

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

H. R. 7105

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Determination of budgetary effects.

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. Change 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.

3

- 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

4

- 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.

5

- 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.

6

- 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
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

- 1 **TITLE I—EDUCATION**
- 2 **Subtitle A—Education Generally**
- 3 **SEC. 1001. IMPROVEMENTS TO EDITH NOURSE ROGERS**
- 4 **STEM SCHOLARSHIP PROGRAM OF DEPART-**
- 5 **MENT OF VETERANS AFFAIRS.**
- 6 (a) CLARIFICATION AND EXPANSION OF ELIGI-
- 7 BILITY.—Subsection (b)(4) of section 3320 of title 38,
- 8 United States Code, is amended—
- 9 (1) in subparagraph (A)(i)—
- 10 (A) in the matter preceding subclause (I),
- 11 by inserting “, or a dual degree program that
- 12 includes such an undergraduate college degree,”
- 13 after “undergraduate college degree”;
- 14 (B) by striking subclause (IX); and
- 15 (C) by redesignating subclauses (X) and
- 16 (XI) as subclauses (IX) and (X), respectively;
- 17 (2) in subparagraph (B)—
- 18 (A) by inserting “covered clinical training
- 19 program for health care professionals or a” be-
- 20 fore “program of education”; and
- 21 (B) by striking the period at the end and
- 22 inserting “; or”; and
- 23 (3) by adding at the end the following new sub-
- 24 paragraph:

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

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

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

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

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

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

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

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

1 “(C) Individuals who are enrolled in a dual-de-
2 gree program leading to both an undergraduate and
3 graduate degree in a field referred to in subsection
4 (b)(4)(A)(i).

5 “(D) Individuals who have earned an under-
6 graduate degree and are enrolled in a covered clin-
7 ical training program for health care professionals.

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

11 (c) AMOUNTS NOT SUBJECT TO CERTAIN LIMITA-
12 TION.—Subsection (d) of such section is amended by add-
13 ing at the end the following new paragraph:

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

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

22 “(h) COVERED CLINICAL TRAINING PROGRAM DE-
23 FINED.—In this section, the term ‘covered clinical training
24 program’ means any clinical training required by a health

1 care professional to be licensed to practice in a State or
2 locality.”.

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

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

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

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

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

19 “(10) An individual who is the child or spouse
20 of a member of the Selected Reserve who dies on or
21 after September 11, 2001, while a member of the
22 Selected Reserve from a service-connected dis-
23 ability.”.

24 (b) CONFORMING AMENDMENTS.—Title 38, United
25 States Code, is amended as follows:

1 (1) In section 3311(f), by striking “paragraph
2 (8)” each place it appears and inserting “para-
3 graphs (8), (9), and (10)”.

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

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

10 (4) In section 3320, as amended by section
11 1001 of this title, in subsection (c)(1)(B), by strik-
12 ing “(8), or (9)” and inserting “(8), (9), (10), or
13 (11)”.

14 (5) In section 3322—

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

19 (B) in subsection (f), by striking “section
20 3311(b)(8)” and inserting “paragraph (8), (9),
21 or (10) of section 3311 of this title”; and

22 (C) in subsection (h)(2), by striking “ei-
23 ther section 3311(b)(8) or chapter 35” and in-
24 serting “either chapter 35 or paragraph (8),
25 (9), or (10) of section 3311”.

1 (c) APPLICABILITY DATE.—The amendments made
2 by this section shall take effect immediately after the
3 amendments made by section 105 of the Harry W.
4 Colmery Veterans Educational Assistance Act of 2017
5 (Public Law 115–48) take effect and shall apply with re-
6 spect to a quarter, semester, or term, as applicable, com-
7 mencing on or after August 1, 2021.

8 **SEC. 1003. PERIOD FOR ELECTION TO RECEIVE BENEFITS**
9 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**
10 **SISTANCE PROGRAM OF DEPARTMENT OF**
11 **VETERANS AFFAIRS.**

12 (a) IN GENERAL.—Section 3011 of title 38, United
13 States Code, is amended—

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

21 (2) in subsection (b)(1), by striking “that such
22 individual is entitled to such pay” and inserting
23 “that begin after the date that is 270 days after the
24 date on which the individual initially enters initial
25 training”.

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

4 **SEC. 1004. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL**
5 **ASSISTANCE PROGRAM.**

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

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

11 (a) IN GENERAL.—Section 3679(c) of title 38,
12 United States Code, is amended—

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

16 (2) in paragraph (4)—

17 (A) by striking “It shall” and inserting
18 “(A) It shall”; and

19 (B) by adding at the end the following new
20 subparagraph:

21 “(B) To the extent feasible, the Secretary shall make
22 publicly available on the internet website of the Depart-
23 ment a database explaining any requirements described in
24 subparagraph (A) that are established by a public institu-
25 tion of higher learning for an individual to be charged tui-

1 tion and fees at a rate that is equal to or less than the
2 rate the institution charges for tuition and fees for resi-
3 dents of the State in which the institution is located. The
4 Secretary shall disapprove a course of education provided
5 by such an institution that does not provide the Sec-
6 retary—

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

8 and

9 “(ii) not later than 90 days after the date on
10 which any such requirements change, the updated
11 requirements.”.

12 (b) APPLICATION.—The amendments made by this
13 section shall apply with respect to a quarter, semester, or
14 term, as applicable, commencing on or after August 1,
15 2021.

16 **SEC. 1006. EXPANSION OF AUTHORITY FOR CERTAIN**
17 **QUALIFYING WORK-STUDY ACTIVITIES FOR**
18 **PURPOSES OF THE EDUCATIONAL ASSIST-**
19 **ANCE PROGRAMS OF THE DEPARTMENT OF**
20 **VETERANS AFFAIRS TO INCLUDE OUTREACH**
21 **SERVICES PROVIDED THROUGH CONGRES-**
22 **SIONAL OFFICES.**

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

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

3 “(i) The distribution of information to
4 members of the Armed Forces, veterans, and
5 their dependents about the benefits and services
6 under laws administered by the Secretary and
7 other appropriate governmental and nongovern-
8 mental programs.

9 “(ii) The preparation and processing of pa-
10 pers and other documents, including documents
11 to assist in the preparation and presentation of
12 claims for benefits under laws administered by
13 the Secretary.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect on August 1, 2021.

16 **SEC. 1007. RESTORATION OF ENTITLEMENT TO REHABILI-**
17 **TATION PROGRAMS FOR VETERANS AF-**
18 **FECTED BY SCHOOL CLOSURE OR DIS-**
19 **APPROVAL.**

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

23 (b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Sec-
24 tion 3680(a)(2)(B) of title 38, United States Code, is
25 amended—

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

3 (2) by inserting “or allowance” after “such a
4 stipend”.

5 (c) CONFORMING AMENDMENT.—Section 7 of the
6 Student Veteran Coronavirus Response Act of 2020 (134
7 Stat. 634; Public Law 116–140) is hereby repealed.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall apply as if included in the enactment
10 of section 109 of the Harry W. Colmery Veterans Edu-
11 cational Assistance Act of 2017 (Public Law 115–48; 131
12 Stat. 978).

13 **SEC. 1008. TECHNICAL CORRECTION TO CLARIFY ELIGI-**
14 **BILITY FOR PARTICIPATION IN YELLOW RIB-**
15 **BON PROGRAM OF DEPARTMENT OF VET-**
16 **ERANS AFFAIRS.**

17 Section 3317(a) of title 38, United States Code, is
18 amended—

19 (1) by striking “the full cost of established
20 charges (as specified in section 3313)” and inserting
21 “the full cost of tuition and fees for a program of
22 education”; and

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

1 **SEC. 1009. CLARIFICATION OF EDUCATIONAL ASSISTANCE**
2 **FOR INDIVIDUALS WHO PURSUE AN AP-**
3 **PROVED PROGRAM OF EDUCATION LEADING**
4 **TO A DEGREE WHILE ON ACTIVE DUTY.**

5 (a) IN GENERAL.—Section 3313(e) of title 38,
6 United States Code, is amended—

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

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

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

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall take effect on August 1, 2022.

16 **SEC. 1010. VERIFICATION OF ENROLLMENT FOR PURPOSES**
17 **OF RECEIPT OF POST-9/11 EDUCATIONAL AS-**
18 **SISTANCE BENEFITS.**

19 (a) IN GENERAL.—Section 3313 of title 38, United
20 States Code, is amended by adding at the end the fol-
21 lowing new subsection:

22 “(1) VERIFICATION OF ENROLLMENT.—(1) The Sec-
23 retary shall require—

24 “(A) each educational institution to submit to
25 the Secretary verification of each individual who is
26 enrolled in a course or program of education at the

1 educational institution and is receiving educational
2 assistance under this chapter—

3 “(i) not later than such time as the Sec-
4 retary determines reasonable after the date on
5 which the individual is enrolled; and

6 “(ii) not later than such time as the Sec-
7 retary determines reasonable after the last date
8 on which a student is able to withdraw from the
9 course or program of education without penalty;
10 and

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

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

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

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (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,
7 United 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
16 dependent’ has the meaning given the term ‘depend-
17 ent’ under subparagraphs (A), (I), and (D) of sec-
18 tion 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
23 the 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
12 be deemed to be approved for purposes of this chapter.
13 For purposes of this subparagraph, an educational institu-
14 tion is at risk of losing accreditation if that educational
15 institution has received from the relevant accrediting
16 agency or association a notice described in section
17 3673(e)(2)(D) of this title.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (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
26 section 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
4 a searchable risk-based survey for oversight of educational
5 institutions with courses and programs of education ap-
6 proved 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 adminis-
18 tered by the Secretary, based on severity or volume
19 of the 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
2 institution.

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

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

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

“3673A. Risk-based surveys.”.

23 (b) USE OF STATE APPROVING AGENCIES FOR OVER-
24 SIGHT ACTIVITIES.—

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

3 (A) by striking “may” and inserting
4 “shall”; and

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

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall take effect on October 1,
10 2022.

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

16 (a) IN GENERAL.—Section 3673 of title 38, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subsection:

19 “(e) NOTICE OF GOVERNMENT ACTION.—(1)(A) If
20 the Secretary receives notice described in paragraph (2),
21 or otherwise becomes aware of an action or event described
22 in paragraph (3), with respect to an educational institu-
23 tion, the Secretary shall transmit such notice or provide
24 notice of such action or event to the State approving agen-
25 cy for the State where the educational institution is lo-

1 cated by not later than 30 days after the date on which
2 the Secretary receives such notice or becomes aware of
3 such action or event.

4 “(B) If a State approving agency receives notice as
5 described in paragraph (2), or otherwise becomes aware
6 of an action or event described in paragraph (3), with re-
7 spect to an educational institution, other than from the
8 Secretary pursuant to subparagraph (A) of this para-
9 graph, the State approving agency shall immediately no-
10 tify the Secretary.

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

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

19 “(ii) provide the Secretary with—

20 “(I) a complete report on the findings of
21 the State approving agency with respect to the
22 risk-based survey completed under clause (i)
23 and any actions taken as a result of such find-
24 ings; and

1 “(II) any supporting documentation and
2 pertinent records.

3 “(2) Notice described in this paragraph is any of the
4 following:

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

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

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

11 “(D) Notice provided by an accrediting agency
12 or association of an action described in paragraph
13 (3)(D) taken by that agency or association.

14 “(E) Notice that the Secretary of Education
15 has placed the educational institution on provisional
16 certification status.

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

19 “(A) The receipt by an educational institution
20 of payments under the heightened cash monitoring
21 level 2 payment method pursuant to section
22 487(c)(1)(B) of the Higher Education Act of 1965
23 (20 U.S.C. 1094).

24 “(B) Punitive action taken by the Attorney
25 General, the Federal Trade Commission, or any

1 other Federal department or agency for misconduct
2 or misleading marketing practices that would violate
3 the standards defined by the Secretary of Veterans
4 Affairs.

5 “(C) Punitive action taken by a State against
6 an educational institution.

7 “(D) The loss, or risk of loss, by an educational
8 institution of an accreditation from an accrediting
9 agency or association, including notice of probation,
10 suspension, an order to show cause relating to the
11 educational institution’s academic policies and prac-
12 tices or to its financial stability, or revocation of ac-
13 creditation.

14 “(E) The placement of an educational institu-
15 tion on provisional certification status by the Sec-
16 retary of Education.

17 “(4) If a State approving agency disapproves or sus-
18 pends an educational institution, the State approving
19 agency shall provide notice of such disapproval or suspen-
20 sion to the Secretary and to all other State approving
21 agencies.

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

1 “(6) For each notice transmitted or provided to a
2 State approving agency under paragraph (1) with respect
3 to an educational institution, the Secretary shall ensure
4 the careful review of—

5 “(A) to the extent possible, the action that gave
6 rise to such notice; and

7 “(B) any other action against the educational
8 institution by any Federal or State government enti-
9 ty or by the educational institution’s accreditor.

10 “(7) In this subsection, the term ‘risk-based survey’
11 means the risk-based survey developed under section
12 3673A of this title.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on August 1, 2021.

15 **SEC. 1015. ADDITIONAL REQUIREMENT FOR APPROVAL OF**
16 **EDUCATIONAL INSTITUTIONS FOR PURPOSES**
17 **OF THE EDUCATIONAL ASSISTANCE PRO-**
18 **GRAMS OF THE DEPARTMENT OF VETERANS**
19 **AFFAIRS.**

20 (a) IN GENERAL.—Section 3675 of title 38, United
21 States Code, is amended—

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

24 “(4) The educational institution is approved
25 and participates in a program under title IV of the

1 Higher Education Act of 1965 (20 U.S.C. 1070 et
2 seq.) or the Secretary has waived the requirement
3 under this paragraph with respect to an educational
4 institution and submits to the Committee on Vet-
5 erans' Affairs of the Senate and the Committee on
6 Veterans' Affairs of the House of Representatives
7 notice of such waiver.”.

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

10 “(d)(1) The Secretary shall submit to Congress an
11 annual report on any waivers issued pursuant to sub-
12 section (b)(4) or section 3672(b)(2)(A)(i) of this title.

13 “(2) Each report submitted under paragraph (1)
14 shall include, for the year covered by the report, the fol-
15 lowing:

16 “(A) The name of each educational institution
17 for which a waiver was issued.

18 “(B) The justification for each such waiver.

