  
14                 *veterans.*

15                 (C) *The number and proportion of women*  
16                 *peer specialists who specialize in peer counseling*  
17                 *on mental health or suicide prevention.*

18                 (D) *The number and proportion of women*  
19                 *peer specialists who specialize in peer counseling*  
20                 *on non-mental health related matters.*

21          (b) *REPORT.*—Not later than one year after the assess-  
22          ment required by subsection (a) has commenced, the Sec-  
23          retary shall submit to the Committee on Veterans' Affairs  
24          of the Senate and the Committee on Veterans' Affairs of

1 *the House of Representatives a report detailing the findings*  
2 *of the assessment.*

3 *(c) STAFFING IMPROVEMENT PLAN.—*

4 *(1) IN GENERAL.—Not later than 180 days after*  
5 *submitting the report under subsection (b), the Sec-*  
6 *retary, in consultation with the Inspector General,*  
7 *shall submit to the Committee on Veterans' Affairs of*  
8 *the Senate and the Committee on Veterans' Affairs of*  
9 *the House of Representatives a plan, based on the re-*  
10 *sults of the assessment required by subsection (a), to*  
11 *hire additional qualified peer specialists who are*  
12 *women, with special consideration for areas that lack*  
13 *peer specialists who are women.*

14 *(2) ELEMENTS.—The peer specialist positions*  
15 *included in the plan required by paragraph (1)—*

16 *(A) shall be non-volunteer, paid positions;*

17 *and*

18 *(B) may be part-time positions.*

1                   ***Subtitle C—Eliminating***  
2                   ***Harassment and Assault***

3   ***SEC. 5301. EXPANSION OF COVERAGE BY DEPARTMENT OF***  
4                   ***VETERANS AFFAIRS OF COUNSELING AND***  
5                   ***TREATMENT FOR SEXUAL TRAUMA.***

6           *(a) EXPANSION OF ELIGIBILITY FOR COUNSELING AND*  
7   *TREATMENT.—Section 1720D of title 38, United States*  
8   *Code, is amended—*

9                   *(1) in subsection (a)—*

10                           *(A) in paragraph (1), by striking “active*  
11                           *duty, active duty for training, or inactive duty*  
12                           *training” and inserting “duty, regardless of duty*  
13                           *status or line of duty determination (as that*  
14                           *term is used in section 12323 of title 10)”;* and

15                           *(B) in paragraph (2)(A), by striking “ac-*  
16                           *tive duty, active duty for training, or inactive*  
17                           *duty training” and inserting “duty, regardless of*  
18                           *duty status or line of duty determination (as*  
19                           *that term is used in section 12323 of title 10)”;*

20                           *(2) by striking “veteran” each place it appears*  
21                           *and inserting “former member of the Armed Forces”;*

22                           *(3) by striking “veterans” each place it appears*  
23                           *and inserting “former members of the Armed Forces”;*  
24                           *and*

1           (4) *by adding at the end the following new sub-*  
2           *section:*

3           “(g) *In this section, the term ‘former member of the*  
4           *Armed Forces’ includes the following:*

5                 “(1) *A veteran.*

6                 “(2) *An individual described in section 1720I(b)*  
7                 *of this title.”.*

8           (b) *INCLUSION OF TREATMENT FOR PHYSICAL*  
9           *HEALTH CONDITIONS.—Such section is further amended—*

10                 (1) *in subsection (a)—*

11                         (A) *in paragraph (1)—*

12                                 (i) *by inserting “, to include care for*  
13                                 *physical health conditions, as appropriate,”*  
14                                 *after “counseling and appropriate care and*  
15                                 *services”;*

16                                 (ii) *by striking “overcome psycho-*  
17                                 *logical trauma” and inserting “treat a con-*  
18                                 *dition”;* and

19                                 (iii) *by striking “mental health profes-*  
20                                 *sional” and inserting “health care profes-*  
21                                 *sional”;* and

22                                 (B) *in paragraph (2)(A), by striking “over-*  
23                                 *come psychological trauma” and inserting “treat*  
24                                 *a condition”;* and

25                 (2) *in subsection (d)—*

1           (A) in paragraph (1), by inserting “and  
2           other health care professionals” after “mental  
3           health professionals”; and

4           (B) in paragraph (2)(A), by inserting “and  
5           other health care professionals” after “mental  
6           health professionals”.

7 **SEC. 5302. ASSESSMENT OF EFFECTS OF INTIMATE PART-**  
8 **NER VIOLENCE ON WOMEN VETERANS BY AD-**  
9 **VISORY COMMITTEE ON WOMEN VETERANS.**

10       Section 542(c)(1) of title 38, United States Code, is  
11 amended—

12           (1) in subparagraph (B), by striking “and” at  
13       the end;

14           (2) by redesignating subparagraph (C) as sub-  
15       paragraph (D); and

16           (3) by inserting after subparagraph (B) the fol-  
17       lowing new subparagraph (C):

18           “(C) an assessment of the effects of intimate  
19       partner violence on women veterans; and”.

20 **SEC. 5303. ANTI-HARASSMENT AND ANTI-SEXUAL ASSAULT**  
21 **POLICY OF DEPARTMENT OF VETERANS AF-**  
22 **FAIRS.**

23       (a) *IN GENERAL.*—Subchapter II of chapter 5 of title  
24 38, United States Code, is amended by adding at the end  
25 the following new section:

1 **“§ 533. Anti-harassment and anti-sexual assault pol-**  
2 **icy**

3 “(a) *ESTABLISHMENT.—(1) The Secretary, acting*  
4 *through the Office of Assault and Prevention of the Veterans*  
5 *Health Administration, shall establish a comprehensive pol-*  
6 *icy to end harassment and sexual assault, including sexual*  
7 *harassment and gender-based harassment, throughout the*  
8 *Department.*

9 “(2) *The policy required by paragraph (1) shall in-*  
10 *clude the following:*

11 “(A) *A process for employees and contractors of*  
12 *the Department to respond to reported incidents of*  
13 *harassment and sexual assault committed by any*  
14 *non-Department individual within a facility of the*  
15 *Department, including with respect to accountability*  
16 *or disciplinary measures.*

17 “(B) *A process for employees and contractors of*  
18 *the Department to respond to reported incidents of*  
19 *harassment and sexual assault of any non-Depart-*  
20 *ment individual within a facility of the Department.*

21 “(C) *A process for any non-Department indi-*  
22 *vidual to report harassment and sexual assault de-*  
23 *scribed in subparagraph (A), including an option for*  
24 *confidential reporting, and for the Secretary to re-*  
25 *spond to and address such reports.*

1           “(D) Clear mechanisms for non-Department in-  
2           dividuals to readily identify to whom and how to re-  
3           port incidents of harassment and sexual assault com-  
4           mitted by another non-Department individual.

5           “(E) Clear mechanisms for employees and con-  
6           tractors of the Department to readily identify to  
7           whom and how to report incidents of harassment and  
8           sexual assault and how to refer non-Department indi-  
9           viduals with respect to reporting an incident of har-  
10          assment or sexual assault.

11          “(F) A process for, and mandatory reporting re-  
12          quirement applicable to, any employee or contractor  
13          of the Department who witnesses harassment or sex-  
14          ual assault described in subparagraph (A) or (B)  
15          within a facility of the Department, regardless of  
16          whether the individual affected by such harassment or  
17          sexual assault wants to report such harassment or  
18          sexual assault.

19          “(G) The actions possible, including disciplinary  
20          actions, for employees or contractors of the Depart-  
21          ment who fail to report incidents of harassment and  
22          sexual assault described in subparagraph (A) or (B)  
23          that the employees or contractors witness.

24          “(H) On an annual or more frequent basis,  
25          mandatory training for employees and contractors of

1     *the Department regarding how to report and address*  
2     *harassment and sexual assault described in subpara-*  
3     *graphs (A) and (B), including bystander intervention*  
4     *training.*

5             *“(I) On an annual or more frequent basis, the*  
6     *distribution of the policy under this subsection and*  
7     *anti-harassment and anti-sexual assault educational*  
8     *materials by mail or email to each individual receiv-*  
9     *ing a benefit under a law administered by the Sec-*  
10    *retary.*

11            *“(J) The prominent display of anti-harassment*  
12    *and anti-sexual assault messages in each facility of*  
13    *the Department, including how non-Department indi-*  
14    *viduals may report harassment and sexual assault de-*  
15    *scribed in subparagraphs (A) and (B) at such facility*  
16    *and the points of contact under subsection (b).*

17            *“(K) The posting on internet websites of the De-*  
18    *partment, including the main internet website regard-*  
19    *ing benefits of the Department and the main internet*  
20    *website regarding health care of the Department, of*  
21    *anti-harassment and anti-sexual assault banners spe-*  
22    *cifically addressing harassment and sexual assault de-*  
23    *scribed in subparagraphs (A) and (B).*

24            *“(b) POINTS OF CONTACT.—The Secretary shall des-*  
25    *ignate, as a point of contact to receive reports of harassment*

1 *and sexual assault described in subparagraphs (A) and (B)*  
2 *of subsection (a)(2)—*

3           “(1) *at least one individual, in addition to law*  
4 *enforcement, at each facility of the Department (in-*  
5 *cluding Vet Centers under section 1712A of this title),*  
6 *with regard to that facility;*

7           “(2) *at least one individual employed in each*  
8 *Veterans Integrated Service Network, with regard to*  
9 *facilities in that Veterans Integrated Service Network;*

10           “(3) *at least one individual employed in each re-*  
11 *gional benefits office;*

12           “(4) *at least one individual employed at each lo-*  
13 *cation of the National Cemetery Administration; and*

14           “(5) *at least one individual employed at the Cen-*  
15 *tral Office of the Department to track reports of such*  
16 *harassment and sexual assault across the Department,*  
17 *disaggregated by facility.*

18           “(c) *ACCOUNTABILITY.—(1) The Secretary shall estab-*  
19 *lish a policy to ensure that each facility of the Department*  
20 *and each director of a Veterans Integrated Service Network*  
21 *is responsible for addressing harassment and sexual assault*  
22 *at the facility and the Network.*

23           “(2) *The policy required by paragraph (1) shall in-*  
24 *clude—*

1           “(A) a remediation plan for facilities that expe-  
2           rience five or more incidents of sexual harassment,  
3           sexual assault, or combination thereof, during any  
4           single fiscal year; and

5           “(B) taking appropriate actions under chapter 7  
6           or subchapter V of chapter 74 of this title.