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

20 (b) REQUIREMENT FOR APPROVAL OF STANDARD
21 COLLEGE DEGREE PROGRAMS.—Clause (i) of section
22 3672(b)(2)(A) of such title is amended to read as follows:

23 “(i) Except as provided in subparagraph
24 (C) or (D), an accredited standard college de-

1 gree program offered at a public or not-for-
2 profit proprietary educational institution that—

3 “(I) is accredited by an agency or as-
4 sociation recognized for that purpose by
5 the Secretary of Education; and

6 “(II) is approved and participates in a
7 program under title IV of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1070 et
9 seq.), unless the Secretary has waived the
10 requirement to participate in a program
11 under title IV of the Higher Education Act
12 of 1965 (20 U.S.C. 1070 et seq.).”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 subsections (a) and (b) shall take effect on August 1,
15 2021.

16 **SEC. 1016. CLARIFICATION OF ACCREDITATION FOR LAW**
17 **SCHOOLS FOR PURPOSES OF THE EDU-**
18 **CATIONAL ASSISTANCE PROGRAMS OF THE**
19 **DEPARTMENT OF VETERANS AFFAIRS.**

20 (a) IN GENERAL.—Paragraphs (14)(B) and (15)(B)
21 of section 3676(c) of title 38, United States Code, are
22 each amended—

23 (1) by striking “an accrediting agency” both
24 places it appears and inserting “a special-
25 izing agency for programs of legal education”; and

1 (2) by inserting before the period the following:
2 “, from which recipients of law degrees from such
3 accredited programs are eligible to sit for a bar ex-
4 amination in any State”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect on August 1, 2021.

7 **SEC. 1017. CLARIFICATION OF GROUNDS FOR DIS-**
8 **APPROVAL OF A COURSE FOR PURPOSES OF**
9 **THE EDUCATIONAL ASSISTANCE PROGRAMS**
10 **OF THE DEPARTMENT OF VETERANS AF-**
11 **FAIRS.**

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

14 (1) by inserting “(including failure to comply
15 with a risk-based survey under this chapter or se-
16 cure an affirmation of approval by the appropriate
17 State approving agency following the survey)” after
18 “requirements of this chapter”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(f) In this section, the term ‘risk-based survey’
22 means a risk-based survey developed under section
23 3673A(a) of this title.”.

24 (b) **EFFECTIVE DATE.**—The amendment made by
25 subsection (a) shall take effect on August 1, 2021.

1 **SEC. 1018. REQUIREMENTS FOR EDUCATIONAL INSTITU-**
2 **TIONS PARTICIPATING IN THE EDUCATIONAL**
3 **ASSISTANCE PROGRAMS OF THE DEPART-**
4 **MENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 3679 of title 38, United
6 States Code, as amended by section 1017 of this title, is
7 further amended by adding at the end the following new
8 subsection:

9 “(f)(1) Except as provided by paragraph (5), a State
10 approving agency, or the Secretary when acting in the role
11 of the State approving agency, shall take an action de-
12 scribed in paragraph (4)(A) if the State approving agency
13 or the Secretary, when acting in the role of the State ap-
14 proving agency, determines that an educational institution
15 does not perform any of the following:

16 “(A) Prior to the enrollment of a covered indi-
17 vidual in a course of education at the educational in-
18 stitution, provide the individual with a form that
19 contains information personalized to the individual
20 that describes—

21 “(i) the estimated total cost of the course,
22 including tuition, fees, books, supplies, and any
23 other additional costs;

24 “(ii) an estimate of the cost for living ex-
25 penses for students enrolled in the course;

1 “(iii) the amount of the costs under
2 clauses (i) and (ii) that are covered by the edu-
3 cational assistance provided to the individual
4 under chapter 30, 31, 32, 33, or 35 of this title,
5 or chapter 1606 or 1607 of title 10, as the case
6 may be;

7 “(iv) the type and amount of Federal fi-
8 nancial aid not administered by the Secretary
9 and financial aid offered by the institution that
10 the individual may qualify to receive;

11 “(v) an estimate of the amount of student
12 loan debt the individual would have upon grad-
13 uation;

14 “(vi) information regarding graduation
15 rates;

16 “(vii) job-placement rates for graduates of
17 the course, if available;

18 “(viii) information regarding the accept-
19 ance by the institution of transfer of credits, in-
20 cluding military credits;

21 “(ix) any conditions or additional require-
22 ments, including training, experience, or exami-
23 nations, required to obtain the license, certifi-
24 cation, or approval for which the course of edu-
25 cation is designed to provide preparation; and

1 “(x) other information to facilitate com-
2 parison by the individual of aid packages of-
3 ferred by different educational institutions.

4 “(B) Not later than 15 days after the date on
5 which the institution (or the governing body of the
6 institution) determines tuition rates and fees for an
7 academic year that is different than the amount
8 being charged by the institution, provide a covered
9 individual enrolled in a course of education at the
10 educational institution with the form under subpara-
11 graph (A) that contains updated information.

12 “(C) Maintain policies to—

13 “(i) inform each covered individual enrolled
14 in a course of education at the educational in-
15 stitution of the availability of Federal financial
16 aid not administered by the Secretary and fi-
17 nancial aid offered by the institution; and

18 “(ii) alert such individual of the potential
19 eligibility of the individual for such financial aid
20 before packaging or arranging student loans or
21 alternative financing programs for the indi-
22 vidual.

23 “(D) Maintain policies to—

1 “(i) prohibit the automatic renewal of a
2 covered individual in courses and programs of
3 education; and

4 “(ii) ensure that each covered individual
5 approves of the enrollment of the individual in
6 a course.

7 “(E) Provide to a covered individual enrolled in
8 a course of education at the educational institution
9 with information regarding the requirements to
10 graduate from such course, including information re-
11 garding when required classes will be offered and a
12 timeline to graduate.

13 “(F) With respect to an accredited educational
14 institution, obtain the approval of the accrediting
15 agency for each new course or program of the insti-
16 tution before enrolling covered individuals in such
17 courses or programs if the accrediting agency deter-
18 mines that such approval is appropriate under the
19 substantive change requirements of the accrediting
20 agency regarding the quality, objectives, scope, or
21 control of the institution.

22 “(G) Maintain a policy that—

23 “(i) ensures that members of the Armed
24 Forces, including the reserve components and
25 the National Guard, who enroll in a course of

1 education at the educational institution may be
2 readmitted at such institution if such members
3 are temporarily unavailable or have to suspend
4 such enrollment by reason of serving in the
5 Armed Forces; and

6 “(ii) otherwise accommodates such mem-
7 bers during short absences by reason of such
8 service.

9 “(H) Designate an employee of the educational
10 institution to serve as a point of contact for covered
11 individuals and the family of such individuals need-
12 ing assistance with respect to academic counseling,
13 financial counseling, disability counseling, and other
14 information regarding completing a course of edu-
15 cation at such institution, including by referring
16 such individuals and family to the appropriate per-
17 sons for such counseling and information.

18 “(2) Except as provided by paragraph (5), a State
19 approving agency, or the Secretary when acting in the role
20 of the State approving agency, shall take an action de-
21 scribed in paragraph (4)(A) if the State approving agency,
22 the Secretary, or any Federal agency, determines that an
23 educational institution does any of the following:

1 “(A) Carries out deceptive or persistent recruit-
2 ing techniques, including on military installations,
3 that may include—

4 “(i) misrepresentation (as defined in sec-
5 tion 3696(e)(2)(B) of this title) or payment of
6 incentive compensation;

7 “(ii) during any 1-month period making
8 three or more unsolicited contacts to a covered
9 individual, including contacts by phone, email,
10 or in-person; or

11 “(iii) engaging in same-day recruitment
12 and registration.

13 “(B) Pays inducements, including any gratuity,
14 favor, discount, entertainment, hospitality, loan,
15 transportation, lodging, meals, or other item having
16 a monetary value of more than a de minimis
17 amount, to any individual or entity, or its agents in-
18 cluding third party lead generators or marketing
19 firms other than salaries paid to employees or fees
20 paid to contractors in conformity with all applicable
21 laws for the purpose of securing enrollments of cov-
22 ered individuals or obtaining access to educational
23 assistance under this title, with the exception of
24 scholarships, grants, and tuition reductions provided
25 by the educational institution.

1 “(3) A State approving agency, or the Secretary when
2 acting in the role of the State approving agency, shall take
3 an action described in paragraph (4)(A) if the State ap-
4 proving agency or the Secretary, when acting in the role
5 of the State approving agency, determines that an edu-
6 cational institution is the subject of a negative action
7 made by the accrediting agency that accredits the institu-
8 tion, including any of the following:

9 “(A) Accreditor sanctions.

10 “(B) Accreditation probation.

11 “(C) The loss of accreditation or candidacy for
12 accreditation.

13 “(4)(A) An action described in this subparagraph is
14 any of the following:

15 “(i) Submitting to the Secretary a recommenda-
16 tion that the Secretary publish a warning on the
17 internet website of the Department described in sec-
18 tion 3698(c)(2) of this title, or such other similar
19 internet website of the Department, that describes
20 how an educational institution is failing to meet a
21 requirement under paragraph (1), (2), or (3).

22 “(ii) Disapproving a course for purposes of this
23 chapter.

24 “(B)(i) The Secretary shall establish guidelines to en-
25 sure that the actions described in subparagraph (A) are

1 applied in a proportional and uniform manner by State
2 approving agencies, or the Secretary when acting in the
3 role of the State approving agency.

4 “(ii) Each State approving agency and the Secretary,
5 when acting in the role of the State approving agency,
6 shall adhere to the guidelines established under clause (i).

7 “(C) The State approving agency, in consultation
8 with the Secretary, or the Secretary when acting in the
9 role of the State approving agency, may limit an action
10 described in subparagraph (A)(ii) to individuals not en-
11 rolled at the educational institution before the period de-
12 scribed in such subparagraph.

13 “(5)(A) The Secretary may waive the requirements
14 of paragraph (1) or waive the requirements of paragraph
15 (2) with respect to an educational institution for a 1-aca-
16 demic-year period beginning in August of the year in
17 which the waiver is made. A single educational institution
18 may not receive waivers under this paragraph for more
19 than 2 consecutive academic years.

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

24 “(6) Not later than October 1 of each year, the Sec-
25 retary shall submit to the Committee on Veterans’ Affairs

1 of the Senate and the Committee on Veterans' Affairs of
2 the House of Representatives the following reports:

3 “(A) A report, which shall be made publicly
4 available, that includes the following:

5 “(i) A summary of each action described in
6 paragraph (4)(A) made during the year covered
7 by the report, including—

8 “(I) the name of the educational insti-
9 tution;

10 “(II) the type of action taken;

11 “(III) the rationale for the action, in-
12 cluding how the educational institution was
13 not in compliance with this subsection;

14 “(IV) the length of time that the edu-
15 cational institution was not in such compli-
16 ance; and

17 “(V) whether the educational institu-
18 tion was also not in compliance with this
19 subsection during any of the 2 years prior
20 to the year covered by the report.

21 “(ii) A summary and justifications for the
22 waivers made under paragraph (5) during the
23 year covered by the report, including the total
24 number of waivers each educational institution
25 has received.

1 “(b) Any overpayment to a veteran or eligible person
2 with respect to pursuit by the veteran or eligible person
3 of a program of education at an educational institution
4 shall constitute a liability of the educational institution to
5 the United States if—

6 “(1) the Secretary finds that the overpayment
7 has been made as the result of—

8 “(A) the willful or negligent failure of an
9 educational institution to report, as required
10 under this chapter or chapter 34 or 35 of this
11 title, to the Department of Veterans Affairs ex-
12 cessive absences from a course, or discontinu-
13 ance or interruption of a course by the veteran
14 or eligible person; or

15 “(B) the willful or negligent false certifi-
16 cation by an educational institution; or

17 “(2) the benefit payment sent to an educational
18 institution on behalf of an eligible veteran or person
19 is made pursuant to—

20 “(A) section 3313(h) of this title;

21 “(B) section 3317 of this title; or

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

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

24 (b) CLARIFYING AMENDMENT.—Subsection (a) of
25 such section is further amended by inserting “relating to

1 educational assistance under a law administered by the
2 Secretary” after “made to a veteran or eligible person”.

3 **SEC. 1020. IMPROVEMENTS TO LIMITATION ON CERTAIN**
4 **ADVERTISING, SALES, AND ENROLLMENT**
5 **PRACTICES.**

6 (a) PROHIBITION ON SUBSTANTIAL MISREPRESENTATION.—
7 TATION.—

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

10 **“§ 3696. Prohibition on certain advertising, sales, and**
11 **enrollment practices**

12 “(a) PROHIBITION ON ENGAGING IN SUBSTANTIAL
13 MISREPRESENTATION.—An educational institution with a
14 course or program of education approved under this chap-
15 ter, and an entity that owns such an educational institu-
16 tion, shall not engage in substantial misrepresentation de-
17 scribed in subsection (b).

18 “(b) SUBSTANTIAL MISREPRESENTATION DE-
19 SCRIBED.—(1) Substantial misrepresentation described in
20 this paragraph is substantial misrepresentation by an edu-
21 cational institution, a representative of the institution, or
22 any person with whom the institution has an agreement
23 to provide educational programs, marketing, advertising,
24 recruiting or admissions services, concerning any of the
25 following:

1 erally needed to secure employment in a
2 recognized occupation for which the pro-
3 gram is represented to prepare students;

4 “(v) the requirements for successfully com-
5 pleting the course of study or program and the
6 circumstances that would constitute grounds for
7 terminating the student’s enrollment;

8 “(vi) whether the courses of education at
9 the institution are recommended or have been
10 the subject of unsolicited testimonials or en-
11 dorsements by—

12 “(I) vocational counselors, high
13 schools, colleges, educational organizations,
14 employment agencies, members of a par-
15 ticular industry, students, former students,
16 or others; or

17 “(II) officials of a local or State gov-
18 ernment or the Federal Government;

19 “(vii) the size, location, facilities, or equip-
20 ment of the institution;

21 “(viii) the availability, frequency, and ap-
22 propriateness of the courses of education and
23 programs to the employment objectives that the
24 institution states the courses and programs are
25 designed to meet;

1 “(ix) the nature, age, and availability of
2 the training devices or equipment of the institu-
3 tion and the appropriateness to the employment
4 objectives that the institution states the courses
5 and programs are designed to meet;

6 “(x) the number, availability, and quali-
7 fications, including the training and experience,
8 of the faculty and other personnel of the insti-
9 tution;

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

12 “(xii) the nature and availability of any tu-
13 torial or specialized instruction, guidance and
14 counseling, or other supplementary assistance
15 the institution will provide students before, dur-
16 ing, or after the completion of a course of edu-
17 cation;

18 “(xiii) the nature or extent of any pre-
19 requisites established for enrollment in any
20 course of education;

21 “(xiv) the subject matter, content of the
22 course of education, or any other fact related to
23 the degree, diploma, certificate of completion,
24 or any similar document that the student is to

1 be, or is, awarded upon completion of the
2 course of education; and

3 “(xv) whether the degree that the institu-
4 tion will confer upon completion of the course
5 of education has been authorized by the appro-
6 priate State educational agency, including with
7 respect to cases where the institution fails to
8 disclose facts regarding the lack of such author-
9 ization in any advertising or promotional mate-
10 rials that reference such degree.

11 “(B) The financial charges of the institution,
12 including misrepresentation regarding—

13 “(i) offers of scholarships to pay all or
14 part of a course charge;

15 “(ii) whether a particular charge is the
16 customary charge at the institution for a
17 course;

18 “(iii) the cost of the program and the re-
19 fund policy of the institution if the student does
20 not complete the program;

21 “(iv) the availability or nature of any fi-
22 nancial assistance offered to students, including
23 a student’s responsibility to repay any loans, re-
24 gardless of whether the student is successful in

1 completing the program and obtaining employ-
2 ment; and

3 “(v) the student’s right to reject any par-
4 ticular type of financial aid or other assistance,
5 or whether the student must apply for a par-
6 ticular type of financial aid, such as financing
7 offered by the institution.

8 “(C) The employability of the graduates of the
9 institution, including misrepresentation regarding—

10 “(i) the relationship of the institution with
11 any organization, employment agency, or other
12 agency providing authorized training leading di-
13 rectly to employment;

14 “(ii) the plans of the institution to main-
15 tain a placement service for graduates or other-
16 wise assist graduates to obtain employment;

17 “(iii) the knowledge of the institution
18 about the current or likely future conditions,
19 compensation, or employment opportunities in
20 the industry or occupation for which the stu-
21 dents are being prepared;

22 “(iv) job market statistics maintained by
23 the Federal Government in relation to the po-
24 tential placement of the graduates of the insti-
25 tution; and

1 “(v) other requirements that are generally
2 needed to be employed in the fields for which
3 the training is provided, such as requirements
4 related to commercial driving licenses or per-
5 mits to carry firearms, and failing to disclose
6 factors that would prevent an applicant from
7 qualifying for such requirements, such as prior
8 criminal records or preexisting medical condi-
9 tions.

10 “(2) In this subsection:

11 “(A) The term ‘misleading statement’ includes
12 any communication, action, omission, or intimation
13 made in writing, visually, orally, or through other
14 means, that has the likelihood or tendency to mis-
15 lead the intended recipient of the communication
16 under the circumstances in which the communication
17 is made. Such term includes the use of student en-
18 dorsements or testimonials for an educational insti-
19 tution that a student gives to the institution either
20 under duress or because the institution required the
21 student to make such an endorsement or testimonial
22 to participate in a program of education.

23 “(B) The term ‘misrepresentation’ means any
24 false, erroneous, or misleading statement, action,
25 omission, or intimation made directly or indirectly to

1 a student, a prospective student, the public, an ac-
2 crediting agency, a State agency, or to the Secretary
3 by an eligible institution, one of its representatives,
4 or any person with whom the institution has an
5 agreement to provide educational programs, mar-
6 keting, advertising, recruiting or admissions services.

7 “(C) The term ‘substantial misrepresentation’
8 means misrepresentation in which the person to
9 whom it was made could reasonably be expected to
10 rely, or has reasonably relied, to that person’s det-
11 riment.

12 “(c) LIMITATION ON CERTAIN COMMISSIONS, BO-
13 NUSES, AND OTHER INCENTIVE PAYMENTS.—An edu-
14 cational institution with a course or program of education
15 approved under this chapter, and an entity that owns such
16 an educational institution, shall not provide any commis-
17 sion, bonus, or other incentive payment based directly or
18 indirectly on success in securing enrollments or financial
19 aid to any persons or entities engaged in any student re-
20 cruiting or admission activities or in making decisions re-
21 garding the award of student financial assistance.

22 “(d) REQUIREMENT TO MAINTAIN RECORDS.—(1)
23 To ensure compliance with this section, any educational
24 institution offering courses approved for the enrollment of
25 eligible persons or veterans shall maintain a complete

1 record of all advertising, sales, or enrollment materials
2 (and copies thereof) utilized by or on behalf of the institu-
3 tion during the preceding two-year period. Such record
4 shall be available for inspection by the State approving
5 agency or the Secretary.

6 “(2) Such materials shall include but are not limited
7 to any direct mail pieces, brochures, printed literature
8 used by sales persons, films, video tapes, and audio tapes
9 disseminated through broadcast media, material dissemi-
10 nated through print, digital, or electronic media, tear
11 sheets, leaflets, handbills, fliers, and any sales or recruit-
12 ment manuals used to instruct sales personnel, agents, or
13 representatives of such institution.

14 “(e) AGREEMENT WITH FEDERAL TRADE COMMIS-
15 SION.—(1) The Secretary shall, pursuant to section 3694
16 of this title, enter into an agreement with the Federal
17 Trade Commission to utilize, where appropriate, its serv-
18 ices and facilities, consistent with its available resources,
19 in carrying out investigations and making the Under Sec-
20 retary of Benefit’s preliminary findings under subsection
21 (g)(1).

22 “(2) Such agreement shall provide that cases arising
23 under subsection (a) of this section or any similar matters
24 with respect to any of the requirements of this chapter
25 or chapters 34 and 35 of this title may be referred to the

1 Federal Trade Commission which in its discretion will con-
2 duct an investigation and make preliminary findings.

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

8 “(f) FINAL JUDGMENTS FROM OTHER FEDERAL
9 AGENCIES.—Whenever the Secretary becomes aware of a
10 final judgment by a Federal agency against an educational
11 institution or owner of an educational institution per-
12 taining to substantial misrepresentation described in sub-
13 section (b) or of other credible evidence relating to a viola-
14 tion of subsection (a), the Secretary, in partnership with
15 the applicable State approving agency, shall—

16 “(1) within 30 days, alert the educational insti-
17 tution or owner that it is at risk of losing approval
18 under this chapter of its courses or programs of edu-
19 cation;

20 “(2) provide the educational institution or
21 owner 60 days to provide any information it wishes
22 to the Secretary;

23 “(3) require the educational institution or
24 owner to submit to the Secretary a report prepared
25 by an approved third-party auditor of the adver-

1 tising and enrollment practices of the educational in-
2 stitution or owner; and

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

6 “(g) PRELIMINARY FINDINGS, FINAL DETERMINA-
7 TIONS, AND PROCESSES.—(1) The Under Secretary for
8 Benefits shall make preliminary findings and final deter-
9 minations on violations of subsections (a), (c), and (d).

10 “(2)(A) The Under Secretary shall establish a proc-
11 ess for making preliminary findings and final determina-
12 tions under paragraph (1).

13 “(B) The process established under subparagraph
14 (A) shall—

15 “(i) clearly define what triggers an oversight
16 visit by the Under Secretary for purposes of enforce-
17 ing subsections (a), (c), and (d);

18 “(ii) set forth factors an educational institution,
19 or the owner of the educational institution, must
20 meet in order to retain approval status under this
21 section, including with respect to the factors set
22 forth under subsection (h)(2);

23 “(iii) include a process for the provision of no-
24 tice to an educational institution, or the owner of the
25 educational institution, that the Under Secretary has

1 made a preliminary finding under paragraph (1)
2 that the education institution or owner has violated
3 subsection (a), (c), or (d), which the Under Sec-
4 retary shall provide to the educational institution or
5 owner within such period after making the prelimi-
6 nary finding as the Under Secretary shall establish
7 for purposes of this clause, except that, in every
8 case, such period shall end before the date on which
9 the Under Secretary makes a final determination
10 under such paragraph; and

11 “(iv) include—

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

14 “(II) a process for an educational institu-
15 tion or an owner to provide such information as
16 the educational institution or owner determines
17 appropriate to the Secretary, including informa-
18 tion about corrective actions the educational in-
19 stitution or owner may have taken in response
20 to preliminary findings under paragraph (1).

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

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

1 “(ii) taking action if the State approving agen-
2 cy finds a violation of subsection (a), (c), or (d).

3 “(3) Upon a preliminary finding under this sub-
4 section of a violation of subsection (a), (c), or (d) by an
5 educational institution, or the owner of an educational in-
6 stitution, the Under Secretary shall require the edu-
7 cational institution or owner to submit to the Under Sec-
8 retary a report prepared by an approved third-party audi-
9 tor of the advertising and enrollment practices of the edu-
10 cational institution or owner.

11 “(4)(A) Before making a final determination under
12 this subsection regarding a violation of subsection (a), (c),
13 or (d) by an educational institution or owner of an edu-
14 cational institution, the Under Secretary shall—

15 “(i) review the practices of the educational in-
16 stitution or owner that pertain to activities and
17 practices covered by subsections (a), (c), and (d);

18 “(ii) consider the results of a risk-based survey
19 conducted by a State approving agency, if available;
20 and

21 “(iii) review—

22 “(I) the findings and information received
23 pursuant to the processes established under
24 paragraph (2)(B)(iii);

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

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

5 “(IV) any findings and results submitted
6 under subsection (e)(3);

7 “(V) the marketing and outreach material
8 of the educational institution and the contrac-
9 tors of the educational institution.

10 “(B) The Under Secretary may not make a final de-
11 termination under this subsection solely based on prelimi-
12 nary findings.

13 “(5) The Under Secretary may not delegate authority
14 to make a final determination under this subsection, in-
15 cluding to any employee of the Department or to the Fed-
16 eral Trade Commission.

17 “(h) ENFORCEMENT.—(1)(A) Upon a final deter-
18 mination by the Under Secretary for Benefits under sub-
19 section (g) that an educational institution or the owner
20 of an educational institution violated subsection (a), (c),
21 or (d), the Under Secretary shall, but subject to subpara-
22 graphs (B), (C), and (D) of this paragraph, take one of
23 the following actions independent of any actions taken
24 under section 3690 of this title:

1 “(i) Publish a caution flag on the GI Bill Com-
2 parison Tool, or successor tool, about that edu-
3 cational institution and alert its currently enrolled
4 eligible veterans and eligible persons.

5 “(ii) Suspend the approval of the courses and
6 programs of education offered by the educational in-
7 stitution by disapproving new enrollments of eligible
8 veterans and eligible persons in each course or pro-
9 gram of education offered by that educational insti-
10 tution.

11 “(iii) Revoke the approval of the courses and
12 programs of education offered by the educational in-
13 stitution by disapproving all enrollments of eligible
14 veterans and eligible persons in each course or pro-
15 gram of education offered by that educational insti-
16 tution.

17 “(B) In deciding upon a course of action under sub-
18 paragraph (A), for the first violation of this section, the
19 Secretary shall consider the factors set forth in paragraph
20 (2).

21 “(C) Subject to subsection (i), any repeat violation
22 and final finding within five years of the first violation
23 of this section shall result in—

24 “(i) a suspension of approval of new enroll-
25 ments as described in subparagraph (A)(ii) of this

1 paragraph until reinstatement under subsection (j);

2 or

3 “(ii) a revocation of approval under this chapter
4 as described in subparagraph (A)(iii) of this para-
5 graph until reinstatement under subsection (j).

6 “(D) Subject to subsection (i), any third violation
7 within three years of the second violation of this section
8 shall result in revocation of approval under this chapter
9 as described in subparagraph (A)(iii) of this paragraph
10 until reinstatement under subsection (j).

11 “(E) Any action taken under subparagraph (A) of
12 this paragraph regarding a violation of subsection (a), (c),
13 or (d) by an educational institution or the owner of an
14 educational institution shall be taken on or before the date
15 that is 180 days after the date on which the Under Sec-
16 retary provided notice to the educational institution or
17 owner regarding the violation in accordance with the proc-
18 ess established under subsection (g)(2)(B)(iii).

19 “(2) The factors set forth in this paragraph are the
20 following:

21 “(A) That the Secretary’s action brings suffi-
22 cient deterrence for future fraud against students
23 and the programs of education carried out under
24 this title. Fraud against veterans must be met with
25 a repercussion strong enough to send a deterrent

1 message to this and other educational institutions
2 and owners.

3 “(B) That the educational institution has se-
4 cured an approved third-party auditor to verify the
5 educational institution’s, or owner’s, advertising and
6 enrollment practices for at least three years going
7 forward.

8 “(C) That the educational institution or owner
9 has repudiated the deceptive practices and has com-
10 municated to all employees that deceptive practices
11 will not be tolerated, and has instituted strong gov-
12 ernance procedures to prevent recurrence.

13 “(D) That the educational institution has taken
14 steps to remove any pressure on its enrollment re-
15 cruiters, including by removing enrollment quotas
16 and incentives for enrollment.

17 “(E) That the State approving agency or the
18 Secretary acting in the role of the State approving
19 agency, has completed a risk-based survey and deter-
20 mined the educational institution is worthy of serv-
21 ing eligible veterans and eligible persons.

22 “(3) Enforcement action under this section shall not
23 preclude enforcement action under section 3690 of this
24 title.

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

5 “(i) APPEALS.—(1) The Secretary shall establish a
6 process by which an educational institution or the owner
7 of an educational institution that is the subject of more
8 than one final determination by the Under Secretary
9 under subsection (g)(1) that the educational institution or
10 owner violated subsection (a), may request a review of the
11 most recent final determination.

12 “(2)(A) The Secretary shall—

13 “(i) review each final determination for which a
14 review is requested under paragraph (1); and

15 “(ii) pursuant to such review, issue a final deci-
16 sion sustaining, modifying, or overturning the final
17 determination.

18 “(B) The Secretary may not delegate any decision
19 under subparagraph (A).

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

23 “(ii) A decision issued pursuant to a review under
24 subparagraph (A)(i) may not be appealed to the Secretary
25 for review under section 7104(a) of this title.

1 “(3)(A) Not later than 30 days after the date on
2 which the Secretary issues a final decision under para-
3 graph (2)(A)(ii), the Secretary shall submit to Congress
4 a report on such final decision.

5 “(B) A report submitted under subparagraph (A)
6 shall include the following:

7 “(i) An outline of the decisionmaking process of
8 the Secretary that led to the final decision described
9 in subparagraph (A).

10 “(ii) Any relevant material used to make the
11 final decision under paragraph (2)(A)(ii), including
12 risk-based surveys and documentation from the edu-
13 cational institution or the owners of the educational
14 institution.

15 “(iii) Materials that were submitted to the Sec-
16 retary after the date of the final determination
17 under subsection (g) that was the subject of the
18 final decision under paragraph (2)(A)(ii) of this sub-
19 section and before the date on which the Secretary
20 issued such final decision.