7           “(d) DATA.—The Secretary shall ensure that the in-  
8           take process for veterans at medical facilities of the Depart-  
9           ment includes a survey to collect the following information:

10           “(1) Whether the veteran feels safe at the facility  
11           and whether any events occurred at the facility that  
12           affect such feeling.

13           “(2) Whether the veteran wants to be contacted  
14           later by the Department with respect to such safety  
15           issues.

16           “(e) WORKING GROUP.—(1) The Secretary shall estab-  
17           lish a working group to assist the Secretary in imple-  
18           menting policies to carry out this section.

19           “(2) The working group established under paragraph  
20           (1) shall consist of representatives from—

21           “(A) veterans service organizations;

22           “(B) State, local, and Tribal veterans agencies;  
23           and

24           “(C) other persons the Secretary determines ap-  
25           propriate.

1       “(3) *The working group established under paragraph*  
2 *(1) shall develop, and the Secretary shall carry out—*

3               “(A) *an action plan for addressing changes at*  
4 *the local level to reduce instances of harassment and*  
5 *sexual assault;*

6               “(B) *standardized media for veterans service or-*  
7 *ganizations and other persons to use in print and on*  
8 *the internet with respect to reducing harassment and*  
9 *sexual assault; and*

10              “(C) *bystander intervention training for vet-*  
11 *erans.*

12       “(4) *The working group established under paragraph*  
13 *(1) shall not be subject to the requirements of the Federal*  
14 *Advisory Committee Act (5 U.S.C. App.).*

15       “(f) *ANNUAL REPORTS.—(1) The Secretary shall sub-*  
16 *mit to the Committee on Veterans’ Affairs of the Senate and*  
17 *the Committee on Veterans’ Affairs of the House of Rep-*  
18 *resentatives an annual report on harassment and sexual as-*  
19 *sault described in subparagraphs (A) and (B) of subsection*  
20 *(a)(2) in facilities of the Department.*

21       “(2) *Each report submitted under paragraph (1) shall*  
22 *include the following:*

23               “(A) *Results of harassment and sexual assault*  
24 *programming, including the End Harassment pro-*  
25 *gram.*

1           “(B) *Results of studies from the Women’s Health*  
2           *Practice-Based Research Network of the Department*  
3           *relating to harassment and sexual assault.*

4           “(C) *Data collected on incidents of sexual har-*  
5           *assment and sexual assault.*

6           “(D) *A description of any actions taken by the*  
7           *Secretary during the year preceding the date of the*  
8           *report to stop harassment and sexual assault at facili-*  
9           *ties of the Department.*

10          “(E) *An assessment of the implementation of the*  
11          *training required in subsection (a)(2)(H).*

12          “(F) *A list of resources the Secretary determines*  
13          *necessary to prevent harassment and sexual assault at*  
14          *facilities of the Department.*

15          “(g) *DEFINITIONS.—In this section:*

16                 “(1) *The term ‘non-Department individual’*  
17                 *means any individual present at a facility of the De-*  
18                 *partment who is not an employee or contractor of the*  
19                 *Department.*

20                 “(2) *The term ‘sexual harassment’ means unso-*  
21                 *lited verbal or physical contact of a sexual nature*  
22                 *which is threatening in character.”.*

23          “(b) *CLERICAL AMENDMENT.—The table of sections at*  
24          *the beginning of such chapter is amended by adding after*  
25          *the item relating to section 532 the following new item:*

“533. Anti-harassment and anti-sexual assault policy.”.

1       (c) *DEFINITION OF SEXUAL HARASSMENT.*—Section  
2 1720D(f) of such title is amended by striking “repeated,”.

3       (d) *DEADLINE.*—The Secretary shall commence car-  
4 rying out section 533 of such title, as added by subsection  
5 (a), not later than 180 days after the date of enactment  
6 of this Act.

7 **SEC. 5304. PILOT PROGRAM ON ASSISTING VETERANS WHO**  
8                   **EXPERIENCE INTIMATE PARTNER VIOLENCE**  
9                   **OR SEXUAL ASSAULT.**

10       (a) *PILOT PROGRAM REQUIRED.*—The Secretary of  
11 Veterans Affairs shall carry out a pilot program to assess  
12 the feasibility and advisability of assisting former members  
13 of the Armed Forces who have experienced or are experi-  
14 encing intimate partner violence or sexual assault in access-  
15 ing benefits from the Department of Veterans Affairs, in-  
16 cluding coordinating access to medical treatment centers,  
17 housing assistance, and other benefits from the Department.

18       (b) *DURATION.*—The Secretary shall carry out the  
19 pilot program under subsection (a) during the two-year pe-  
20 riod beginning on the date of the commencement of the pilot  
21 program.

22       (c) *COLLABORATION.*—The Secretary shall carry out  
23 the pilot program under subsection (a) in collaboration  
24 with—

1           (1) *intimate partner violence shelters and pro-*  
2 *grams;*

3           (2) *rape crisis centers;*

4           (3) *State intimate partner violence and sexual*  
5 *assault coalitions; and*

6           (4) *such other health care or other service pro-*  
7 *viders that serve intimate partner violence or sexual*  
8 *assault victims as determined by the Secretary, par-*  
9 *ticularly those providing emergency services or hous-*  
10 *ing assistance.*

11       (d) *AUTHORIZED ACTIVITIES.—In carrying out the*  
12 *pilot program under subsection (a), the Secretary may con-*  
13 *duct the following activities:*

14           (1) *Training for community-based intimate*  
15 *partner violence or sexual assault service providers*  
16 *on—*

17                   (A) *identifying former members of the*  
18 *Armed Forces who have been victims of, or are*  
19 *currently experiencing, intimate partner violence*  
20 *or sexual assault;*

21                   (B) *coordinating with local service pro-*  
22 *viders of the Department; and*

23                   (C) *connecting former members of the*  
24 *Armed Forces with appropriate housing, mental*

1           *health, medical, and other financial assistance or*  
2           *benefits from the Department.*

3           (2) *Assistance to service providers to ensure ac-*  
4           *cess of veterans to intimate partner violence and sex-*  
5           *ual assault emergency services, particularly in under-*  
6           *served areas, including services for Native American*  
7           *veterans (as defined in section 3765 of title 38,*  
8           *United States Code).*

9           (3) *Such other outreach and assistance as the*  
10          *Secretary determines necessary for the provision of*  
11          *assistance under subsection (a).*

12          (e) *INTIMATE PARTNER VIOLENCE AND SEXUAL AS-*  
13          *SAULT OUTREACH COORDINATORS.—*

14               (1) *IN GENERAL.—In order to effectively assist*  
15               *veterans who have experienced intimate partner vio-*  
16               *lence or sexual assault, the Secretary may establish*  
17               *local coordinators to provide outreach under the pilot*  
18               *program required by subsection (a).*

19               (2) *LOCAL COORDINATOR KNOWLEDGE.—The*  
20               *Secretary shall ensure that each coordinator estab-*  
21               *lished under paragraph (1) is knowledgeable about—*

22                       (A) *the dynamics of intimate partner vio-*  
23                       *lence and sexual assault, including safety con-*  
24                       *cerns, legal protections, and the need for the pro-*  
25                       *vision of confidential services;*

1           (B) *the eligibility of veterans for services*  
2           *and benefits from the Department that are rel-*  
3           *evant to recovery from intimate partner violence*  
4           *and sexual assault, particularly emergency hous-*  
5           *ing assistance, mental health care, other health*  
6           *care, and disability benefits; and*

7           (C) *local community resources addressing*  
8           *intimate partner violence and sexual assault.*

9           (3) *LOCAL COORDINATOR ASSISTANCE.—Each co-*  
10          *ordinator established under paragraph (1) shall assist*  
11          *intimate partner violence shelters and rape crisis cen-*  
12          *ters in providing services to veterans.*

13          (f) *REPORT.—*

14               (1) *IN GENERAL.—Not later than 180 days after*  
15          *the completion of the pilot program under subsection*  
16          *(a), the Secretary shall submit to Congress a report*  
17          *on the pilot program.*

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

20                       (A) *The findings and conclusions of the Sec-*  
21                       *retary with respect to the pilot program.*

22                       (B) *Such recommendations for continuing*  
23                       *or expanding the pilot program as the Secretary*  
24                       *considers appropriate.*

25          (g) *DEFINITIONS.—In this section:*

1 (1) *INTIMATE PARTNER*.—

2 (A) *IN GENERAL*.—The term “intimate  
3 partner” means a person with whom one has a  
4 close personal relationship that may be charac-  
5 terized by the partners’ emotional connectedness,  
6 regular contact, ongoing physical contact and  
7 sexual behavior, identity as a couple, and famili-  
8 arity and knowledge about each other’s lives.

9 (B) *CLOSE PERSONAL RELATIONSHIPS*.—In  
10 this paragraph, the term “close personal rela-  
11 tionships” includes the following:

12 (i) A relationship between married  
13 spouses.

14 (ii) A relationship between common-  
15 law spouses.

16 (iii) A relationship between civil union  
17 spouses.

18 (iv) A relationship between domestic  
19 partners.

20 (v) A relationship between dating part-  
21 ners.

22 (vi) A relationship between ongoing  
23 sexual partners.