21 “(j) REINSTATEMENT OF APPROVAL.—(1) If an edu-
22 cational institution or the owner of an educational institu-
23 tion has had the approval of the courses or programs of
24 education of the educational institution suspended as de-
25 scribed in clause (ii) of subsection (h)(1)(A) or revoked

1 as described in clause (iii) of such subsection for a viola-
2 tion of subsection (a), (c), or (d) pursuant to subpara-
3 graph (C) or (D) of subsection (h)(1), the educational in-
4 stitution or owner may submit to the applicable State ap-
5 proving agency or the Secretary when acting as a State
6 approving agency an application for reinstatement of ap-
7 proval under this subsection.

8 “(2) Approval under this chapter may not be rein-
9 stated under this subsection until—

10 “(A) the educational institution or owner sub-
11 mits to the applicable State approving agency or the
12 Secretary when acting as a State approving agency
13 an application for reinstatement of approval under
14 paragraph (1);

15 “(B) the date that is 540 days after the date
16 of the most recent suspension or revocation de-
17 scribed in paragraph (1) of the educational institu-
18 tion or owner;

19 “(C) the educational institution submits a re-
20 port by an approved third-party auditor on the ad-
21 vertising and enrollment practices of the educational
22 institution, including those of its third-party contrac-
23 tors;

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

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

3 “(F) the Secretary agrees to such reinstatement.
4

5 “(k) RULE OF CONSTRUCTION REGARDING STATE
6 APPROVING AGENCIES AND RISK-BASED SURVEYS.—
7 Nothing in this section shall be construed to prohibit a
8 State approving agency from conducting any risk-based
9 survey the State approving agency considers appropriate
10 at any educational institution that it considers appropriate
11 for oversight purposes.

12 “(l) DEFINITIONS.—In this section:

13 “(1) The term ‘approved third-party auditor’
14 means an independent third-party auditor that is ap-
15 proved by the Secretary for purposes of third-party
16 audits under this section.

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

20 “(2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 36 of such title is
22 amended by striking the item relating to section
23 3696 and inserting the following new item:

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

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

4 “(10) The institution, and any entity that owns
5 the institution, does not engage in substantial mis-
6 representation described in section 3696(e) of this
7 title. The institution shall not be deemed to have
8 met this requirement until the State approving agen-
9 cy—

10 “(A) has ascertained that no Federal de-
11 partment or agency has taken a punitive action,
12 not including a settlement agreement, against
13 the school for misleading or deceptive practices;

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

16 “(C) has reviewed the complete record of
17 advertising, sales, or enrollment materials (and
18 copies thereof) used by or on behalf of the insti-
19 tution during the preceding 12-month period.”.

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

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

6 (a) IN GENERAL.—Subsection (c) of section 3699 of
7 title 38, United States Code, is amended to read as fol-
8 lows:

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

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

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

21 “(2)(A) An individual described in subparagraph (B)
22 who transfers fewer than 12 credits from a program of
23 education that is closed or disapproved as described in
24 subsection (b)(1) shall be deemed to be an individual who
25 did not receive such credits, as described in subsection
26 (b)(2), except that the period for which such individual’s

1 entitlement is not charged shall be the entire period of
2 the individual's enrollment in the program of education.
3 In carrying out this subparagraph, the Secretary, in con-
4 sultation with the Secretary of Education, shall establish
5 procedures to determine whether the individual trans-
6 ferred credits to a comparable course or program of edu-
7 cation.

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

15 “(C) This paragraph shall apply with respect to a
16 course or program of education closed or discontinued be-
17 fore September 30, 2023.”.

18 (b) **EFFECTIVE DATE.**—The amendment made by
19 subsection (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
6 title 38, United States Code, is amended by adding at the
7 end 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
13 Secretary when acting as a State approving agency shall
14 conduct annual risk-based surveys of the institution dur-
15 ing the three-year period beginning on the date on which
16 the educational institution is so converted.

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

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 3699A the following new
23 item:

“3699B. Treatment of certain for-profit educational institutions.”.

24 (c) APPLICABILITY.—Section 3699B of title 38,
25 United States Code, as added by subsection (a), shall

1 apply with respect to the conversion of a for-profit edu-
2 cational institution to a nonprofit educational institution
3 that occurs on or after the date of the enactment of this
4 Act.

5 **SEC. 1023. AUTHORITY OF STATE APPROVING AGENCIES TO**
6 **CONDUCT OUTREACH ACTIVITIES.**

7 Section 3673 of title 38, United States Code, as
8 amended by section 1014 of this title, is further amended
9 by adding at the end the following new subsection:

10 “(f) OUTREACH ACTIVITIES.—(1) A State approving
11 agency may conduct outreach activities if—

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

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

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

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

1 “(B) completed a risk-based survey of any
2 course or program of education determined to be of
3 questionable quality or at risk by any Federal or
4 State agency or any accrediting agency.

5 “(3) Outreach activities conducted under paragraph
6 (1) shall be carried out using amounts derived from
7 amounts not specifically appropriated to carry out this
8 subsection.”.

9 **SEC. 1024. LIMITATION ON COLOCATION AND ADMINISTRA-**
10 **TION OF STATE APPROVING AGENCIES.**

11 (a) IN GENERAL.—Section 3671 of title 38, United
12 States Code, is amended by adding at the end the fol-
13 lowing new subsection:

14 “(c) A State department or agency may not be recog-
15 nized as a State approving agency designated under this
16 section if such State department or agency is administered
17 at or colocated with a university or university system
18 whose courses or programs of education would be subject
19 to approval under this chapter by the State approving
20 agency in that State.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect on the date that is 180
23 days after the date of the enactment of this Act.

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
24 title 38, United States Code) approved by a State
25 approving agency, or the Secretary of Veterans Af-

1 fairs when acting in the role of a State approving
2 agency.

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

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

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

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

23 (6) TRAINING.—The term “training” includes
24 on-job training and apprenticeship programs and vo-
25 cational 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 Af-
5 fairs determines under subsection (c) that an individual
6 is negatively affected by the COVID-19 emergency, the
7 Secretary may provide educational assistance to that indi-
8 vidual under the laws administered by the Secretary as
9 if such negative effects did not occur. The authority under
10 this section is in addition to the authority provided under
11 section 1 of Public Law 116-128 (38 U.S.C. 3001 note
12 prec.), but in no case may the Secretary provide more than
13 a total of four weeks of additional educational assistance
14 by reason of section 4 of the Student Veteran Coronavirus
15 Response Act of 2020 (Public Law 116-140; 38 U.S.C.
16 3680 note) 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,
22 during a month the individual would have been en-
23 rolled in a program of education or training but for
24 the COVID-19 emergency at the same rate such sti-
25 pend would have been payable if the individual had
26 not been negatively affected by the COVID-19 emer-

1 agency, except that the total number of weeks for
2 which stipends may continue to be so payable may
3 not exceed 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
7 States Code, during a month for a period of time
8 that the individual would have been enrolled in a
9 program of education or training but for the
10 COVID–19 emergency, except that the total number
11 of weeks for which payments or allowances may con-
12 tinue to be so payable may not exceed four weeks.

13 (c) DETERMINATION OF NEGATIVE EFFECTS.—The
14 Secretary shall determine that an individual was nega-
15 tively 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 pro-
24 gram or training is truncated, delayed, relocated,
25 canceled, partially canceled, converted from being

1 on-site to being offered by distance learning, or oth-
2 erwise modified or made unavailable by reason of the
3 COVID–19 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 month-
8 ly housing stipends, payments, or subsistence allow-
9 ances) that would be payable to the individual but
10 for 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,
21 32, and 35 of such title and chapter 1606 of title 10,
22 United States Code.

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

13 (b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-
14 ject to subsection (d), the payment of educational assist-
15 ance described in this subsection is the payment of such
16 assistance to an individual for pursuit of a course or pro-
17 gram of education at an educational institution under
18 chapter 30, 31, 32, 33, or 35 of title 38, United States
19 Code, or chapter 1606 of title 10, United States Code,
20 if the Secretary determines 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
26 the COVID-19 emergency; or

1 (B) the disapproval of the course or a
2 course that is a necessary part of that program
3 under chapter 36 of title 38, United States
4 Code, because the course was modified by rea-
5 son of such 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 chap-
17 ter 1606 of title 10, United States Code, during a
18 month the individual would have been enrolled in a
19 course or program of education.

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

1 (1) the portion of the period of enrollment in
2 the course from which the individual did not receive
3 credit or with respect to which the individual lost
4 training time, as determined under subsection
5 (b)(2); and

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

9 (e) CONTINUING PURSUIT OF DISAPPROVED
10 COURSES.—

11 (1) IN GENERAL.—The Secretary may treat a
12 course of education that is disapproved under chap-
13 ter 36 of title 38, United States Code, as being ap-
14 proved under such chapter with respect to an indi-
15 vidual described in paragraph (2) if the Secretary
16 determines, on a programmatic basis, that—

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

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

21 (2) INDIVIDUAL DESCRIBED.—An individual de-
22 scribed in this paragraph is an individual who is
23 pursuing a course of education at an educational in-
24 stitution under chapter 30, 31, 32, 33, or 35 of title
25 38, United States Code, or chapter 1606 of title 10,

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

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

21 (g) NOTICE OF CLOSURES.—Not later than 5 busi-
22 ness days after the date on which the Secretary receives
23 notice that an educational institution will close or is closed
24 by reason of the COVID-19 emergency, the Secretary shall
25 provide to each individual who is enrolled in a course or

1 program of education at such educational institution using
2 entitlement to educational assistance under chapter 30,
3 31, 32, 33, or 35 of title 38, United States Code, or chap-
4 ter 1606 of title 10, United States Code, notice of—

5 (1) such closure and the date of such closure;

6 and

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

10 (h) **APPLICABILITY.**—This section shall apply with
11 respect to the closure of an educational institution, or the
12 cancellation or modification of a course or program of edu-
13 cation, that occurs during the period beginning on March
14 1, 2020, and ending on December 21, 2021.

15 **SEC. 1104. PAYMENT OF EDUCATIONAL ASSISTANCE IN**
16 **CASES OF WITHDRAWAL.**

17 (a) **IN GENERAL.**—In the case of any individual who
18 withdraws from a program of education or training, other
19 than a program by correspondence, in an educational in-
20 stitution under chapter 31, 34, or 35 of title 38, United
21 States Code, for a covered reason during the period begin-
22 ning on March 1, 2020, and ending on December 21,
23 2021, the Secretary of Veterans Affairs shall find miti-
24 gating circumstances for purposes of section
25 3680(a)(1)(C)(ii) of title 38, United States Code.

1 (b) COVERED REASON.—In this section, the term
2 “covered reason” means any reason related to the COVID-
3 19 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) tem-
20 porarily added to section 3031 of title 38, United States
21 Code, by subsection (a) of section 6 of the Student Vet-
22 eran Coronavirus Response Act of 2020 (Public Law 116-
23 140) is amended—

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

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

4 (2) in paragraph (2), by striking “the first day
5 after the individual is able to resume pursuit of a
6 program of education with educational assistance
7 under this chapter” and inserting “December 22,
8 2021”.

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

13 (1) in paragraph (1), by striking “the period
14 the individual is so prevented from participating
15 such program” and inserting “the period beginning
16 on March 1, 2020, and ending on December 21,
17 2021”; and

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

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

23 (a) IN GENERAL.—During the period described in
24 subsection (b), subsection (e) of section 3687 of title 38,

1 United States Code, shall be applied by substituting the
2 following for paragraph (2):

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

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

18 “(C) Any period during which an individual is
19 unemployed shall not—

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

22 “(ii) be counted against the aggregate pe-
23 riod for which section 3695 of this title limits
24 the receipt of educational assistance by such in-
25 dividual.

1 “(D) Any amount by which the entitlement of
2 an individual is reduced under subparagraph (A)
3 shall 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
8 the receipt of educational assistance by such in-
9 dividual.

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
18 of 120 hours or more, the individual shall be treated
19 as an individual who has completed 120 hours of
20 training for that month. Any excess hours applied to
21 a different month under this subparagraph may only
22 be 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(e)(2) of this title and section 16131(d)(2) of
2 title 10.

3 “(G) In this paragraph:

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

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

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

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

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

22 (1) in subsection (a), by inserting “or a train-
23 ing establishment” after “an educational institu-
24 tion”; and

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

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

7 (b) PAYMENT OF ALLOWANCES.—Section 4(a)(1) of
8 the Student Veteran Coronavirus Response Act of 2020
9 (Public Law 116–140; 38 U.S.C. 3680 note) is amended
10 by inserting “or a training establishment” after “edu-
11 cational institution”.

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

19 (d) EXTENSION OF TIME LIMITATIONS.—

20 (1) MGIB.—The subsection (i) temporarily
21 added to section 3031 of title 38, United States
22 Code, by subsection (a) of section 6 of the Student
23 Veteran Coronavirus Response Act of 2020 (Public
24 Law 116–140), as amended by section 1105 of this

1 title, is further amended by inserting “or training
2 establishment” after “educational institution”.

3 (2) TRANSFER PERIOD.—The subparagraph (C)
4 temporarily added to section 3319(h)(5) of such title
5 by section 6 of the Student Veteran Coronavirus Re-
6 sponse Act of 2020 (Public Law 116–140) is amend-
7 ed by inserting “or training establishment” after
8 “educational institution”.

9 **SEC. 1108. TREATMENT OF PAYMENT OF ALLOWANCES**
10 **UNDER STUDENT VETERAN CORONAVIRUS**
11 **RESPONSE ACT.**

12 Section 4 of the Student Veteran Coronavirus Re-
13 sponse Act of 2020 (Public Law 116–140) is amended—

14 (1) in subsection (b)—

15 (A) by striking “may not exceed four
16 weeks.” and inserting “may not exceed the
17 shorter of the following:”; and

18 (B) by adding at the end the following new
19 paragraphs:

20 “(1) The period of time that the eligible veteran
21 or eligible person would have been enrolled in a pro-
22 gram of education or training but for the emergency
23 situation.

24 “(2) Four weeks.”; and

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

3 “(e) ENTITLEMENT NOT CHARGED.—Any payment
4 of allowances under this section shall not—

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

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

12 **TITLE II—BENEFITS**

13 **Subtitle A—Benefits Generally**

14 **SEC. 2001. REVISION OF DEFINITION OF VIETNAM ERA FOR**
15 **PURPOSES OF THE LAWS ADMINISTERED BY**
16 **THE SECRETARY OF VETERANS AFFAIRS.**

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

20 **SEC. 2002. MATTERS RELATING TO DEPARTMENT OF VET-**
21 **ERANS AFFAIRS MEDICAL DISABILITY EXAMI-**
22 **NATIONS.**

23 (a) TEMPORARY CLARIFICATION OF LICENSURE RE-
24 QUIREMENTS FOR CONTRACTOR MEDICAL PROFES-
25 SIONALS TO PERFORM MEDICAL DISABILITY EXAMINA-

1 TIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS
2 UNDER PILOT PROGRAM FOR USE OF CONTRACT PHYSI-
3 CIANS FOR DISABILITY EXAMINATIONS.—

4 (1) IN GENERAL.—Subsection (c) of section
5 504 of the Veterans' Benefits Improvements Act of
6 1996 (Public Law 104–275; 38 U.S.C. 5101 note)
7 is amended to read as follows:

8 “(c) LICENSURE OF CONTRACT HEALTH CARE PRO-
9 FESSIONALS.—

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

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

24 “(A) has a current unrestricted license to
25 practice the health care profession of the physi-

1 cian, physician assistant, nurse practitioner, au-
2 diologist, or psychologist, as the case may be;

3 “(B) is not barred from practicing such
4 health care profession in any State, the District
5 of Columbia, or a Commonwealth, territory, or
6 possession of the United States; and

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

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

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

21 (4) SUNSET.—On the date that is three years
22 after the date of the enactment of this Act, sub-
23 section (c) of such section shall read as it read on
24 the day before the date of the enactment of this Act.

1 (b) TEMPORARY HALT ON ELIMINATION OF MED-
2 ICAL EXAMINER POSITIONS IN DEPARTMENT OF VET-
3 ERANS AFFAIRS.—The Secretary of Veterans Affairs shall
4 temporarily suspend the efforts of the Secretary in effect
5 on the day before the date of the enactment of this Act
6 to eliminate medical examiner positions in the Department
7 of Veterans Affairs until the number of individuals await-
8 ing a medical examination with respect to medical dis-
9 ability of the individuals for benefits under laws adminis-
10 tered by the Secretary that are carried out through the
11 Under Secretary for Benefits is equal to or less than the
12 number of such individuals who were awaiting such a med-
13 ical examination with respect to such purposes on March
14 1, 2020.

15 (c) REPORT ON PROVISION OF MEDICAL EXAMINA-
16 TIONS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary shall submit to the appropriate committees of
20 Congress a report on the provision of medical exami-
21 nations described in subsection (b) by the Depart-
22 ment.

23 (2) CONTENTS.—The report submitted under
24 paragraph (1) shall cover the following:

1 (A) How the Secretary will increase the ca-
2 capacity, efficiency, and timeliness of physician
3 assistants, nurse practitioners, audiologists, and
4 psychologists of the Veterans Health Adminis-
5 tration with respect to completing medical ex-
6 aminations described in subsection (b).

7 (B) The total number of full-time equiva-
8 lent employees among all physician assistants,
9 nurse practitioners, audiologists, and psycholo-
10 gists needed for the increases described in sub-
11 paragraph (A).

12 (C) An assessment regarding the impor-
13 tance of retaining a critical knowledge base
14 within the Department for performing medical
15 examinations for veterans filing claims for com-
16 pensation under chapters 11 and 13 of title 38,
17 United States Code, including with respect to
18 military sexual trauma, post-traumatic stress
19 disorder, traumatic brain injury, and toxic ex-
20 posure.

21 (3) COLLABORATION.—The Secretary shall col-
22 laborate with the veterans community and stake-
23 holders in the preparation of the report required by
24 paragraph (1).

1 (4) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” means—

4 (A) the Committee on Veterans’ Affairs
5 and the Committee on Appropriations of the
6 Senate; and

7 (B) the Committee on Veterans’ Affairs
8 and the Committee on Appropriations of the
9 House of Representatives.

10 (d) COMPTROLLER GENERAL OF THE UNITED
11 STATES REVIEW.—

12 (1) REVIEW REQUIRED.—Not later than 360
13 days after the date of the enactment of this Act, the
14 Comptroller General of the United States shall com-
15 mence a review of the implementation of the pilot
16 program authorized under subsection (a) of section
17 504 of the Veterans’ Benefits Improvements Act of
18 1996 (Public Law 104–275; 38 U.S.C. 5101 note).

19 (2) ELEMENTS.—The review conducted under
20 paragraph (1) shall include the following:

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

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

1 (C) Use of telehealth for medical examina-
2 tions described in subsection (b) that are ad-
3 ministered by the Department.

4 (e) BRIEFING ON RECOMMENDATIONS OF COMP-
5 TROLLER GENERAL OF THE UNITED STATES.—Not later
6 than 60 days after the date of the enactment of this Act,
7 the Secretary shall provide to the Committee on Veterans’
8 Affairs of the Senate and the Committee on Veterans’ Af-
9 fairs of the House of Representatives a briefing on how
10 the Secretary will implement the recommendations of the
11 Comptroller General of the United States regarding—

12 (1) the monitoring of the training of providers
13 of examinations pursuant to contracts under section
14 504 of the Veterans’ Benefits Improvements Act of
15 1996 (Public Law 104–275; 38 U.S.C. 5101 note);
16 and

17 (2) ensuring such providers receive such train-
18 ing.

19 (f) HOLDING UNDERPERFORMING CONTRACT MED-
20 ICAL EXAMINERS ACCOUNTABLE.—The Secretary shall
21 take such actions as may be necessary to hold accountable
22 the providers of medical examinations pursuant to con-
23 tracts under section 504 of the Veterans’ Benefits Im-
24 provements Act of 1996 (Public Law 104–275; 38 U.S.C.
25 5101 note) who are underperforming in the meeting of

1 the needs of veterans through the performance of medical
2 examinations pursuant to such contracts.

3 **SEC. 2003. MEDAL OF HONOR SPECIAL PENSION FOR SUR-**
4 **VIVING SPOUSES.**

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

9 (b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

10 (1) SURVIVING SPOUSE BENEFIT.—Such sub-
11 section is further amended—

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

13 (B) by adding at the end the following new
14 paragraph:

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

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

1 “(i) for one year or more prior to the veteran’s
2 death; or

3 “(ii) for any period of time if a child was born
4 of the marriage, or was born to them before the
5 marriage.

6 “(C) No special pension shall be paid to a surviving
7 spouse of a person under this section if such surviving
8 spouse is receiving benefits under section 1311 or 1318
9 of this title.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) IN GENERAL.—Such section is amend-
12 ed—

13 (i) in subsection (d), by inserting “or
14 married to more than one person who has
15 been awarded a medal of honor,” after
16 “honor,”; and

17 (ii) in subsection (f)(1), by striking
18 “this section” and inserting “paragraph
19 (1) of subsection (a), or under paragraph
20 (2) of such subsection in the case of a
21 posthumous entry on the Army, Navy, Air
22 Force, and Coast Guard Medal of Honor
23 Roll,”.

24 (B) SPECIAL PROVISIONS RELATING TO
25 MARRIAGES.—Section 103(d)(5) of such title is

1 amended by adding at the end the following
2 new subparagraph:

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

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

10 **SEC. 2004. MODERNIZATION OF SERVICE-DISABLED VET-**
11 **ERANS INSURANCE.**

12 (a) ESTABLISHMENT OF MODERNIZED PROGRAM.—

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

16 **“§ 1922B. Service-disabled veterans insurance**

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

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

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

1 “(A) the veteran submits the application for
2 such insurance before the veteran attains 81 years
3 of age; or

4 “(B) with respect to a veteran who has attained
5 81 years of age—

6 “(i) the veteran filed a claim for compensa-
7 tion under chapter 11 of this title before attain-
8 ing such age;

9 “(ii) based on such claim, and after the
10 veteran attained such age, the Secretary first
11 determines that the veteran has a service-con-
12 nected disability; and

13 “(iii) the veteran submits the application
14 for such insurance during the two-year period
15 following the date of such determination.

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

19 “(i) \$10,000.

20 “(ii) \$20,000.

21 “(iii) \$30,000.

22 “(iv) \$40,000.

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

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

4 “(i) determines that such maximum amount
5 and the premiums for such amount—

6 “(I) are administratively and actuarially
7 sound for the insurance program under para-
8 graph (1); and

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

11 “(ii) publishes in the Federal Register, and sub-
12 mits to the Committee on Veterans’ Affairs of the
13 Senate and the Committee on Veterans’ Affairs of
14 the House of Representatives, such maximum
15 amount and determination.

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

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

22 “(B)(i) The Secretary of the Treasury may invest in
23 and sell and retire special interest-bearing obligations of
24 the United States for the account of the revolving fund
25 under subparagraph (A).

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

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

4 “(II) bear interest at a rate equal to the aver-
5 age market yield (computed by the Secretary of the
6 Treasury on the basis of market quotations as of the
7 end of the calendar month preceding the date of
8 issue) on all marketable interest-bearing obligations
9 of the United States then forming a part of the pub-
10 lic debt which are not due or callable until after the
11 expiration of four years from the end of such cal-
12 endar month; except that where such average mar-
13 ket yield is not a multiple of one-eighth of one per
14 centum, the rate of interest of such obligation shall
15 be the multiple of one-eighth of one per centum
16 nearest such market yield.

17 “(6)(A) Administrative support financed by the ap-
18 propriations for ‘General Operating Expenses, Depart-
19 ment of Veterans Affairs’ and ‘Information Technology
20 Systems, Department of Veterans Affairs’ for the insur-
21 ance program under paragraph (1) shall be paid from pre-
22 miums credited to the fund under paragraph (5).

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

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

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

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

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

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

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

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

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

23 “(B) The Secretary—

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

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

3 “(II) may adjust such rate during such
4 year based on program experience, except that
5 the interest rate may not be less than zero per-
6 cent;

7 “(ii) for the second and each subsequent year
8 of the program, shall calculate such interest at an
9 annual rate equal to the rate of return on the revol-
10 ving fund under subsection (a)(5) for the calendar
11 year preceding the year of the veteran’s death, ex-
12 cept that the interest rate may not be less than zero
13 percent; and

14 “(iii) on an annual basis, shall publish on the
15 internet website of the Department the average in-
16 terest rate calculated under clause (ii) for the pre-
17 ceding calendar year.

18 “(d) PREMIUMS.—(1) The Secretary shall establish
19 a schedule of basic premium rates by age per \$10,000 of
20 insurance under subsection (a)(1) consistent with basic
21 premium rates generally charged for guaranteed accept-
22 ance life insurance policies by private life insurance com-
23 panies.

24 “(2) The Secretary may adjust such schedule after
25 the first policy year in a manner consistent with the gen-

1 eral practice of guaranteed acceptance life insurance poli-
2 cies issued by private life insurance companies.

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

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

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

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

16 “(B) The children of the veteran and descend-
17 ants of deceased children by representation.

18 “(C) The parents of the veteran or the sur-
19 vivors of the parents.

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

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

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

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

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

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

22 “(3) If, on the date that is two years after the date
23 of the death of the veteran, no claim for payment has been
24 filed by any beneficiary pursuant to paragraph (1) or (2),
25 and the Secretary has not received notice that any such

1 claim will be so filed during the subsequent one-year pe-
2 riod, the Secretary may make the payment to a claimant
3 whom the Secretary determines to be equitably entitled to
4 such payment.

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

7 “(A) in paragraph (1)(A), the Secretary shall
8 pay the designated beneficiary not later than 90
9 days after the designated beneficiary files a complete
10 and valid claim for payment;

11 “(B) in paragraph (1)(B) or (2), the Secretary
12 shall make any payment not later than one year
13 after the end of the period described in the applica-
14 ble such paragraph, if the Secretary receives a com-
15 plete and valid claim for payment in accordance with
16 the applicable such paragraph; or

17 “(C) in paragraph (3), the Secretary shall make
18 any payment not later than one year after the end
19 of the period described in such paragraph, if the
20 Secretary receives a complete and valid claim for
21 payment.

22 “(2) In a case where the Secretary has not made an
23 insurance payment under this section during the applica-
24 ble period specified in paragraph (1) by reason of a bene-
25 ficiary not yet having filed a claim, or the Secretary not

1 yet making a determination under subsection (f)(3), the
2 Secretary may make the payment after such applicable pe-
3 riod.

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

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

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

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

“1922B. Service-disabled veterans insurance.”

16 (b) SUNSET OF PREVIOUS PROGRAM AND TRANSI-
17 TION.—

18 (1) S–DVI.—Section 1922 of such title is
19 amended by adding at the end the following new
20 subsection:

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

24 “(2)(A) During the period beginning January 1,
25 2023, and ending December 31, 2025, a veteran who is

1 insured under this section may elect to instead be insured
2 under section 1922B of this title based on the age of the
3 veteran at the time of such election.

4 “(B)(i) A veteran who elects under subparagraph (A)
5 to be insured under section 1922B of this title shall be
6 subject to the two-year waiting period specified in sub-
7 section (c) of such section.

8 “(ii) If the veteran dies during such period, the Sec-
9 retary shall pay the beneficiary under this section, and,
10 if applicable, under section 1922A, plus the amount of
11 premiums paid by the veteran under such section 1922B,
12 plus interest.

13 “(3) Except as provided by paragraph (2)(B), a vet-
14 eran may not be insured under this section and section
15 1922B simultaneously.”.

16 (2) SUPPLEMENTAL S-DVI.—Section 1922A(b)
17 of such title is amended by adding after the period
18 at the end the following: “The Secretary may not ac-
19 cept any such application after December 31, 2022.
20 Except as provided by section 1922(d)(2)(B), a vet-
21 eran may not have supplemental insurance under
22 this section and be insured under section 1922B si-
23 multaneously.”.

24 (c) CONFORMING AMENDMENTS.—Chapter 19 of
25 such title is amended—

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

4 (2) in the section heading of section 1922A, by
5 striking “**Supplemental**” and inserting “**Leg-**
6 **acy supplemental**”; and

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

“1922. Legacy service disabled veterans’ insurance.

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

11 **SEC. 2005. DENIAL OF CLAIMS FOR TRAUMATIC INJURY**
12 **PROTECTION UNDER SERVICEMEMBERS’**
13 **GROUP LIFE INSURANCE.**

14 Section 1980A of title 38, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(l)(1) If a claim for benefits under this section is
18 denied, the Secretary concerned shall provide to the mem-
19 ber at the same time as the member is informed of such
20 denial a description of the following:

21 “(A) Each reason for that denial, including a
22 description of all the information upon which the de-
23 nial is based and a description of the applicable
24 laws, regulations, or policies, with appropriate cita-

1 tions, and an explanation of how such laws, regula-
2 tions, or policies affected the denial.

3 “(B) Each finding that is favorable to the mem-
4 ber.

5 “(2) Any finding favorable to the member as de-
6 scribed in paragraph (1)(B) shall be binding on all subse-
7 quent reviews or appeals of the denial of the claim, unless
8 clear and convincing evidence is shown to the contrary to
9 rebut such favorable finding.”.