24 (2) *INTIMATE PARTNER VIOLENCE*.—The term  
25 “intimate partner violence” includes physical vio-

1        *lence, sexual violence, stalking, and psychological ag-*  
2        *gression, including coercive tactics by a current or*  
3        *former intimate partner.*

4    **SEC. 5305. STUDY AND TASK FORCE ON VETERANS EXPERI-**  
5                    **ENCING INTIMATE PARTNER VIOLENCE OR**  
6                    **SEXUAL ASSAULT.**

7        *(a) NATIONAL BASELINE STUDY.—*

8                    *(1) IN GENERAL.—Not later than one year after*  
9        *the date of the enactment of this Act, the Secretary of*  
10        *Veterans Affairs, in consultation with the Attorney*  
11        *General, shall conduct a national baseline study to*  
12        *examine the scope of the problem of intimate partner*  
13        *violence and sexual assault among veterans and*  
14        *spouses and intimate partners of veterans.*

15                    *(2) MATTERS INCLUDED.—The study under*  
16        *paragraph (1) shall—*

17                    *(A) include a literature review of all rel-*  
18        *evant research on intimate partner violence and*  
19        *sexual assault among veterans and spouses and*  
20        *intimate partners of veterans;*

21                    *(B) examine the prevalence of the experience*  
22        *of intimate partner violence among—*

23                    *(i) women veterans;*

24                    *(ii) veterans who are minority group*  
25        *members (as defined in section 544 of title*

1           38, *United States Code*, and including other  
2           minority populations as the Secretary de-  
3           termines appropriate);

4                 (iii) *urban and rural veterans;*

5                 (iv) *veterans who are enrolled in a*  
6           *program under section 1720G of title 38,*  
7           *United States Code;*

8                 (v) *veterans who are in intimate rela-*  
9           *tionships with other veterans; and*

10                (vi) *veterans who are described in more*  
11           *than one clause of this subparagraph;*

12                (C) *examine the prevalence of the perpetra-*  
13           *tion of intimate partner violence by veterans;*  
14           *and*

15                (D) *include recommendations to address the*  
16           *findings of the study.*

17                (3) *REPORT.—Not later than 30 days after the*  
18           *date on which the Secretary completes the study*  
19           *under paragraph (1), the Secretary shall submit to*  
20           *the Committee on Veterans' Affairs of the Senate and*  
21           *the Committee on Veterans' Affairs of the House of*  
22           *Representatives a report on such study.*

23                (b) *TASK FORCE.—*

24                (1) *IN GENERAL.—Not later than 90 days after*  
25           *the date on which the Secretary completes the study*

1        *under subsection (a), the Secretary, in consultation*  
2        *with the Attorney General and the Secretary of*  
3        *Health and Human Services, shall establish a na-*  
4        *tional task force (in this section referred to as the*  
5        *“Task Force”) to develop a comprehensive national*  
6        *program, including by integrating facilities, services,*  
7        *and benefits of the Department of Veterans Affairs*  
8        *into existing networks of community-based intimate*  
9        *partner violence and sexual assault services, to ad-*  
10       *dress intimate partner violence and sexual assault*  
11       *among veterans.*

12                (2) *LEADERSHIP.—The Secretary of Veterans Af-*  
13        *airs shall lead the Task Force in collaboration with*  
14        *the Attorney General and the Secretary of Health and*  
15        *Human Services.*

16                (c) *CONSULTATION WITH STAKEHOLDERS.—In car-*  
17        *rying out this section, the Task Force shall consult with—*

18                (1) *representatives from veteran service organiza-*  
19        *tions and military service organizations;*

20                (2) *representatives from not fewer than three na-*  
21        *tional organizations or State coalitions with dem-*  
22        *onstrated expertise in intimate partner violence pre-*  
23        *vention, response, or advocacy; and*

24                (3) *representatives from not fewer than three na-*  
25        *tional organizations or State coalitions, particularly*

1     *those representing underserved and ethnic minority*  
2     *communities, with demonstrated expertise in sexual*  
3     *assault prevention, response, or advocacy.*

4     *(d) DUTIES.—The duties of the Task Force shall in-*  
5     *clude the following:*

6             *(1) To review existing services and policies of the*  
7     *Department and develop a comprehensive national*  
8     *program to be carried out by the Secretary of Vet-*  
9     *erans Affairs, in collaboration with the heads of rel-*  
10    *evant Federal agencies, to address intimate partner*  
11    *violence and sexual assault prevention, response, and*  
12    *treatment.*

13            *(2) To review the feasibility and advisability of*  
14    *establishing an expedited process to secure emergency,*  
15    *temporary benefits, including housing or other bene-*  
16    *fits, for veterans who are experiencing intimate part-*  
17    *ner violence or sexual assault.*

18            *(3) To review and make recommendations re-*  
19    *garding the feasibility and advisability of establishing*  
20    *dedicated, temporary housing assistance for veterans*  
21    *experiencing intimate partner violence or sexual as-*  
22    *sault.*

23            *(4) To identify any requirements regarding inti-*  
24    *mate partner violence assistance or sexual assault re-*  
25    *sponse and services that are not being met by the De-*

1        *partment and make recommendations on how the De-*  
2        *partment can meet such requirements.*

3            *(5) To review and make recommendations re-*  
4        *garding the feasibility and advisability of providing*  
5        *direct services or contracting for community-based*  
6        *services for veterans in response to a sexual assault,*  
7        *including through the use of sexual assault nurse ex-*  
8        *aminers, particularly in underserved or remote areas,*  
9        *including services for Native American veterans.*

10          *(6) To review the availability of counseling serv-*  
11        *ices provided by the Department and through peer*  
12        *network support, and to provide recommendations for*  
13        *the enhancement of such services, to address—*

14            *(A) the perpetration of intimate partner vi-*  
15        *olence and sexual assault; and*

16            *(B) the recovery of veterans, particularly*  
17        *women veterans, from intimate partner violence*  
18        *and sexual assault.*

19          *(7) To review and make recommendations to ex-*  
20        *pand services available for veterans at risk of perpe-*  
21        *trating intimate partner violence.*

22          *(e) REPORT.—Not later than one year after the date*  
23        *of the enactment of this Act, and not less frequently than*  
24        *annually thereafter by October 1 of each year, the Task*  
25        *Force shall submit to the Secretary of Veterans Affairs and*

1 Congress a report on the activities of the Task Force, includ-  
 2 ing any recommendations for legislative or administrative  
 3 action.

4 (f) *NONAPPLICABILITY OF FACA.*—The Task Force  
 5 shall not be subject to the requirements of the Federal Advi-  
 6 sory Committee Act (5 U.S.C. App.).

7 (g) *DEFINITIONS.*—In this section:

8 (1) *NATIVE AMERICAN VETERAN.*—The term  
 9 “Native American veteran” has the meaning given  
 10 that term in section 3765 of title 38, United States  
 11 Code.

12 (2) *STATE.*—The term “State” has the meaning  
 13 given that term in section 101 of title 38, United  
 14 States Code.

## 15 **Subtitle D—Data Collection and** 16 **Reporting**

17 **SEC. 5401. REQUIREMENT FOR COLLECTION AND ANALYSIS**  
 18 **OF DATA ON DEPARTMENT OF VETERANS AF-**  
 19 **FAIRS BENEFITS AND SERVICES AND**  
 20 **DISAGGREGATION OF SUCH DATA BY GEN-**  
 21 **DER, RACE, AND ETHNICITY.**

22 *The Secretary of Veterans Affairs shall—*

23 (1) *collect and analyze data on each program of*  
 24 *the Department of Veterans Affairs that provides a*  
 25 *service or benefit to a veteran, including the program*

1       *carried out under section 1144 of title 10, United*  
2       *States Code;*

3             (2) *disaggregate such data by gender, race, and*  
4       *ethnicity, when the data lends itself to such*  
5       *disaggregation; and*

6             (3) *publish the data collected and analyzed*  
7       *under paragraph (1), except for such cases in which*  
8       *the Secretary determines that some portions of the*  
9       *data would undermine the anonymity of a veteran.*

10 **SEC. 5402. STUDY ON BARRIERS FOR WOMEN VETERANS TO**  
11                   **RECEIPT OF HEALTH CARE FROM DEPART-**  
12                   **MENT OF VETERANS AFFAIRS.**

13       (a) *STUDY REQUIRED.*—*The Secretary of Veterans Af-*  
14       *fairs shall conduct a comprehensive study of the barriers*  
15       *to the provision of health care by the Department of Vet-*  
16       *erans Affairs encountered by women who are veterans.*

17       (b) *SURVEY.*—*In conducting the study required by*  
18       *subsection (a), the Secretary shall—*

19             (1) *survey women veterans who seek or receive*  
20       *hospital care or medical services provided by the De-*  
21       *partment as well as women veterans who do not seek*  
22       *or receive such care or services;*

23             (2) *administer the survey to a representative*  
24       *sample of women veterans from each Veterans Inte-*  
25       *grated Service Network; and*

1           (3) *ensure that the sample of women veterans*  
2           *surveyed is of sufficient size for the study results to*  
3           *be statistically significant and is a larger sample*  
4           *than that of the study specified in subsection (c)(1).*

5           (c) *USE OF PREVIOUS STUDIES.—In conducting the*  
6           *study required by subsection (a), the Secretary shall build*  
7           *on the work of the studies of the Department titled—*

8                   (1) *“National Survey of Women Veterans in Fis-*  
9                   *cal Year 2007–2008”; and*

10                   (2) *“Study of Barriers for Women Veterans to*  
11                   *VA Health Care 2015”.*

12           (d) *ELEMENTS OF STUDY.—In conducting the study*  
13           *required by subsection (a), the Secretary shall conduct re-*  
14           *search on the effects of the following on the women veterans*  
15           *surveyed in the study:*

16                   (1) *The barriers associated with seeking mental*  
17                   *health care services, including with respect to pro-*  
18                   *vider availability, telehealth access, and family, work,*  
19                   *and school obligations.*

20                   (2) *The effect of driving distance or availability*  
21                   *of other forms of transportation to the nearest medical*  
22                   *facility on access to care.*

23                   (3) *The effect of access to care from non-Depart-*  
24                   *ment providers.*

25                   (4) *The availability of child care.*

1           (5) *The satisfaction of such veterans with the*  
2 *provision by the Department of integrated primary*  
3 *care, women’s health clinics, or both, including per-*  
4 *ceptions of quality of care, safety, and comfort.*

5           (6) *The understanding and perceived accessi-*  
6 *bility among such veterans of eligibility requirements*  
7 *for, and the scope of services available under, hospital*  
8 *care and medical services.*

9           (7) *The perception of such veterans of personal*  
10 *safety and comfort in inpatient, outpatient, and be-*  
11 *havioral health facilities.*

12           (8) *The gender sensitivity of health care pro-*  
13 *viders and staff to issues that particularly affect*  
14 *women.*

15           (9) *The effectiveness of outreach for health care*  
16 *services available to women veterans.*

17           (10) *The location and operating hours of health*  
18 *care facilities that provide services to women veterans.*

19           (11) *The perception of such veterans of the motto*  
20 *of the Department.*

21           (12) *Such other significant barriers as the Sec-*  
22 *retary considers appropriate.*

23           (e) *DISCHARGE BY CONTRACT.*—*The Secretary shall*  
24 *enter into a contract with a qualified independent entity*