10 **SEC. 2006. PUBLICATION AND ACCEPTANCE OF DISABILITY**

11 **BENEFIT QUESTIONNAIRE FORMS OF DE-**

12 **PARTMENT OF VETERANS AFFAIRS.**

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

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (e) the fol-
18 lowing new subsection (d):

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

21 “(A) the disability benefit questionnaire forms
22 of the Department for the submittal of evidence
23 from non-Department medical providers regarding a
24 disability of a claimant, including any form or proc-

1 ess that replaces any such disability benefit ques-
2 tionnaire form; and

3 “(B) details about the process used by the De-
4 partment for submittal of evidence described in sub-
5 paragraph (A).

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

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

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

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

20 “(B) request from the claimant (or from a non-
21 Department medical provider if the claimant has au-
22 thorized the provider to share health information
23 with the Secretary) any other information that the
24 updated version of the form requires; and

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

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

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

15 (c) INITIAL FORM.—The Secretary of Veterans Af-
16 fairs shall begin carrying out section 5101(d)(1) of such
17 title, as added by subsection (a), by publishing, as de-
18 scribed in such section, the form described in such section
19 that was in effect on January 1, 2020.

20 (d) ALTERNATE PROCESS.—

21 (1) ASSESSMENT AND REPORT.—

22 (A) IN GENERAL.—Subject to paragraph
23 (2), not later than 180 days after the date of
24 the enactment of this act, the Secretary shall—

1 (i) assess the feasibility and advis-
2 ability of replacing disability benefit ques-
3 tionnaire forms that are used by non-De-
4 partment medical providers to submit to
5 the Secretary evidence regarding a dis-
6 ability of a claimant for benefits under
7 laws administered by the Secretary, with
8 another consistent process that considers
9 evidence equally, whether provided by a
10 Department or a non-Department medical
11 provider; and

12 (ii) submit to Congress—

13 (I) a report on the findings of
14 the Secretary with respect to the as-
15 sessment conducted under clause (i);
16 and

17 (II) if the report submitted under
18 subclause (I) of this clause includes a
19 finding that replacing the disability
20 benefit questionnaire forms described
21 in clause (i) as described in such
22 clause is feasible and advisable, a plan
23 to replace such forms as described in
24 such clause.

1 (B) COLLABORATION REQUIRED.—If, in
2 carrying out the assessment required by clause
3 (i) of subparagraph (A), the Secretary deter-
4 mines that replacing the disability benefit ques-
5 tionnaire forms described in such clause as de-
6 scribed in such clause is feasible and advisable,
7 the Secretary shall collaborate with, partner
8 with, and consider the advice of veterans service
9 organizations, and such other stakeholders as
10 the Secretary considers appropriate, on the re-
11 placement forms and process for submitting
12 such forms.

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

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

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

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

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

3 (3) IMPLEMENTATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), if the Secretary determines under
6 paragraph (1)(A) that replacing the forms as
7 described in such paragraph is feasible and ad-
8 visable, the Secretary shall, not later than two
9 years after the date on which the Secretary
10 submits the report under paragraph (1)(B)(i)—

11 (i) replace the forms as described in
12 paragraph (1)(A);

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

16 (iii) update the details under subpara-
17 graph (B) of such section.

18 (B) REPORTS BY INSPECTOR GENERAL OF
19 THE DEPARTMENT OF VETERANS AFFAIRS.—If
20 the Secretary replaces the forms under sub-
21 paragraph (A), the Inspector General of the
22 Department of Veterans Affairs shall, not later
23 than one year after the date that the Secretary
24 replaces such forms and not less frequently
25 than once each year thereafter until the date

1 that is three years after the date on which the
2 Secretary replaces such forms, submit to Con-
3 gress a report on the process that replaced such
4 forms that ascertains whether the process prop-
5 erly protects veterans.

6 (4) **LIMITATION.**—The Secretary may not dis-
7 continue the use of the disability benefit question-
8 naire forms described in paragraph (1)(A) until a
9 replacement form or process is implemented.

10 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
11 tion or section 5101(d) of such title, as added by sub-
12 section (a), may be construed to require the Secretary to
13 develop any new information technology system or other-
14 wise require the Secretary to make any significant changes
15 to the internet website of the Department.

16 **SEC. 2007. THRESHOLD FOR REPORTING DEBTS TO CON-**
17 **SUMER REPORTING AGENCIES.**

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

21 **“§ 5320. Threshold for reporting debts to consumer**
22 **reporting agencies**

23 “The Secretary shall prescribe regulations that estab-
24 lish the minimum amount of a claim or debt, arising from
25 a benefit administered by the Under Secretary for Bene-

1 fits or Under Secretary for Health, that the Secretary will
2 report to a consumer reporting agency under section 3711
3 of title 31.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 after the item relating to section 5319 the following new
7 item:

“5320.Threshold for reporting debts to consumer reporting agencies.”.

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

12 **SEC. 2008. REMOVAL OF DEPENDENTS FROM AWARD OF**
13 **COMPENSATION OR PENSION.**

14 Beginning not later than 90 days after the date of
15 the enactment of this Act, the Secretary of Veterans Af-
16 fairs shall ensure that—

17 (1) the recipient of an award of compensation
18 or pension may remove any dependent from an
19 award of compensation or pension to the individual
20 using the eBenefits system of the Department of
21 Veterans Affairs, or a successor system; and

22 (2) such removal takes effect not later than 60
23 days after the date on which the recipient elects
24 such removal.

1 **SEC. 2009. ELIGIBILITY FOR DEPENDENCY AND INDEMNITY**
2 **COMPENSATION FOR SURVIVING SPOUSES**
3 **WHO REMARRY AFTER AGE 55.**

4 Section 103(d)(2)(B) of title 38, United States Code,
5 is amended in the second sentence by inserting “chapter
6 13 or” after “benefits under”.

7 **SEC. 2010. STUDY ON EXPOSURE BY MEMBERS OF THE**
8 **ARMED FORCES TO TOXICANTS AT KARSHI-**
9 **KHANABAD AIR BASE IN UZBEKISTAN.**

10 (a) AGREEMENT AND STUDY.—Not later than 60
11 days after the date of the enactment of this Act, the Sec-
12 retary of Veterans Affairs shall enter into an agreement
13 with the Administrator of the Agency for Toxic Sub-
14 stances and Disease Registry for the Administrator to
15 complete, not later than 10 years after the date of the
16 enactment of this Act, a study to identify—

17 (1) incidents of cancer and other diseases or ill-
18 nesses experienced by individuals who served in the
19 active military, naval, or air service (as defined in
20 section 101 of title 38, United States Code) in the
21 covered location set forth under subsection (b) dur-
22 ing the corresponding period set forth under such
23 subsection; and

24 (2) a list of toxic substances, chemicals, ion-
25 izing radiation, and airborne hazards such individ-
26 uals may have been exposed to during such service.

1 (b) COVERED LOCATION AND CORRESPONDING PE-
2 RIOD.—The covered location and corresponding period set
3 forth under this subsection are Karshi-Khanabad (K2) Air
4 Base in Uzbekistan and the period beginning on October
5 1, 2001, and ending on September 30, 2005.

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

8 (1) An assessment regarding the conditions of
9 the covered location set forth under subsection (b),
10 including an identification of toxic substances,
11 chemicals, ionizing radiation, and airborne hazards
12 contaminating such covered location during such
13 corresponding period.

14 (2) An epidemiological study of the health con-
15 sequences of the service described in subsection (a)
16 to the individuals described in such subsection.

17 (d) SUPPORT FOR STUDY.—

18 (1) IN GENERAL.—The Secretary shall provide
19 the Administrator with assistance in carrying out
20 the study required by subsection (a), including by
21 gathering such information as the Administrator
22 may consider useful in carrying out the study.

23 (2) OBTAINING INFORMATION CONCERNING EX-
24 POSURE.—Assistance under paragraph (1) provided
25 by the Secretary of Veterans Affairs shall include

1 compiling information on exposure described in sub-
2 section (a)(2) and the Secretary of Defense shall
3 provide to the Secretary of Veterans Affairs such in-
4 formation concerning such exposure as the Secretary
5 of Veterans Affairs considers appropriate for pur-
6 poses of the study required by subsection (a), includ-
7 ing environmental sampling data relative to any lo-
8 cation covered by the study.

9 (e) BIENNIAL UPDATES.—No later than the date
10 that is two years after the date of the enactment of this
11 Act and not less frequently than once every two years
12 thereafter until the date on which the study required by
13 subsection (a) is completed, the Administrator shall sub-
14 mit to the appropriate committees of Congress updates on
15 the status of the matters covered by such study, including
16 any preliminary findings of the Administrator.

17 (f) FINAL REPORT.—Not later than 60 days after the
18 date on which the study required by subsection (a) is com-
19 pleted, the Administrator shall submit to the appropriate
20 committees of Congress a report on the findings of the
21 Administrator with respect to such study.

22 (g) INCLUSION OF UZBEKISTAN IN CERTAIN REG-
23 ISTRIES AND PROGRAMS.—Section 201(c)(2) of the Dig-
24 nified Burial and Other Veterans' Benefits Improvement
25 Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note)

1 is amended, in the matter preceding subparagraph (A),
2 by striking “Afghanistan or Iraq” and inserting “Afghani-
3 stan, Iraq, or Uzbekistan”.

4 (h) DEPLETED URANIUM FOLLOW-UP PROGRAMS.—
5 The Secretary of Veterans Affairs shall ensure that any
6 individual who deployed as a member of the Armed Forces
7 to the covered location set forth in subsection (b) during
8 the corresponding period set forth in such subsection is
9 covered by the Depleted Uranium Follow-up Programs of
10 the Department of Veterans Affairs.

11 (i) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committee on Veterans’ Affairs and the
15 Committee on Armed Services of the Senate; and

16 (2) the Committee on Veterans’ Affairs and the
17 Committee on Armed Services of the House of Rep-
18 resentatives.

1 **SEC. 2011. COMPTROLLER GENERAL BRIEFING AND RE-**
2 **PORT ON REPEALING MANIFESTATION PE-**
3 **RIOD FOR PRESUMPTIONS OF SERVICE CON-**
4 **NECTION FOR CERTAIN DISEASES ASSOCI-**
5 **ATED WITH EXPOSURE TO CERTAIN HERBI-**
6 **CIDE AGENTS.**

7 (a) **IN GENERAL.**—Not later than one year after the
8 date of the enactment of this Act, the Comptroller General
9 of the United States shall provide to the Committee on
10 Veterans' Affairs of the Senate and the Committee on Vet-
11 erans' Affairs of the House of Representatives a briefing
12 on preliminary observations of the Comptroller General,
13 and not later than 240 days after the date of such brief-
14 ing, provide such committees a briefing and submit to
15 such committees a final report, on the efforts of the Sec-
16 retary of Veterans Affairs to provide benefits, including
17 compensation and health care, to veterans—

18 (1) who during active military, naval, or air
19 service, served in the Republic of Vietnam during
20 the period beginning on January 9, 1962, and end-
21 ing on May 7, 1975; and

22 (2) in whom chloracne, porphyria cutanea
23 tarda, or acute or subacute peripheral neuropathy
24 have manifested.

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

1 (1) A description of how the Secretary estab-
2 lishes a service connection for a diseases described in
3 paragraph (2) of subsection (a) manifesting in vet-
4 erans, including the number of veterans described in
5 paragraph (1) of such subsection who have filed a
6 claim for a benefit associated with a disease de-
7 scribed in paragraph (2) of such subsection.

8 (2) A description of how claims adjudicators of
9 the Department of Veterans Affairs determine serv-
10 ice connection for a disease described in subpara-
11 graph (C) or (E) of section 1116(a)(2) of title 38,
12 United States Code, when documentation proving
13 the presence of the disease during the manifestation
14 period set forth in such subparagraphs for the dis-
15 ease is not available.

16 (3) A description of the expected effect of re-
17 pealing the manifestation period from such subpara-
18 graphs, including the expected effect on the number
19 of claims for benefits the Department will receive,
20 an estimate of the cost to the Department of such
21 repeal, and a review of the scientific evidence regard-
22 ing such repeal.

23 (4) A review of all claims submitted to the Sec-
24 retary for compensation under chapter 11 of such
25 title that are associated with a disease described in

1 subsection (a)(2), including the type of proof pre-
2 sented to establish a service connection for the mani-
3 festation of the disease based on exposure to a herbi-
4 cide agent.

5 (5) Recommendations on how the Department
6 can better adjudicate claims for benefits, including
7 compensation, submitted to the Department that are
8 associated with a disease described in paragraph (2)
9 of subsection (a) for veterans described in paragraph
10 (1) of such subsection.

11 (6) An assessment of such other areas as the
12 Comptroller General considers appropriate to study.

13 (c) ADMINISTRATIVE ACTION.—Not later than 120
14 days after the date on which the Comptroller General of
15 the United States submits the report required under sub-
16 section (a), the Secretary shall commence carrying out the
17 recommendations submitted under subsection (b)(5) to the
18 degree that the Secretary is authorized to carry out the
19 recommendations by a statute that was in effect on the
20 day before the date of the enactment of this Act.

21 (d) HERBICIDE AGENT DEFINED.—In this section,
22 the term “herbicide agent” has the meaning given such
23 term in section 1116(a)(3) of title 38, United States Code.

1 **SEC. 2012. EXTENSION OF AUTHORITY OF SECRETARY OF**
2 **VETERANS AFFAIRS TO USE INCOME INFOR-**
3 **MATION FROM OTHER AGENCIES.**

4 Section 5317(g) of title 38, United States Code, is
5 amended by striking “September 30, 2027” and inserting
6 “September 30, 2030”.

7 **SEC. 2013. EXTENSION ON CERTAIN LIMITS ON PAYMENTS**
8 **OF PENSION.**

9 Section 5503(d)(7) of title 38, United States Code,
10 is amended by striking “September 30, 2028” and insert-
11 ing “October 30, 2028”.

12 **Subtitle B—Housing**

13 **SEC. 2101. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-**
14 **SERVE COMPONENTS OF THE ARMED**
15 **FORCES FOR HOME LOANS FROM THE SEC-**
16 **RETARY OF VETERANS AFFAIRS.**

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

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

25 “(A) of not less than 90 cumulative days;
26 and

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

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

5 “(G) Each individual described in section
6 3701(b)(7) of this title.”.

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

12 **SEC. 2102. REDUCING LOAN FEES FOR CERTAIN VETERANS**
13 **AFFECTED BY MAJOR DISASTERS.**

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

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

18 “(D)(i) The term ‘initial loan’ means a loan to
19 a veteran guaranteed under section 3710 or made
20 under section 3711 of this title if the veteran has
21 never obtained a loan guaranteed under section
22 3710 or made under section 3711 of this title.

23 “(ii) If a veteran has obtained a loan guaran-
24 teed under section 3710 or made under section 3711
25 of this title and the dwelling securing such loan was

1 substantially damaged or destroyed by a major dis-
2 aster declared by the President under section 401 of
3 the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170), the Sec-
5 retary shall treat as an initial loan, as defined in
6 clause (i), the next loan the Secretary guarantees or
7 makes to such veteran under section 3710 or 3711,
8 respectively, if—

9 “(I) such loan is guaranteed or made be-
10 fore the date that is three years after the date
11 on which the dwelling was substantially dam-
12 aged or destroyed; and

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

16 (2) in subparagraph (E), by striking “if the vet-
17 eran has previously obtained a loan guaranteed
18 under section 3710 or made under section 3711 of
19 this title” and inserting “that is not an initial loan”.

20 **SEC. 2103. EXTENSION OF CERTAIN HOUSING LOAN FEES.**

21 Section 3729(b)(2) of title 38, United States Code,
22 is amended by striking “October 1, 2029” each place it
23 appears and inserting “October 1, 2030”.

1 **SEC. 2104. COLLECTION OF OVERPAYMENTS OF SPECIALLY**
2 **ADAPTED HOUSING ASSISTANCE.**

3 Section 2102 of title 38, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(g)(1) Whenever the Secretary finds that an over-
7 payment has been made to, or on behalf of, a person de-
8 scribed in paragraph (2), the Secretary shall determine—

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

10 “(B) who is liable to the United States for such
11 overpayment.

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

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

15 “(i) under this chapter; or

16 “(ii) under chapter 31 of this title who is
17 pursuing a rehabilitation program under such
18 chapter in acquiring adaptations to a residence.

19 “(B) An owner or seller of real estate used, or
20 intended to be used, in connection with assistance
21 under this chapter.

22 “(C) A builder, contractor, supplier,
23 tradesperson, corporation, trust, partnership, or
24 other person, who provided services or goods relating
25 to assistance under this chapter.

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

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

7 “(3)(A) Any overpayment referred to in this sub-
8 section may be recovered in the same manner as any other
9 debt due the United States.

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

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

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

19 “(5) The Secretary shall waive recovery under this
20 subsection of any overpayment to a person described in
21 paragraph (2)(A), or a dependent or survivor of such per-
22 son, that arises from administrative error described in
23 paragraph (7)(A).

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

4 “(7) The Secretary shall prescribe in regulations
5 what constitutes an overpayment for the purposes of this
6 subsection, which, at a minimum, shall include—

7 “(A) administrative error that results in an in-
8 dividual receiving assistance to which that individual
9 is not entitled;

10 “(B) the failure of any person described in
11 paragraph (2) to—

12 “(i) perform or allow to be performed any
13 act relating to assistance under this chapter; or

14 “(ii) compensate any party performing
15 services or supplying goods relating to assist-
16 ance under this chapter; and

17 “(C) any disbursement of funds relating to as-
18 sistance under this chapter, that, in the sole discre-
19 tion of the Secretary, constitutes a misuse of such
20 assistance.

21 “(8) Prior to collecting an overpayment under this
22 subsection, the Secretary shall provide to the person whom
23 the Secretary has determined liable for such overpay-
24 ment—

1 “(A) notice of the finding by the Secretary of
2 such overpayment;

3 “(B) a reasonable opportunity for such person
4 to remedy the circumstances that effectuated the
5 overpayment; and

6 “(C) a reasonable opportunity for such person
7 to present evidence to the Secretary that an overpay-
8 ment was not made.

9 “(9) For the purposes of section 511 of this title, a
10 decision to collect an overpayment from a person other
11 than a person described in paragraph (2)(A), or a depend-
12 ent or survivor of such person, may not be treated as a
13 decision that affects the provision of benefits.”.

14 **Subtitle C—Burial Matters**

15 **SEC. 2201. TRANSPORTATION OF DECEASED VETERANS TO** 16 **VETERANS’ CEMETERIES.**

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

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

1 “(c) COVERED VETERANS’ CEMETERY DEFINED.—

2 In this section, the term ‘covered veterans’ cemetery’

3 means a veterans’ cemetery—

4 “(1) in which a deceased veteran described in
5 subsection (b) is eligible to be buried;

6 “(2) that—

7 “(A) is owned by a State; or

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

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

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

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

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

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

1 **SEC. 2202. INCREASE IN CERTAIN FUNERAL BENEFITS**
2 **UNDER LAWS ADMINISTERED BY THE SEC-**
3 **RETARY OF VETERANS AFFAIRS.**

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

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

10 (2) By striking section 2302.

11 (3) In section 2303—

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

16 (B) in subsection (a)—

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

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

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

26 “(A) The deceased veteran dies in—

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

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

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

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

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

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

24 “(C) The Secretary determines—

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

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

10 (iii) in subsection (b)—

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

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

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

23 (b) CONFORMING AMENDMENTS.—

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

1 (A) In section 2304, by striking “Applica-
2 tions for payments under section 2302 of this
3 title” and inserting “Applications for payments
4 under section 2303 of this title regarding vet-
5 erans described in subparagraph (B) or (C) of
6 subsection (a)(2) of such section”.

7 (B) In section 2307, by striking “sections
8 2302 and 2303(a)(1) and (b)(2) of this title”
9 and inserting “subsections (a)(1) and (b)(2) of
10 section 2303 of this title”.

11 (C) In section 2308—

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

19 (ii) in subsection (b)(3)—

20 (I) by striking “section 2302”
21 and inserting “section 2303”; and

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

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

3 (E) In section 5101(a)(1)(B)(i), by strik-
4 ing “2302” and inserting “2303”.

5 (2) EMERGENCY MEDICAL CARE.—Section 11
6 of the Military Selective Service Act (50 U.S.C.
7 3810) is amended by striking “section 2302(a) of
8 title 38” and inserting “section 2303 of title 38,
9 United States Code, regarding veterans described in
10 subparagraph (B) or (C) of subsection (a)(2) of such
11 section”.

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

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

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

20 **SEC. 2203. OUTER BURIAL RECEPTACLES FOR EACH NEW**
21 **GRAVE IN CEMETERIES THAT ARE THE SUB-**
22 **JECTS OF CERTAIN GRANTS MADE BY THE**
23 **SECRETARY OF VETERANS AFFAIRS.**

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

1 (1) in paragraph (1)—

2 (A) in subparagraph (A)—

3 (i) by striking “shall” and inserting
4 “may”; and

5 (ii) by inserting “, or in a cemetery
6 that is the subject of a grant to a State or
7 a tribal organization under section 2408 of
8 this title,” after “National Cemetery Ad-
9 ministration”; and

10 (B) in subparagraph (C), by striking
11 “shall” and inserting “may”; and

12 (2) by striking paragraph (2) and inserting the
13 following new paragraph (2):

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

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

23 “(C) The use of outer burial receptacles in a national
24 cemetery administered by the National Park Service shall

1 be in accordance with regulations or procedures approved
2 by the Secretary of the Interior.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date that is two years
5 after the date of the enactment of this Act.

6 **SEC. 2204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
7 **CHILDREN ON CERTAIN HEADSTONES AND**
8 **MARKERS FURNISHED BY THE SECRETARY**
9 **OF VETERANS AFFAIRS.**

10 (a) IN GENERAL.—Section 2306 of title 38, United
11 States Code, is amended—

12 (1) by redesignating subsection (i) as subsection
13 (j); and

14 (2) by inserting after subsection (h) the fol-
15 lowing new subsection (i):

16 “(i)(1) In addition to any other authority under this
17 section, in the case of an individual whose grave is not
18 in a covered cemetery (as that term is defined in sub-
19 section (f)(2)) and for whom the Secretary has furnished
20 a headstone or marker under subsection (a) or (d), the
21 Secretary, if feasible and upon request, may replace the
22 headstone or marker to add an inscription for the sur-
23 viving spouse or eligible dependent child of such individual
24 following the death of the surviving spouse or eligible de-
25 pendent child.

1 “(2) If the spouse or eligible dependent child of an
2 individual referred to in paragraph (1) predeceases the in-
3 dividual, the Secretary may, if feasible and upon request,
4 include an inscription for the spouse or dependent child
5 on the headstone or marker furnished for the individual
6 under subsection (a) or (d).”.

7 (b) APPLICATION.—Subsection (i) of section 2306 of
8 title 38, United States Code, as added by subsection (a),
9 shall apply with respect to an individual who dies on or
10 after October 1, 2019.

11 **SEC. 2205. AID TO COUNTIES FOR ESTABLISHMENT, EXPAN-**
12 **SION, AND IMPROVEMENT OF VETERANS’**
13 **CEMETERIES.**

14 (a) IN GENERAL.—Section 2408 of title 38, United
15 States Code, is amended—

16 (1) by inserting “or county” after “State” each
17 place it appears;

18 (2) in subsection (a)(1), in the matter pre-
19 ceding subparagraph (A), by striking “subsection
20 (b)” and inserting “subsections (b), (c), (d), and
21 (g)”;

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

24 “(g)(1) The Secretary may make a grant to a county
25 under this section only if—

1 “(A)(i) the State in which the county is located does
2 not have a veterans’ cemetery owned by the State;

3 “(ii) the State is not in receipt of a grant under this
4 section for the construction of a new veterans’ cemetery
5 to be owned by the State;

6 “(iii) the State did not apply for a grant under this
7 section during the previous year;

8 “(iv) no tribal organization from the State in which
9 the county is located has a veterans’ cemetery on trust
10 land owned by, or held in trust for, the tribal organization;

11 “(v) no such tribal organization is in receipt of a
12 grant under this section for the construction of a new vet-
13 erans’ cemetery to be located on such land; and

14 “(vi) no such tribal organization applied for a grant
15 under this section during the previous year; and

16 “(B) the county demonstrates in the application
17 under subsection (a)(2), to the satisfaction of the Sec-
18 retary, that the county has the resources necessary to op-
19 erate and maintain the veterans’ cemetery owned by the
20 county.

21 “(2)(A) If a county and the State in which the county
22 is located both apply for a grant under this section for
23 the same year, the Secretary shall give priority to the
24 State.

1 “(B) If a county and a tribal organization from the
2 State in which the county is located both apply for a grant
3 under this section for the same year, the Secretary shall
4 give priority to the tribal organization.

5 “(3) The Secretary shall prescribe regulations to
6 carry out this subsection.”; and

7 (4) in subsection (f)—

8 (A) by redesignating paragraph (3) as sub-
9 section (h);

10 (B) by moving such subsection, as so re-
11 designated, to the location after subsection (g),
12 as added by paragraph (3);

13 (C) in subsection (h), as so redesignated
14 and moved, by redesignating subparagraphs (A)
15 and (B) as paragraphs (1) and (2), respectively;
16 and

17 (D) in the matter preceding paragraph (1),
18 as so redesignated, by striking “this sub-
19 section” and inserting “this section”.

20 (b) CLERICAL AMENDMENTS.—

21 (1) SECTION HEADING.—The heading of such
22 section is amended by inserting “, **counties, and**
23 **tribal organizations**” after “**States**”.

24 (2) TABLE OF SECTIONS.—The table of sections
25 at the beginning of chapter 24 of such title is

1 amended by striking the item relating to section
2 2408 and inserting the following new item:

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

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

6 **SEC. 2206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO**
7 **STATES, COUNTIES, AND TRIBAL ORGANIZA-**
8 **TIONS FOR OPERATING AND MAINTAINING**
9 **VETERANS’ CEMETERIES.**

10 Section 2408(e)(2) of title 38, United States Code,
11 is amended by striking “\$5,000,000” and inserting
12 “\$10,000,000”.

13 **SEC. 2207. PROVISION OF URNS AND COMMEMORATIVE**
14 **PLAQUES FOR REMAINS OF CERTAIN VET-**
15 **ERANS WHOSE CREMATED REMAINS ARE NOT**
16 **INTERRED IN CERTAIN CEMETERIES.**

17 (a) IN GENERAL.—Section 2306 of title 38, United
18 States Code, as amended by section 2204 of this title, is
19 further amended—

20 (1) by redesignating subsections (h), (i), and (j)
21 as subsections (i), (j), and (k), respectively; and

22 (2) by inserting after subsection (g) the fol-
23 lowing new subsection (h):

1 “(h)(1) In lieu of furnishing a headstone or marker
2 under this section for a deceased individual described in
3 paragraph (3), the Secretary shall furnish, upon request
4 and at the expense of the United States—

5 “(A) an urn made of any material to signify the
6 individual’s status as a veteran, in which the re-
7 mains of such individual may be placed at private
8 expense; or

9 “(B) a commemorative plaque signifying the in-
10 dividual’s status as a veteran.

11 “(2) If the Secretary furnishes an urn or commemo-
12 rative plaque for an individual under paragraph (1), the
13 Secretary may not provide for such individual—

14 “(A) a headstone or marker under this section;
15 or

16 “(B) any burial benefit under section 2402 of
17 this title.

18 “(3) A deceased individual described in this para-
19 graph is an individual—

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

22 “(B) who is eligible for a headstone or marker
23 furnished under subsection (d) (or would be so eligi-
24 ble but for the date of the death of the individual);
25 and

1 “(C) whose remains were cremated and not in-
2 terred in a national cemetery, a State veterans’ cem-
3 etery, a tribal cemetery, a county cemetery, or a pri-
4 vate cemetery.

5 “(4)(A) Any urn or commemorative plaque furnished
6 under this subsection shall be the personal property of the
7 next of kin or such other individual as the Secretary con-
8 siders appropriate.

9 “(B) The Federal Government shall not be liable for
10 any damage to an urn or commemorative plaque furnished
11 under this subsection that occurs after the date on which
12 the urn or commemorative plaque is so furnished.

13 “(5) The Secretary shall prescribe regulations to
14 carry out this subsection.”.

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

18 **SEC. 2208. TRAINING OF STATE AND TRIBAL VETERANS’**
19 **CEMETERY PERSONNEL BY NATIONAL CEME-**
20 **TERY ADMINISTRATION.**

21 (a) IN GENERAL.—Section 2408 of title 38, United
22 States Code, as amended by sections 2205 and 2206 of
23 this title, is further amended—

24 (1) in subsection (b)(1)—

25 (A) in subparagraph (A)—

1 (i) by striking “and (ii) the cost” and
2 inserting “(ii) the cost”; and

3 (ii) by inserting “; and (iii) training
4 costs described in subsection (c)(1)” before
5 the semicolon; and

6 (B) in subparagraph (B)—

7 (i) by striking “and (ii) the cost” and
8 inserting “(ii) the cost”; and

9 (ii) by inserting “; and (iii) training
10 costs described in subsection (c)(1)” before
11 the period;

12 (2) by redesignating subsections (c) through (h)
13 as subsections (d) through (i), respectively; and

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection (c):

16 “(c)(1) A grant under this section for a purpose de-
17 scribed in subparagraph (A) or (B) of subsection (a)(1)
18 may be used, solely or in part, for training costs, including
19 travel expenses and up to four weeks of lodging expenses,
20 associated with attendance by employees of a veterans’
21 cemetery owned by a State or on trust land owned by,
22 or held in trust for, a tribal organization at training pro-
23 vided by the National Cemetery Administration.