1 *or organization to carry out the study and research re-*  
2 *quired under this section.*

3 (f) *MANDATORY REVIEW OF DATA BY CERTAIN DE-*  
4 *PARTMENT DIVISIONS.—*

5 (1) *REVIEW.—*

6 (A) *IN GENERAL.—The Secretary shall en-*  
7 *sure that the head of each division of the Depart-*  
8 *ment of Veterans Affairs specified in paragraph*  
9 *(2) reviews the results of the study conducted*  
10 *under this section.*

11 (B) *SUBMITTAL OF FINDINGS.—The head of*  
12 *each division specified in paragraph (2) shall*  
13 *submit findings with respect to the study under*  
14 *this section to the Under Secretary of the De-*  
15 *partment with responsibilities relating to health*  
16 *care services for women veterans.*

17 (2) *SPECIFIED DIVISIONS.—The divisions of the*  
18 *Department of Veterans Affairs specified in this para-*  
19 *graph are the following:*

20 (A) *The Office of the Under Secretary for*  
21 *Health.*

22 (B) *The Office of Women’s Health estab-*  
23 *lished under section 7310 of title 38, United*  
24 *States Code.*

1           (C) *The Center for Women Veterans under*  
2           *section 318 of such title.*

3           (D) *The Advisory Committee on Women*  
4           *Veterans established under section 542 of such*  
5           *title.*

6           (g) *REPORT.*—

7           (1) *IN GENERAL.*—*Not later than 30 months*  
8           *after the date of the enactment of this Act, the Sec-*  
9           *retary shall submit to Congress a report on the study*  
10           *required under this section.*

11           (2) *ELEMENTS.*—*The report under paragraph*  
12           (1) *shall include—*

13           (A) *the findings of the head of each division*  
14           *of the Department specified under subsection*  
15           *(f)(2); and*

16           (B) *recommendations for such administra-*  
17           *tive and legislative action as the Secretary con-*  
18           *siders appropriate.*

19   **SEC. 5403. STUDY ON FEASIBILITY AND ADVISABILITY OF**  
20           **OFFERING PARENTING STAIR PROGRAM AT**  
21           **ALL MEDICAL CENTERS OF DEPARTMENT OF**  
22           **VETERANS AFFAIRS.**

23           (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
24           *shall conduct a study on the feasibility and advisability of*  
25           *expanding the Parenting STAIR program to all medical*

1 *centers of the Department of Veterans Affairs and including*  
2 *such program as part of care for military sexual trauma*  
3 *for affected members and former members of the Armed*  
4 *Forces.*

5 (b) *ELEMENTS.—In conducting the study under sub-*  
6 *section (a), the Secretary shall assess—*

7 (1) *staffing needed to offer the Parenting STAIR*  
8 *program at all medical centers of the Department;*

9 (2) *any additional infrastructure or resources*  
10 *(such as child care during the program) needed for*  
11 *the expansion of the program; and*

12 (3) *such other factors relevant to the expansion*  
13 *of the program as the Secretary considers appro-*  
14 *priate.*

15 (c) *REPORTS TO CONGRESS.—*

16 (1) *INTERIM REPORT.—Not later than one year*  
17 *after the date of the enactment of this Act, the Sec-*  
18 *retary shall submit to the Committee on Veterans' Af-*  
19 *airs of the Senate and the Committee on Veterans'*  
20 *Affairs of the House of Representatives a report de-*  
21 *tailing—*

22 (A) *the current number and locations of all*  
23 *facilities of the Department offering the Par-*  
24 *enting STAIR program; and*

1           (B) the number of veterans served by such  
2           program in the most recent fiscal year or cal-  
3           endar year for which data is available.

4           (2) *FINAL REPORT.*—Not later than three years  
5           after the date of the enactment of this Act, the Sec-  
6           retary shall submit to the Committee on Veterans’ Af-  
7           fairs of the Senate and the Committee on Veterans’  
8           Affairs of the House of Representatives a report de-  
9           tailing—

10           (A) the results of the study conducted under  
11           subsection (a);

12           (B) an update on how many veterans have  
13           used the Parenting STAIR program since its de-  
14           velopment in fiscal year 2017, disaggregated by  
15           year, including the locations in which veterans  
16           have used such program; and

17           (C) a determination on the feasibility and  
18           advisability of expanding the Parenting STAIR  
19           program to all medical facilities of the Depart-  
20           ment offering care for military sexual trauma.

21           (d) *DEFINITIONS.*—In this section:

22           (1) *AFFECTED MEMBERS AND FORMER MEMBERS*  
23           *OF THE ARMED FORCES.*—The term “affected mem-  
24           bers and former members of the Armed Forces” means  
25           members and former members of the Armed Forces

1     *who are parents and have experienced military sexual*  
 2     *trauma.*

3             (2) *MILITARY SEXUAL TRAUMA.*—*The term*  
 4     *“military sexual trauma” has the meaning given such*  
 5     *term in section 1164(c) of title 38, United States*  
 6     *Code, as added by section 5501(a) of this title.*

7             (3) *PARENTING STAIR PROGRAM.*—*The term*  
 8     *“Parenting STAIR program” means the program of*  
 9     *the Department of Veterans Affairs that consists of a*  
 10    *five-session, parenting-specific treatment protocol*  
 11    *based on skills training in affective and interpersonal*  
 12    *regulation (commonly referred to as “STAIR”), which*  
 13    *is a cognitive behavioral therapy that has been identi-*  
 14    *fied as a promising practice for treating post-trau-*  
 15    *matic stress disorder, including chronic and com-*  
 16    *plicated forms, among individuals with co-occurring*  
 17    *disorders.*

18             ***Subtitle E—Benefits Matters***

19    ***SEC. 5501. EVALUATION OF SERVICE-CONNECTION OF MEN-***  
 20             ***TAL HEALTH CONDITIONS RELATING TO MILI-***  
 21             ***TARY SEXUAL TRAUMA.***

22             (a) *SPECIALIZED TEAMS TO EVALUATE CLAIMS IN-*  
 23    *VOLVING MILITARY SEXUAL TRAUMA.*—

1           (1) *IN GENERAL.*—subchapter VI of chapter 11 of  
2       such title is amended by adding at the end the fol-  
3       lowing new section:

4       **“§ 1164. Specialized teams to evaluate claims involv-**  
5                               **ing military sexual trauma**

6           “(a) *IN GENERAL.*—The Secretary shall establish spe-  
7       cialized teams to process claims for compensation for a cov-  
8       ered mental health condition based on military sexual trau-  
9       ma experienced by a veteran during active military, naval,  
10      or air service.

11          “(b) *TRAINING.*—The Secretary shall ensure that mem-  
12      bers of teams established under subsection (a) are trained  
13      to identify markers indicating military sexual trauma.

14          “(c) *DEFINITIONS.*—In this section:

15               “(1) The term ‘covered mental health condition’  
16      means post-traumatic stress disorder, anxiety, depres-  
17      sion, or other mental health diagnosis described in the  
18      current version of the *Diagnostic and Statistical*  
19      *Manual of Mental Disorders* published by the *Amer-*  
20      *ican Psychiatric Association* that the Secretary deter-  
21      mines to be related to military sexual trauma.

22               “(2) The term ‘military sexual trauma’ means,  
23      with respect to a veteran, a physical assault of a sex-  
24      ual nature, battery of a sexual nature, or sexual har-

1        *assessment during active military, naval, or air serv-*  
2        *ice.”.*

3            (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
4        *tions at the beginning of such chapter is amended by*  
5        *adding at the end the following new item:*

“1164. Specialized teams to evaluate claims involving military sexual trauma.”.

6            (b) *ANNUAL REPORTS ON CLAIMS FOR DISABILITIES*  
7        *INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAU-*  
8        *MA.*—

9            (1) *REPORTS REQUIRED.*—*Not later than March*  
10        *1, 2021, and not less frequently than once each year*  
11        *thereafter through 2027, the Secretary of Veterans Af-*  
12        *fairs shall submit to Congress a report on covered*  
13        *claims submitted during the previous fiscal year to*  
14        *identify and track the consistency of decisions across*  
15        *regional offices of the Department of Veterans Affairs.*

16            (2) *ELEMENTS.*—*Each report under paragraph*  
17        *(1) shall include the following:*

18            (A) *The number of covered claims submitted*  
19        *to or considered by the Secretary during the fis-*  
20        *cal year covered by the report.*

21            (B) *Of the covered claims listed under sub-*  
22        *paragraph (A), the number and percentage of*  
23        *such claims—*

24            (i) *submitted by each sex;*

1           (ii) that were approved, including the  
2           number and percentage of such approved  
3           claims submitted by each sex;

4           (iii) that were denied, including the  
5           number and percentage of such denied  
6           claims submitted by each sex; and

7           (iv) that were developed and reviewed  
8           by a specialized team established under sec-  
9           tion 1164(a) of title 38, United States Code,  
10          as added by subsection (a).

11          (C) Of the covered claims listed under sub-  
12          paragraph (A) that were approved, the number  
13          and percentage, disaggregated by sex, of claims  
14          assigned to each rating percentage.

15          (D) Of the covered claims listed under sub-  
16          paragraph (A) that were denied—

17               (i) the three most common reasons  
18               given by the Secretary under section  
19               5104(b)(1) of title 38, United States Code,  
20               for such denials; and

21               (ii) the number of denials that were  
22               based on the failure of a veteran to report  
23               for a medical examination.

24          (E) The number of covered claims that, as  
25          of the end of the fiscal year covered by the report,

1           are pending and, separately, the number of such  
2           claims on appeal.

3           (F) For the fiscal year covered by the re-  
4           port, the average number of days that covered  
5           claims take to complete, beginning on the date on  
6           which the claim is submitted.

7           (G) A description of the training that the  
8           Secretary provides to employees of the Veterans  
9           Benefits Administration, or such contractors or  
10          other individuals as the Secretary considers ap-  
11          propriate, specifically with respect to covered  
12          claims, including the frequency, length, and con-  
13          tent of such training.

14          (H) Whether all covered claims are subject  
15          to second level review until the individual rater  
16          of the Veterans Benefits Administration adjudi-  
17          cating such covered claims achieves an accuracy  
18          rate of 90 percent on decisions of such covered  
19          claims.

20          (3) DEFINITIONS.—In this subsection:

21           (A) COVERED CLAIMS.—The term “covered  
22           claims” means claims for disability compensa-  
23           tion submitted to the Secretary based on a cov-  
24           ered mental health condition alleged to have been

1           *incurred or aggravated by military sexual trauma.*  
2

3           (B) *COVERED MENTAL HEALTH CONDI-*  
4           *TION.—The term “covered mental health condi-*  
5           *tion” has the meaning given such term in section*  
6           *1164(c) of title 38, United States Code.*

7           (C) *MILITARY SEXUAL TRAUMA.—The term*  
8           *“military sexual trauma” has the meaning given*  
9           *such term in such section.*

10 **SEC. 5502. CHOICE OF SEX OF DEPARTMENT OF VETERANS**

11           ***AFFAIRS MEDICAL EXAMINER FOR ASSESS-***  
12           ***MENT OF CLAIMS FOR COMPENSATION RE-***  
13           ***LATING TO DISABILITY RESULTING FROM***  
14           ***PHYSICAL ASSAULT OF A SEXUAL NATURE,***  
15           ***BATTERY OF A SEXUAL NATURE, OR SEXUAL***  
16           ***HARASSMENT.***

17           (a) *IN GENERAL.—Subchapter VI of chapter 11 of title*  
18           *38, United States Code, as amended by section 5501 of this*  
19           *title, is further amended by inserting after section 1164,*  
20           *as added by section 5501, the following new section:*

21           ***“§ 1165. Choice of sex of medical examiner for certain***  
22           ***disabilities***

23           *“(a) IN GENERAL.—The Secretary shall ensure that a*  
24           *veteran who requires a medical examination from a covered*  
25           *medical provider in support of a claim for compensation*

1 *under this chapter for a mental or physical health condition*  
2 *that resulted from a physical assault of a sexual nature,*  
3 *battery of a sexual nature, or sexual harassment may des-*  
4 *ignate the sex of the medical provider who provides such*  
5 *medical examination.*

6       “(b) *COVERED MEDICAL PROVIDERS.*—*For purposes of*  
7 *this section, a covered medical provider is any medical pro-*  
8 *vider who is employed by the Department or is under any*  
9 *contract with the Department to provide a medical exam-*  
10 *ination or a medical opinion when such an examination*  
11 *or opinion is necessary to make a decision on a claim.*

12       “(c) *NOTICE.*—*Before providing any medical exam-*  
13 *ination for a veteran in support for a claim described in*  
14 *subsection (a), the Secretary shall notify the veteran of the*  
15 *veteran’s rights under subsection (a).”.*

16       “(b) *CLERICAL AMENDMENT.*—*The table of sections at*  
17 *the beginning of chapter 11 of such title, as amended by*  
18 *section 5501 of this title, is further amended by inserting*  
19 *after the item relating to section 1164 the following new*  
20 *item:*

“1165. Choice of sex of medical examiner for certain disabilities.”.

1 **SEC. 5503. SECRETARY OF VETERANS AFFAIRS REPORT ON**  
2 **IMPLEMENTING RECOMMENDATIONS OF IN-**  
3 **SPECTOR GENERAL OF DEPARTMENT OF VET-**  
4 **ERANS AFFAIRS IN CERTAIN REPORT ON DE-**  
5 **NIED POSTTRAUMATIC STRESS DISORDER**  
6 **CLAIMS RELATED TO MILITARY SEXUAL**  
7 **TRAUMA.**

8 *Not later than 90 days after the date of the enactment*  
9 *of this Act, the Secretary of Veterans Affairs shall submit*  
10 *to the Committee on Veterans' Affairs of the Senate and*  
11 *the Committee on Veterans' Affairs of the House a report*  
12 *on the progress of the Secretary in implementing the rec-*  
13 *ommendations from the report of the Inspector General of*  
14 *the Department of Veterans Affairs entitled "Denied*  
15 *Posttraumatic Stress Disorder Claims Related to Military*  
16 *Sexual Trauma" (17-05248-241).*

17 **TITLE VI—REPRESENTATION**  
18 **AND FINANCIAL EXPLOI-**  
19 **TATION MATTERS**

20 **SEC. 6001. SHORT TITLE.**

21 *This title may be cited as the "Financial Refuge for*  
22 *Every Elderly Veteran Act of 2020" or the "FREE Veteran*  
23 *Act of 2020".*

1 **SEC. 6002. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**  
2 **TATION OF VETERANS RECEIVING PENSION**  
3 **FROM THE DEPARTMENT OF VETERANS AF-**  
4 **FAIRS.**

5 (a) *DEVELOPMENT OF METHOD FOR SOLICITATION*  
6 *AND COLLECTION OF INFORMATION.*—Not later than one  
7 year after the date of the enactment of this Act, the Sec-  
8 retary of Veterans Affairs shall develop a method for system-  
9 atically soliciting and collecting information on complaints  
10 received, referrals made, and actions taken by the pension  
11 management centers of the Department of Veterans Affairs  
12 and any other relevant components of the Department, in  
13 cases of potential financial exploitation of individuals re-  
14 ceiving pension under chapter 15 of title 38, United States  
15 Code.

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

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

20 (A) to regularly assess the information so-  
21 licited and collected under subsection (a) to iden-  
22 tify trends of potential financial exploitation of  
23 the individuals described in subsection (a) across  
24 the Department; and

1           (B) to outline actions that the Department  
2           can take to improve education and training to  
3           address those trends.

4           (2) *SUBMISSION OF PLAN.*—Not later than one  
5           year after the date of the enactment of this Act and  
6           not less frequently than once every two years there-  
7           after until the date that is six years after the date of  
8           the enactment of this Act, the Secretary shall submit  
9           the plan most recently developed or updated under  
10          paragraph (1) to—

11           (A) the Comptroller General of the United  
12          States; and

13           (B) the Committee on Veterans' Affairs and  
14          the Special Committee on Aging of the Senate  
15          and the Committee on Veterans' Affairs of the  
16          House of Representatives.

17 **SEC. 6003. OVERPAYMENTS OF PENSION TO VETERANS RE-**  
18 **CEIVING PENSION FROM THE DEPARTMENT**  
19 **OF VETERANS AFFAIRS.**

20          (a) *GUIDANCE AND TRAINING FOR CLAIMS PROC-*  
21 *ESSORS.*—As the Secretary of Veterans Affairs considers  
22 necessary, but not less frequently than once every three  
23 years until the date that is 10 years after the date of the  
24 enactment of this Act, the Under Secretary for Benefits of  
25 the Department of Veterans Affairs shall update guidance

1 *and training curriculum for the processors of claims for*  
2 *pension under chapter 15 of title 38, United States Code,*  
3 *regarding the evaluation of questionable medical expenses*  
4 *on applications for pension, including by updating such*  
5 *guidance with respect to what constitutes a questionable*  
6 *medical expense and by including examples of such ex-*  
7 *penses.*

8       **(b) IDENTIFICATION AND TRACKING.**—*The Under Sec-*  
9 *retary shall develop a method for identifying and tracking*  
10 *the number of individuals who have received overpayments*  
11 *of pension under chapter 15 of title 38, United States Code.*

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

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

22               **(2)** *The five most common reasons for overpay-*  
23 *ments described in paragraph (1).*

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

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

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

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

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

10 **SEC. 6004. EVALUATION OF ADDITIONAL ACTIONS FOR**  
11 **VERIFYING DIRECT DEPOSIT INFORMATION**  
12 **PROVIDED BY VETERANS ON APPLICATIONS**  
13 **FOR VETERANS PENSION.**

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

16           (1) *conduct an evaluation of the feasibility and*  
17 *advisability of requiring the processors of claims for*  
18 *pension under chapter 15 of title 38, United States*  
19 *Code, to take additional actions to verify that the di-*  
20 *rect deposit information provided by an individual*  
21 *on an application for pension is for the appropriate*  
22 *recipient; and*

23           (2) *identify such legislative or administrative ac-*  
24 *tions as the Under Secretary considers appropriate to*

1     *ensure that payments of pension are provided to the*  
2     *correct recipients.*

3     **(b) SUBMISSION TO CONGRESS.—**

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

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

10            **(A)** *The findings of the Under Secretary*  
11     *with respect to the evaluation conducted under*  
12     *subsection (a)(1).*

13            **(B)** *The actions identified under subsection*  
14     *(a)(2).*

15            **(C)** *A plan for implementing any adminis-*  
16     *trative actions identified under subsection (a)(2).*

17            **(D)** *A rationale for not implementing any*  
18     *actions evaluated under paragraph (1) of sub-*  
19     *section (a) but not identified under paragraph*  
20     *(2) of such subsection.*

1 **SEC. 6005. ANNUAL REPORT ON EFFORTS OF DEPARTMENT**  
2 **OF VETERANS AFFAIRS TO ADDRESS THE FI-**  
3 **NANCIAL EXPLOITATION OF VETERANS RE-**  
4 **CEIVING PENSION.**

5 (a) *IN GENERAL.*—Not later than one year after the  
6 date of the enactment of this Act and not less frequently  
7 than once each year thereafter until the date that is four  
8 years after the date of the enactment of this Act, the Sec-  
9 retary of Veterans Affairs shall submit to the Committee  
10 on Veterans' Affairs of the Senate and the Committee on  
11 Veterans' Affairs of the House of Representatives a report  
12 on efforts to address the financial exploitation of individ-  
13 uals receiving pension under chapter 15 of title 38, United  
14 States Code.

15 (b) *CONTENTS.*—Each report required by subsection  
16 (a) shall include, for the period covered by the report, the  
17 following:

18 (1) *The number of individuals who received pen-*  
19 *sion under chapter 15 of title 38, United States Code,*  
20 *who have been referred by any component of the De-*  
21 *partment of Veterans Affairs to the Office of Inspector*  
22 *General of the Department as likely or proven victims*  
23 *of financial exploitation.*

24 (2) *The number of referrals and reports relating*  
25 *to the financial exploitation of such individuals made*  
26 *by the Department of Veterans Affairs to—*

1           (A) the Consumer Sentinel Network of the  
2           Federal Trade Commission; and

3           (B) the Department of Justice.

4           (3) A description of the actions taken as a result  
5           of such referrals and reports against—

6           (A) individuals recognized by the Secretary  
7           as agents or attorneys under section 5904 of title  
8           38, United States Code; and

9           (B) individuals not so recognized.

10 **SEC. 6006. NOTICE REGARDING FEES CHARGED IN CONNEC-**  
11 **TION WITH FILING AN APPLICATION FOR VET-**  
12 **ERANS PENSION.**

13           *The Under Secretary for Benefits of the Department*  
14 *of Veterans Affairs shall ensure that every paper or elec-*  
15 *tronic document relating to the receipt of pension under*  
16 *chapter 15 of title 38, United States Code, that is available*  
17 *to individuals who apply for such pension, including edu-*  
18 *cational forms about or applications for such pension, in-*  
19 *cludes a notice that the Department does not charge any*  
20 *fee in connection with the filing of an application for such*  
21 *pension.*

1 **SEC. 6007. OUTREACH PLAN FOR EDUCATING VULNERABLE**  
2 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**  
3 **PLOITATION RELATING TO THE RECEIPT OF**  
4 **PENSION.**

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

11 (b) *SUBMISSION TO CONGRESS.*—*Not later than 180*  
12 *days after the date of the enactment of this Act, the Under*  
13 *Secretary shall submit to the Committee on Veterans' Af-*  
14 *airs and the Special Committee on Aging of the Senate*  
15 *and the Committee on Veterans' Affairs of the House of Rep-*  
16 *resentatives the plan developed under subsection (a).*

17 (c) *VETERANS SERVICE ORGANIZATION DEFINED.*—*In*  
18 *this section, the term “veterans service organization” means*  
19 *an organization recognized by the Secretary of Veterans Af-*  
20 *airs for the representation of veterans under section 5902*  
21 *of title 38, United States Code.*

1       **TITLE VII—OTHER MATTERS**  
2       **Subtitle A—Administrative and**  
3       **Other Matters**

4       **SEC. 7001. MEDICAL EXAMINATION PROTOCOL FOR VOLUN-**  
5                   **TEER DRIVERS PARTICIPATING IN PROGRAM**  
6                   **OF TRANSPORTATION SERVICES FOR VET-**  
7                   **ERANS.**

8       *Section 111A(b) of title 38, United States Code, is*  
9       *amended—*

10           (1) *by inserting “(1)” before “The Secretary”;*

11       *and*

12           (2) *by adding at the end the following new para-*  
13       *graph:*

14       “(2)(A) *Not later than 90 days after the date of the*  
15       *enactment of the Johnny Isakson and David P. Roe, M.D.*  
16       *Veterans Health Care and Benefits Improvement Act of*  
17       *2020, the Secretary shall develop and establish a national*  
18       *protocol for the administration of medical examinations for*  
19       *volunteer drivers to participate in the program described*  
20       *in paragraph (1).*

21       “(B) *In developing the protocol required by subpara-*  
22       *graph (A), the Secretary shall consult with such persons as*  
23       *the Secretary determines have an interest in the program*  
24       *described in paragraph (1).*

1       “(C)(i) *The Secretary shall implement the protocol by*  
 2 *first conducting a one-year pilot program using the pro-*  
 3 *ocol.*

4       “(ii) *After conducting the pilot program required by*  
 5 *clause (i), the Secretary shall assess the pilot program and*  
 6 *make such changes to the protocol as the Secretary considers*  
 7 *appropriate.*

8       “(iii) *After making changes to the protocol under*  
 9 *clause (ii), the Secretary shall implement the protocol in*  
 10 *phases during the course of one year.”.*

11 **SEC. 7002. DEPARTMENT OF VETERANS AFFAIRS ADVISORY**  
 12                   **COMMITTEE ON TRIBAL AND INDIAN AF-**  
 13                   **FAIRS.**

14       (a) *ESTABLISHMENT OF ADVISORY COMMITTEE.—*

15               (1) *IN GENERAL.—Subchapter III of chapter 5 of*  
 16 *title 38, United States Code, is amended by adding*  
 17 *at the end the following new section:*

18 **“§ 547. Advisory Committee on Tribal and Indian Af-**  
 19                   **fairs**

20       “(a) *ESTABLISHMENT.—(1) The Secretary shall estab-*  
 21 *lish an advisory committee to provide advice and guidance*  
 22 *to the Secretary on matters relating to Indian tribes, tribal*  
 23 *organizations, and Native American veterans.*

24       “(2) *The advisory committee established under para-*  
 25 *graph (1) shall be known as the ‘Advisory Committee on*

1 *Tribal and Indian Affairs*' (in this section referred to as  
2 the 'Committee').

3       “(3) *The Committee shall facilitate, but not supplant,*  
4 *government-to-government consultation between the Depart-*  
5 *ment and Indian tribes or tribal organizations.*

6       “(4) *The Secretary shall consult with Indian tribes or*  
7 *tribal organizations in developing a charter for the Com-*  
8 *mittee.*

9       “(b) *MEMBERSHIP.—(1) The Committee shall be com-*  
10 *prised of 15 voting members selected by the Secretary from*  
11 *among individuals nominated as specified under this sub-*  
12 *section.*

13       “(2) *In selecting members under paragraph (1), the*  
14 *Secretary shall ensure that—*

15               “(A) *at least one member of each of the 12 serv-*  
16 *ice areas of the Indian Health Service is represented*  
17 *in the membership of the Committee nominated by*  
18 *Indian tribes or tribal organizations;*

19               “(B) *at least one member of the Committee rep-*  
20 *resents the Native Hawaiian veteran community*  
21 *nominated by a Native Hawaiian Organization;*

22               “(C) *at least one member of the Committee rep-*  
23 *resents urban Indian organizations nominated by a*  
24 *national urban Indian organization; and*

1           “(D) not fewer than half of the members are vet-  
2           erans, unless the Secretary determines that an insuffi-  
3           cient number of qualified veterans were nominated  
4           under paragraph (1).

5           “(3) No member of the Committee may be an employee  
6           of the Federal Government.

7           “(c) *TERMS; VACANCIES.*—(1) A member of the Com-  
8           mittee shall be appointed for a term of two years.

9           “(2) The Secretary shall fill a vacancy in the Com-  
10          mittee in the same manner as the original appointment  
11          within 180 days.

12          “(d) *MEETINGS.*—(1)(A) Except as provided in sub-  
13          paragraph (B), the Committee shall meet in-person with  
14          the Secretary, or the Secretary’s designee, not less frequently  
15          than twice each year and hold monthly conference calls as  
16          necessary.

17          “(B) During a public health emergency (as defined in  
18          section 20003 of the Coronavirus Aid, Relief, and Economic  
19          Security Act (Public Law 116–136)), meetings under sub-  
20          paragraph (A) may be conducted virtually.

21          “(2)(A) Representatives of relevant Federal agencies  
22          may attend meetings of the Committee and provide infor-  
23          mation to the Committee.

1       “(B) One representative of the Office of Tribal Govern-  
2   ment Relations of the Department shall attend at each meet-  
3   ing of the Committee.

4       “(C) Representatives attending meetings under this  
5   paragraph shall not be considered voting members of the  
6   Committee.

7       “(D) A representative attending a meeting or pro-  
8   viding information under this paragraph may not receive  
9   additional compensation for services performed with respect  
10  to the Committee.

11       “(e) SUBCOMMITTEES.—(1) The Committee may estab-  
12  lish subcommittees.

13       “(2) The Secretary may, in consultation with the Com-  
14  mittee, appoint a member to a subcommittee established  
15  under paragraph (1) who is not a member of the Committee.

16       “(3) Such subcommittees may enhance the function of  
17  the Committee, but may not supersede the authority of the  
18  Committee or provide direct advice or work products to the  
19  Department.

20       “(f) DUTIES.—The duties of the Committee are as fol-  
21  lows:

22               “(1) To advise the Secretary on ways the De-  
23   partment can improve the programs and services of  
24   the Department to better serve Native American vet-  
25   erans.

1           “(2) To identify for the Department evolving  
2 issues of relevance to Indian tribes, tribal organiza-  
3 tions, and Native American veterans relating to pro-  
4 grams and services of the Department.

5           “(3) To propose clarifications, recommendations,  
6 and solutions to address issues raised at tribal, re-  
7 gional, and national levels, especially regarding any  
8 tribal consultation reports.

9           “(4) To provide a forum for Indian tribes, tribal  
10 organizations, urban Indian organizations, Native  
11 Hawaiian organizations, and the Department to dis-  
12 cuss issues and proposals for changes to Department  
13 regulations, policies, and procedures.

14           “(5) To identify priorities and provide advice on  
15 appropriate strategies for tribal consultation and  
16 urban Indian organizations conferring on issues at  
17 the tribal, regional, or national levels.

18           “(6) To ensure that pertinent issues are brought  
19 to the attention of Indian tribes, tribal organizations,  
20 urban Indian organizations, and Native Hawaiian  
21 organizations in a timely manner, so that feedback  
22 can be obtained.

23           “(7) To encourage the Secretary to work with  
24 other Federal agencies and Congress so that Native

1     *American veterans are not denied the full benefit of*  
2     *their status as both Native Americans and veterans.*

3             “(8) *To highlight contributions of Native Amer-*  
4     *ican veterans in the Armed Forces.*

5             “(9) *To make recommendations on the consulta-*  
6     *tion policy of the Department on tribal matters.*

7             “(10) *To support a process to develop an urban*  
8     *Indian organization confer policy to ensure the Sec-*  
9     *retary confers, to the maximum extent practicable,*  
10    *with urban Indian organizations.*

11            “(11) *To conduct other duties as recommended*  
12    *by the Committee.*

13            “(g) *REPORTS.—(1) Not less frequently than once each*  
14    *year, the Committee shall submit to the Secretary and the*  
15    *appropriate committees of Congress such recommendations*  
16    *as the Committee may have for legislative or administrative*  
17    *action for the upcoming year.*

18            “(2) *Not later than 90 days after the date on which*  
19    *the Secretary receives a recommendation under paragraph*  
20    *(1), the Secretary shall submit to the appropriate commit-*  
21    *tees of Congress a written response to the recommendation.*

22            “(3) *Not less frequently than once every two years, the*  
23    *Committee shall submit to the Secretary and the appro-*  
24    *priate committees of Congress a report describing the activi-*  
25    *ties of the Committee during the previous two years.*

1       “(4) *The Secretary shall make publicly available on*  
2 *an Internet website of the Department—*

3               “(A) *each recommendation the Secretary receives*  
4 *under paragraph (1);*

5               “(B) *each response the Secretary submits under*  
6 *paragraph (2); and*

7               “(C) *each report the Secretary receives under*  
8 *paragraph (3).*

9       “(h) *COMMITTEE PERSONNEL MATTERS.—A member*  
10 *of the Committee shall be allowed travel expenses, including*  
11 *per diem in lieu of subsistence, at rates authorized for an*  
12 *employee of an agency under subchapter I of chapter 57*  
13 *of title 5 while away from the home or regular place of*  
14 *business of the member in the performance of the duties of*  
15 *the Committee.*

16       “(i) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*  
17 *TION.—Section 14 of the Federal Advisory Committee Act*  
18 *(5 U.S.C. App.) shall not apply to the Committee.*

19       “(j) *DEFINITIONS.—In this section:*

20               “(1) *The term ‘appropriate committees of Con-*  
21 *gress’ means—*

22                       “(A) *the Committee on Veterans’ Affairs*  
23 *and the Committee on Indian Affairs of the Sen-*  
24 *ate; and*

1           “(B) *the Committee on Veterans’ Affairs*  
2           *and the Committee on Natural Resources of the*  
3           *House of Representatives.*

4           “(2) *The term ‘Indian tribe’ has the meaning*  
5           *given such term in section 4 of the Indian Self-Deter-*  
6           *mination and Education Assistance Act (25 U.S.C.*  
7           *5304).*

8           “(3) *The term ‘Native Hawaiian organization’*  
9           *means any organization that—*

10           “(A) *serves the interests of Native Hawai-*  
11           *ians;*

12           “(B) *has Native Hawaiians in substantive*  
13           *and policymaking positions within the organiza-*  
14           *tion;*

15           “(C) *has demonstrated experience working*  
16           *with Native Hawaiian veterans; and*

17           “(D) *shall include the Office of Hawaiian*  
18           *Affairs.*

19           “(4) *The term ‘Native American veteran’ has the*  
20           *meaning given such term in section 3765 of this title.*

21           “(5) *The term ‘Office of Hawaiian Affairs’*  
22           *means the Office of Hawaiian Affairs established by*  
23           *the constitution of the State of Hawaii.”.*

24           “(6) *The term ‘tribal organization’ has the*  
25           *meaning given such term in section 3765 of this title.*

1           “(7) *The term ‘urban Indian organization’ has*  
2           *the meaning given such term in section 4 of the In-*  
3           *Indian Health Care Improvement Act (25 U.S.C.*  
4           *1603).’.*”

5           (2) *CLERICAL AMENDMENT.—The table of sec-*  
6           *tions at the beginning of chapter 5 of such title is*  
7           *amended by inserting after the item relating to sec-*  
8           *tion 546 the following new item:*

*“547. Advisory Committee on Tribal and Indian Affairs.”.*

9           (b) *DEADLINE FOR ESTABLISHMENT.—The Secretary*  
10          *of Veterans Affairs shall establish the advisory committee*  
11          *required by section 547 of title 38, United States Code, as*  
12          *added by subsection (a)(1), not later than 180 days after*  
13          *the date of the enactment of this Act.*

14          (c) *DEADLINE FOR INITIAL APPOINTMENTS.—Not later*  
15          *than 90 days after the date on which the Secretary estab-*  
16          *lishes the advisory committee required by such section, the*  
17          *Secretary shall appoint members under subsection (b)(1) of*  
18          *such section.*

19          (d) *INITIAL MEETING.—Not later than 90 days after*  
20          *the date on which the Secretary establishes the advisory*  
21          *committee required by such section, such advisory com-*  
22          *mittee shall hold its first meeting.*

23          (e) *REPORT ON RELATION TO OFFICE OF TRIBAL AND*  
24          *GOVERNMENT RELATIONS.—*

1           (1) *IN GENERAL.*—Not later than two years after  
2           the date of the first meeting held by the advisory com-  
3           mittee required by such section, the Secretary shall  
4           submit to Congress a report on whether and to what  
5           extent the activities of the advisory committee im-  
6           prove the function of the Office of Tribal and Govern-  
7           ment Relations of the Department of Veterans Affairs,  
8           aid the decisions of the Secretary, and whether and  
9           to what extent the activities of the advisory committee  
10          duplicate function of the Department performed before  
11          the enactment of this Act.

12          (2) *REVIEW BY ADVISORY COMMITTEE.*—The Sec-  
13          retary shall—

14                (A) give the advisory committee an oppor-  
15                tunity to review the report required by para-  
16                graph (1) before submitting the report under  
17                such paragraph; and

18                (B) include in the report submitted under  
19                such paragraph such comments as the advisory  
20                committee considers appropriate regarding the  
21                views of the advisory committee with respect to  
22                the report.

1 **SEC. 7003. PREFERENCE FOR OFFERORS EMPLOYING VET-**  
2 **ERANS.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 81 of title  
4 38, United States Code, is amended by adding after section  
5 8128 the following new section:

6 **“§ 8129. Preference for offerors employing veterans**

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

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

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

20 “(2) *If the Secretary carries out a debarment under*  
21 *paragraph (1), the Secretary shall—*

22 “(A) *commence debarment action against the of-*  
23 *feror by not later than 30 days after determining that*  
24 *the offeror willfully and intentionally misrepresented*  
25 *the veteran status of the employees of the offeror as*  
26 *described in paragraph (1); and*

1           “(B) complete debarment actions against such of-  
2           feror by not later than 90 days after such determina-  
3           tion.

4           “(3) The debarment of an offeror under paragraph (1)  
5           includes the debarment of all principals in the offeror for  
6           a period of not less than five years.”.

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

          “8129. *Preference for offerors employing veterans.*”.

11   **SEC. 7004. EXTENSION OF CERTAIN EMPLOYMENT AND RE-**  
12                            **EMPLOYMENT RIGHTS TO MEMBERS OF THE**  
13                            **NATIONAL GUARD WHO PERFORM STATE AC-**  
14                            **TIVE DUTY.**

15          Section 4303 of title 38, United States Code, is amend-  
16          ed—

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

1           (2) by redesignating paragraph (15) as para-  
2           graph (16); and

3           (3) by inserting after paragraph (14) the fol-  
4           lowing new paragraph (15):

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

8                   “(A) not under section 502 of title 32 or  
9                   under title 10;

10                   “(B) in service to the Governor of a State;  
11                   and

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

14 **SEC. 7005. REPAYMENT OF MISUSED BENEFITS.**

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

17                   (1) in paragraph (1), by striking “In any case  
18                   in which a fiduciary described in paragraph (2)” and  
19                   inserting “In any case not covered by subsection (a)  
20                   in which a fiduciary”;

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

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

24           (b) *APPLICATION.*—The amendments made by sub-  
25           section (a) shall apply with respect to any determination

1 *by the Secretary of Veterans Affairs made on or after the*  
2 *date of the enactment of this Act regarding the misuse of*  
3 *benefits by a fiduciary.*

4 **SEC. 7006. EXEMPTION OF CERTAIN TRANSFERS.**

5 *Section 7364(b)(1) of title 38, United States Code, is*  
6 *amended by adding at the end the following new sentence:*  
7 *“Any amounts so transferred after September 30, 2016,*  
8 *shall be available without regard to fiscal year limitations,*  
9 *notwithstanding section 1535(d) of title 31.”.*

10 **SEC. 7007. REPORT AND PLANNED ACTIONS OF THE SEC-**  
11 **RETARY OF VETERANS AFFAIRS TO ADDRESS**  
12 **CERTAIN HIGH-RISK AREAS OF THE DEPART-**  
13 **MENT OF VETERANS AFFAIRS.**

14 *(a) REPORT REQUIRED.—Not later than 180 days*  
15 *after the date of the enactment of this Act, the Secretary*  
16 *of Veterans Affairs, in consultation with the Comptroller*  
17 *General of the United States, shall submit to the Commit-*  
18 *tees on Veterans’ Affairs of the Senate and House of Rep-*  
19 *resentatives a report outlining the plan the Secretary has*  
20 *developed and the actions the Secretary has taken to address*  
21 *the areas of concern identified by the Comptroller General*  
22 *for the Department of Veterans Affairs in the 2019 High-*  
23 *Risk List of the Government Accountability Office (GAO–*  
24 *19–157SP) regarding—*

25 *(1) acquisition management; and*

1           (2) *managing risks and improving health care.*

2           (b) *ELEMENTS.—The report under subsection (a) shall*  
3 *include each of the following:*

4           (1) *Root causes of the areas of concern described*  
5 *in paragraphs (1) and (2) of subsection (a).*

6           (2) *Corrective actions and specific steps to ad-*  
7 *dress each root cause, including—*

8           (A) *the progress of the Secretary in imple-*  
9 *menting those actions and steps; and*

10           (B) *timelines and milestones the Secretary*  
11 *determines feasible to complete each corrective*  
12 *action.*

13           (3) *Resources the Secretary determines are nec-*  
14 *essary to implement corrective actions, including—*

15           (A) *funding;*

16           (B) *stakeholders;*

17           (C) *technology; and*

18           (D) *senior officials responsible for imple-*  
19 *menting the corrective actions and reporting re-*  
20 *sults.*

21           (4) *Metrics for assessing progress in addressing*  
22 *the areas of concern described in paragraphs (1) and*  
23 *(2) of subsection (a).*

1           (5) *Key outcomes that demonstrate progress in*  
2 *addressing the areas of concern described in para-*  
3 *graphs (1) and (2) of subsection (a).*

4           (6) *Obstacles to implementation of the plan that*  
5 *the Secretary identifies.*

6           (7) *Recommendations of the Secretary regarding*  
7 *legislation or funding the Secretary determines nec-*  
8 *essary to implement the plan.*

9           (8) *Any other information the Secretary deter-*  
10 *mines is relevant to understanding the progress of the*  
11 *Department toward the removal of the areas of con-*  
12 *cern from the High Risk List.*

13       (c) *ANNUAL UPDATES.*—

14           (1) *UPDATE REQUIRED.*—*Not less than once each*  
15 *year during the implementation period under para-*  
16 *graph (2), the Secretary shall submit to Congress an*  
17 *update regarding implementation of each element of*  
18 *the plan under subsection (b).*

19           (2) *IMPLEMENTATION PERIOD.*—*The implemen-*  
20 *tation period described in this paragraph begins on*  
21 *the date on which the Secretary submits the report re-*  
22 *quired under subsection (a) and ends on the earlier*  
23 *of the following dates:*

24                   (A) *The date on which the Comptroller Gen-*  
25 *eral removes the last area of concern for the De-*

1            *partment from the most recent High-Risk List of*  
2            *the Government Accountability Office.*

3            *(B) The date that is 8 years after the date*  
4            *on which the Secretary submits the plan required*  
5            *under subsection (a).*

6    **SEC. 7008. ANNUAL REPORT BY SECRETARY OF VETERANS**  
7            ***AFFAIRS ON IMPLEMENTATION OF PRIORITY***  
8            ***RECOMMENDATIONS OF COMPTROLLER GEN-***  
9            ***ERAL OF THE UNITED STATES PERTAINING***  
10           ***TO DEPARTMENT OF VETERANS AFFAIRS.***

11           *(a) ANNUAL REPORT REQUIRED.—Not later than 270*  
12           *days after the date of the enactment of this Act, and not*  
13           *less than once during each of the subsequent 3 years, the*  
14           *Secretary of Veterans Affairs shall submit to the Committees*  
15           *on Veterans' Affairs of the Senate and House of Representa-*  
16           *tives and to the Comptroller General of the United States*  
17           *a report on the implementation of priority recommenda-*  
18           *tions of the Comptroller General that pertain to the Depart-*  
19           *ment of Veterans Affairs.*

20           *(b) CONTENTS.—Each report submitted under sub-*  
21           *section (a) shall include, for the period covered by the re-*  
22           *port, the following:*

23                    *(1) The progress of the Secretary in imple-*  
24                    *menting all open priority recommendations of the*

1        *Comptroller General for the Department of Veterans*  
2        *Affairs.*

3            (2) *An explanation for each instance where the*  
4        *Secretary has decided not to implement, or has not*  
5        *fully implemented, an open priority recommendation*  
6        *of the Comptroller General for the Department.*

7            (3) *A summary of the corrective actions taken*  
8        *and remaining steps the Secretary plans to take to*  
9        *implement open priority recommendations of the*  
10       *Comptroller General.*

11        (c) *SUPPLEMENT NOT SUPPLANT CERTAIN REQUIRED*  
12       *REPORTS OR WRITTEN STATEMENTS.—The report under*  
13       *this section shall not be construed to supplant any report*  
14       *or written statement required under section 720 of title 31,*  
15       *United States Code.*

16       **SEC. 7009. CLARIFICATION OF METHODS USED TO MONITOR**  
17                            **COMPLIANCE WITH CERTAIN LIMITATIONS**  
18                            **ON SUBCONTRACTING.**

19        *Section 8127(k)(3)(A) of title 38, United States Code,*  
20        *is amended by striking “and any other” and inserting “or*  
21        *any other”.*

1 **SEC. 7010. DEPARTMENT OF VETERANS AFFAIRS REQUIRE-**  
2 **MENT TO PROVIDE CERTAIN NOTICE TO PER-**  
3 **SONS FILING CLAIMS FOR DAMAGE, INJURY,**  
4 **OR DEATH ON STANDARD FORM 95.**

5 *Not later than 90 days after the date on which a person*  
6 *submits to the Secretary of Veterans Affairs a claim for*  
7 *damage, injury, or death on Standard Form 95, or any*  
8 *successor form, the Secretary shall provide to such person*  
9 *notice of each of the following:*

10 (1) *The benefit of obtaining legal advice con-*  
11 *cerning such claim.*

12 (2) *The employment status of any individual*  
13 *listed on the form.*

14 (3) *If the claim involves a contractor that en-*  
15 *tered into an agreement with the Secretary, the im-*  
16 *portance of obtaining legal advice as to the statute of*  
17 *limitations regarding the claim in the State in which*  
18 *the claim arose.*

19 **Subtitle B—Matters Relating to the**  
20 **Chief Financial Officer of De-**  
21 **partment of Veterans Affairs**

22 **SEC. 7101. DEFINITIONS.**

23 *In this subtitle:*

24 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
25 *TEES.—The term “appropriate congressional commit-*  
26 *tees” means the Committees on Veterans’ Affairs of*

1 *the Senate and the House of Representatives and the*  
2 *Committees on Appropriations of the Senate and the*  
3 *House of Representatives.*

4 (2) *SUBORDINATE CHIEF FINANCIAL OFFICER.*—

5 *The term “subordinate chief financial officer”—*

6 *(A) includes—*

7 *(i) the chief financial officer of the Vet-*  
8 *erans Health Administration, the chief fi-*  
9 *nanical officer of the Office of Community*  
10 *Care within the Veterans Health Adminis-*  
11 *tration, and all chief financial officers of*  
12 *Veterans Integrated Service Networks with-*  
13 *in the Veterans Health Administration;*

14 *(ii) the chief financial officer of the*  
15 *Veterans Benefits Administration and all*  
16 *chief financial officers of organizational*  
17 *subdivisions representing business lines*  
18 *within the Veterans Benefits Administra-*  
19 *tion;*

20 *(iii) the chief financial officer of the*  
21 *National Cemetery Administration; and*

22 *(iv) the chief financial officer of the Of-*  
23 *fice of Information and Technology; and*

24 *(B) does not include the Inspector General.*

1 **SEC. 7102. PLANS FOR ADDRESSING MATERIAL WEAK-**  
2 **NESSES AND PROVIDING SUFFICIENT AU-**  
3 **THORITY TO CHIEF FINANCIAL OFFICER OF**  
4 **DEPARTMENT OF VETERANS AFFAIRS.**

5 *Not later than 180 days after the date of the enactment*  
6 *of this Act, and annually thereafter for each of the three*  
7 *subsequent years, the Secretary of Veterans Affairs, acting*  
8 *through the Chief Financial Officer of the Department of*  
9 *Veterans Affairs, shall submit to the appropriate congress-*  
10 *sional committees—*

11 *(1) an action plan, including steps, related*  
12 *timelines, costs, progress, status of implementation,*  
13 *and any updates for fully addressing the material*  
14 *weaknesses of the Department discussed in the Man-*  
15 *agement's Discussion and Analysis section of the fi-*  
16 *nancial statements of the Department submitted to*  
17 *Congress under section 3515 of title 31, United States*  
18 *Code for the year preceding the year during which the*  
19 *report is submitted; and*

20 *(2) a plan outlining the steps the Secretary*  
21 *plans to take to address the recommendations of audi-*  
22 *tors related to entity-level internal controls and to*  
23 *provide sufficient authority to the Chief Financial Of-*  
24 *ficer of the Department to carry out the requirements*  
25 *of section 902 of title 31, United States Code.*

1 **SEC. 7103. CHIEF FINANCIAL OFFICER ATTESTATION.**

2 *Concurrent with the submittal to Congress of the Presi-*  
3 *dent's budget request under section 1105 of title 31, United*  
4 *States Code, for fiscal year 2022 and each of the next three*  
5 *subsequent fiscal years, the Chief Financial Officer of the*  
6 *Department of Veterans affairs shall submit to the appro-*  
7 *priate congressional committees each of the following:*

8 (1) *A certification of the responsibility of the*  
9 *Chief Financial Officer for internal financial controls*  
10 *of the Department.*

11 (2) *An attestation that the Chief Financial Offi-*  
12 *cer has collaborated sufficiently with the subordinate*  
13 *chief financial officers of the Department to be con-*  
14 *fident in the financial projections included the budget*  
15 *request and supporting materials.*

16 **SEC. 7104. CHIEF FINANCIAL OFFICER RESPONSIBILITY**  
17 **FOR SUBORDINATE CHIEF FINANCIAL OFFI-**  
18 **CERS.**

19 (a) *IN GENERAL.*—*In accordance with the responsibil-*  
20 *ities of the Chief Financial Officer of the Department of*  
21 *Veterans Affairs for the recruitment, selection, and training*  
22 *of personnel to carry out agency financial management*  
23 *functions pursuant to section 902(a)(5)(C) of title 31,*  
24 *United States Code, the Chief Financial Officer or the des-*  
25 *ignee of the Chief Financial Officer within the Office of*  
26 *Management of the Department shall—*

1           (1) *participate in the interview and selection*  
2           *panels of all subordinate chief financial officers; and*

3           (2) *give input into the performance plans and*  
4           *performance evaluations of all subordinate chief fi-*  
5           *nancial officers.*

6           (b) *TERMINATION.*—*The requirements under sub-*  
7           *section (a) shall terminate on the date that is five years*  
8           *after the date of the enactment of this Act.*

9           ***Subtitle C—Servicemembers Civil***  
10           ***Relief***

11           ***SEC. 7201. CLARIFICATION OF DELIVERY OF NOTICE OF***  
12           ***TERMINATION OF LEASES OF PREMISES AND***  
13           ***MOTOR VEHICLES FOR PURPOSES OF RELIEF***  
14           ***UNDER SERVICEMEMBERS CIVIL RELIEF ACT.***

15           (a) *IN GENERAL.*—*Section 305(c)(2) of the*  
16           *Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2)) is*  
17           *amended—*

18           (1) *in subparagraph (B), by striking “or” at the*  
19           *end;*

20           (2) *in subparagraph (C), by striking the period*  
21           *and inserting “; or”; and*

22           (3) *by adding at the end the following new sub-*  
23           *paragraph:*

24           *“(D) by electronic means, including—*

1           “(i) the direct delivery of material to  
2           an electronic address designated by the les-  
3           sor (or the lessor’s grantee) or the lessor’s  
4           agent (or the agent’s grantee);

5           “(ii) the posting of material to a  
6           website or other internet or electronic-based  
7           information repository to which access has  
8           been granted to the lessee, the lessor (or the  
9           lessor’s grantee), or the lessor’s agent (or the  
10          agent’s grantee); and

11          “(iii) other electronic means reason-  
12          ably calculated to ensure actual receipt of  
13          the material by the lessor (or the lessor’s  
14          grantee) or the lessor’s agent (or the agent’s  
15          grantee).”.

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

1 **SEC. 7202. TECHNICAL CORRECTION REGARDING EXTEN-**  
2 **SION OF LEASE PROTECTIONS FOR**  
3 **SERVICEMEMBERS UNDER STOP MOVEMENT**  
4 **ORDERS IN RESPONSE TO LOCAL, NATIONAL,**  
5 **OR GLOBAL EMERGENCY.**

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

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

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

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

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 7105**

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**AMENDMENT**