24 “(2) Any employee described in paragraph (1) who
25 participates in training described in such paragraph shall

1 fulfill a service requirement as determined by the Sec-
2 retary.

3 “(3) The Secretary may by regulation prescribe such
4 additional terms and conditions for grants used for train-
5 ing costs under this subsection as the Secretary considers
6 appropriate.”.

7 (b) REPORTS.—

8 (1) IN GENERAL.—Not later than each of two
9 years and five years after the date of the enactment
10 of this Act, the Secretary of Veterans Affairs shall
11 submit to the Committee on Veterans’ Affairs of the
12 Senate and the Committee on Veterans’ Affairs of
13 the House of Representatives a report on training
14 provided by the National Cemetery Administration
15 under subsection (c) of section 2408 of title 38,
16 United States Code, as added by subsection (a).

17 (2) ELEMENTS.—The report required by para-
18 graph (1) shall include the following:

19 (A) The attrition rate with respect to indi-
20 viduals who participate in the training described
21 in paragraph (1).

22 (B) A description of how State and tribal
23 veterans’ cemeteries that used grants awarded
24 under section 2408 of title 38, United States
25 Code, for training costs under subsection (c) of

1 such section, as added by subsection (a), have
2 improved as a result of the training, according
3 to the administrators of such cemeteries.

4 (C) An identification of how many State
5 and tribal veterans' cemeteries used the author-
6 ity provided by subsection (c) of section 2408 of
7 title 38, United States Code, as added by sub-
8 section (a), in order to train individuals.

9 (D) The amount obligated or expended as
10 a result of the authority described in subpara-
11 graph (C).

12 **TITLE III—HEALTH CARE**

13 **Subtitle A—Health Care Generally**

14 **SEC. 3001. EXPANSION OF MODIFICATIONS TO VETERAN DI-** 15 **RECTED CARE PROGRAM.**

16 Section 20006 of the Coronavirus Aid, Relief, and
17 Economic Security Act (Public Law 116–136) is amend-
18 ed—

19 (1) by striking “During a public health emer-
20 gency” each place it appears and inserting “During
21 the period specified in subsection (f)”;

22 (2) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “during a public health emergency”

1 and inserting “during the period specified in
2 subsection (f)”; and

3 (B) in paragraph (1), by striking “an area
4 agency on aging” and inserting “a covered pro-
5 vider”; and

6 (3) by striking subsection (e) and inserting the
7 following new subsections:

8 “(e) TRANSFER OF CERTAIN VETERANS TO THE
9 PROGRAM.—During the period specified in subsection (f),
10 the Secretary shall allow a veteran residing in an area cov-
11 ered by the Program to be transferred to the Program
12 for the duration of such period if—

13 “(1) the veteran had been receiving extended
14 care services paid for by the Department, such as
15 adult day services or homemaker or home health
16 aide services, immediately preceding such period;
17 and

18 “(2) those services are no longer available due
19 to a public health emergency.

20 “(f) PERIOD SPECIFIED.—The period specified in
21 this subsection is the period beginning on the date on
22 which a public health emergency was first declared and
23 ending on the date that is 60 days after the date on which
24 a public health emergency is no longer in effect.

1 “(g) COVERED PROVIDER DEFINED.—In this sec-
2 tion, the term ‘covered provider’ means a provider partici-
3 pating in the Program, including—

4 “(1) an Aging and Disability Resource Center,
5 an area agency on aging, or a State agency (as those
6 terms are defined in section 102 of the Older Ameri-
7 cans Act of 1965 (42 U.S.C. 3002)); or

8 “(2) a center for independent living (as defined
9 in section 702 of the Rehabilitation Act of 1973 (29
10 U.S.C. 796a)).”.

11 **SEC. 3002. PROHIBITION ON COLLECTION OF A HEALTH**
12 **CARE COPAYMENT BY THE SECRETARY OF**
13 **VETERANS AFFAIRS FROM A VETERAN WHO**
14 **IS A MEMBER OF AN INDIAN TRIBE.**

15 (a) IN GENERAL.—Section 1730A of title 38, United
16 States Code, is amended—

17 (1) in the heading, by striking “**catastroph-**
18 **ically disabled**” and inserting “**certain**”;

19 (2) by inserting “(a) PROHIBITION.—” before
20 “Notwithstanding”;

21 (3) by striking “a veteran who is catastroph-
22 ically disabled, as defined by the Secretary,” and in-
23 serting “a covered veteran”; and

24 (4) by adding at the end the following new sub-
25 section:

1 “(b) COVERED VETERAN DEFINED.—In this section,
2 the term ‘covered veteran’ means a veteran who—

3 “(1) is catastrophically disabled, as defined by
4 the Secretary; or

5 “(2) is an Indian or urban Indian (as those
6 terms are defined in section 4 of the Indian Health
7 Care Improvement Act (25 U.S.C. 1603)).”.

8 (b) TECHNICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 17 of such title is amended
10 by striking the item relating to section 1730A and insert-
11 ing the following:

“1730A. Prohibition on collection of copayments from certain veterans.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the day that is one year
14 after the date of the enactment of this Act.

15 **SEC. 3003. OVERSIGHT FOR STATE HOMES REGARDING**
16 **COVID-19 INFECTIONS, RESPONSE CAPACITY,**
17 **AND STAFFING LEVELS.**

18 (a) REPORTING.—

19 (1) IN GENERAL.—During a covered public
20 health emergency, each State home shall submit
21 weekly to the Secretary of Veterans Affairs and the
22 National Healthcare Safety Network of the Centers
23 for Disease Control and Prevention, through an elec-
24 tronic medium and in a standardized format speci-
25 fied by 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 con-
5 firmed COVID–19 infections among residents
6 and staff, including residents previously treated
7 for 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 per-
22 sonal protective equipment and hand hygiene
23 supplies.

24 (D) An assessment of ventilator capacity
25 and supplies.

1 (E) The number of resident beds and the
2 occupancy rate, disaggregated by veteran,
3 spouse of a veteran, and other.

4 (F) An assessment of the access of resi-
5 dents 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
14 frequently than weekly thereafter, the Secretary
15 shall post on a publicly available website of the De-
16 partment 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
23 STAFF.—The Secretary shall disaggregate informa-
24 tion on residents and staff published under para-
25 graph (1) by veteran, 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
5 by 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 TRIB-**
10 **AL LANDS.**

11 (a) STATE HOME DEFINED.—Section 101(19) of
12 title 38, United States Code, is amended by inserting “or
13 Indian tribe (as defined in section 4 of the Indian Self-
14 Determination and Education Assistance Act (25 U.S.C.
15 5304))” after “(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
21 in section 4 of the Indian Self-Determination and Edu-
22 cation 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
5 of 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 legis-
12 lative or administrative action is necessary to modify
13 the State home program to function efficiently in
14 support of State homes operated by Indian tribes
15 pursuant 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 leg-
20 islative action that the Secretary considers appro-
21 priate to modify the State home program described
22 in such 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 regu-

1 lations 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
6 Secretary of Veterans Affairs shall provide technical sup-
7 port and assistance to Indian tribes in carrying out the
8 State home program at State homes operated by Indian
9 tribes pursuant to the amendments made by this section.

10 (f) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Veterans’ Affairs
15 and the Committee on Indian Affairs of the
16 Senate; and

17 (B) the Committee on Veterans’ Affairs
18 and the Subcommittee for Indigenous Peoples
19 of the United States of the Committee on Nat-
20 ural Resources of the House of Representatives.

21 (2) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given that term in section 4 of the
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
9 under 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
16 section referred to as the “Program”) until at least one
17 year 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
21 jointly submit to the appropriate congressional committees
22 a report on the Program that includes the following:

23 (1) The number of women members of the
24 Armed Forces, disaggregated by military department
25 (with respect to the Department of the Navy,

1 disaggregated by the Navy and Marine Corps), who
2 participated in 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 loca-
8 tion.

9 (4) With respect to the number of members of
10 the Armed Forces who participated in the Program
11 as specified under paragraph (1)—

12 (A) the number who enrolled in the health
13 care system of the Department of Veterans Af-
14 fairs under section 1705(a) of title 38, United
15 States Code; and

16 (B) the number who attended at least one
17 health care appointment at a medical facility of
18 the Department of Veterans Affairs.

19 (5) Data relating to—

20 (A) satisfaction with courses held under
21 the Program;

22 (B) improved awareness of health care
23 services administered by the Secretary of Vet-
24 erans Affairs; and

1 (C) any other available statistics regarding
2 the Program.

3 (6) A discussion of regulatory, legal, or resource
4 barriers to—

5 (A) making the Program permanent to en-
6 able access to services provided under the Pro-
7 gram by a greater number of women members
8 of the Armed Forces at locations throughout
9 the United States;

10 (B) offering the Program online for women
11 members of the Armed Forces who are unable
12 to attend courses held under the Program in
13 person; and

14 (C) the feasibility of automatically enroll-
15 ing Program participants in the health care sys-
16 tem of the Department of Veterans Affairs
17 under section 1705(a) of title 38, United States
18 Code.

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Armed Services and the
23 Committee on Veterans’ Affairs of the Senate; and

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

4 **SEC. 3006. AUTHORITY FOR SECRETARY OF VETERANS AF-**
5 **FAIRS TO FURNISH MEDICALLY NECESSARY**
6 **TRANSPORTATION FOR NEWBORN CHILDREN**
7 **OF CERTAIN WOMEN VETERANS.**

8 (a) IN GENERAL.—Section 1786 of title 38, United
9 States Code, as amended by section 9102 of the William
10 M. (Mac) Thornberry National Defense Authorization Act
11 for Fiscal Year 2021, is further amended—

12 (1) in subsection (a)—

13 (A) in the matter before paragraph (1), by
14 inserting “and transportation necessary to re-
15 ceive such services” after “described in sub-
16 section (b)”;

17 (B) in paragraph (1), by striking “or”;

18 (C) in paragraph (2), by striking the pe-
19 riod at the end and inserting “; or”; and

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

22 “(3) another location, including a health care
23 facility, if the veteran delivers the child before arriv-
24 ing at a facility described in paragraph (1) or (2).”;

1 (2) in subsection (b), by inserting before the pe-
2 riod at the end the following: “, including necessary
3 health care services provided by a facility other than
4 the facility where the newborn child was delivered
5 (including a specialty pediatric hospital) that accepts
6 transfer of the newborn child and responsibility for
7 treatment of the newborn child”; and

8 (3) by adding at the end the following new sub-
9 sections:

10 “(d) TRANSPORTATION.—(1) Transportation fur-
11 nished under subsection (a) to, from, or between care set-
12 tings to meet the needs of a newborn child includes costs
13 for either or both the newborn child and parents.

14 “(2) Transportation furnished under subsection (a)
15 includes transportation by ambulance, including airambu-
16 lance, or other appropriate medically staffed modes of
17 transportation—

18 “(A) to another health care facility (including a
19 specialty pediatric hospital) that accepts transfer of
20 the newborn child or otherwise provides post-delivery
21 care services when the treating facility is not capable
22 of furnishing the care or services required; or

23 “(B) to a health care facility in a medical emer-
24 gency of such nature that a prudent layperson rea-
25 sonably expects that delay in seeking immediate

1 medical attention would be hazardous to life or
2 health.

3 “(3) Amounts paid by the Department for transpor-
4 tation under this section shall be derived from the Medical
5 Services appropriations account of the Department.

6 “(e) REIMBURSEMENT OR PAYMENT FOR HEALTH
7 CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to
8 regulations the Secretary shall prescribe to establish rates
9 of reimbursement and any limitations thereto under this
10 section, the Secretary shall directly reimburse a covered
11 entity for health care services or transportation services
12 provided under this section, unless the cost of the services
13 or transportation is covered by an established agreement
14 or contract. If such an agreement or contract exists, its
15 negotiated payment terms shall apply.

16 “(2)(A) Reimbursement or payment by the Secretary
17 under this section on behalf of an individual to a covered
18 entity shall, unless rejected and refunded by the covered
19 entity within 30 days of receipt, extinguish any liability
20 on the part of the individual for the health care services
21 or transportation covered by such payment.

22 “(B) Neither the absence of a contract or agreement
23 between the Secretary and a covered entity nor any provi-
24 sion of a contract, agreement, or assignment to the con-

1 trary shall operate to modify, limit, or negate the require-
2 ments of subparagraph (A).

3 “(3) In this subsection, the term ‘covered entity’
4 means any individual, transportation carrier, organization,
5 or other entity that furnished or paid for health care serv-
6 ices or transportation under this section.”.

7 (b) TREATMENT OF CERTAIN EXPENSES ALREADY
8 INCURRED.—

9 (1) IN GENERAL.—Pursuant to such regula-
10 tions as the Secretary of Veterans Affairs shall pre-
11 scribe, with respect to transportation furnished in
12 order for a newborn child of a veteran to receive
13 health care services under section 1786 of title 38,
14 United States Code, during the period specified in
15 paragraph (2), the Secretary may—

16 (A) waive a debt owed by the veteran to
17 the Department of Veterans Affairs or reim-
18 burse expenses already paid by the veteran to
19 the Department for such transportation;

20 (B) reimburse the veteran for expenses al-
21 ready paid by the veteran to a covered entity
22 for such transportation; or

23 (C) reimburse a covered entity for the
24 costs of such transportation.

1 (2) PERIOD SPECIFIED.—The period specified
2 in this paragraph is the period beginning on May 5,
3 2010, and ending on the date of the enactment of
4 this Act.

5 (3) COVERED ENTITY DEFINED.—In this sub-
6 section, the term “covered entity” has the meaning
7 given that term in section 1786(e)(3) of title 38,
8 United States Code, as added by subsection (a).

9 **SEC. 3007. WAIVER OF REQUIREMENTS OF DEPARTMENT**
10 **OF VETERANS AFFAIRS FOR RECEIPT OF PER**
11 **DIEM PAYMENTS FOR DOMICILIARY CARE AT**
12 **STATE HOMES AND MODIFICATION OF ELIGI-**
13 **BILITY FOR SUCH PAYMENTS.**

14 (a) WAIVER OF REQUIREMENTS.—Notwithstanding
15 section 1741 of title 38, United States Code (as amended
16 by subsection (b)), the Secretary of Veterans Affairs shall
17 modify section 51.51(b) of title 38, Code of Federal Regu-
18 lations (or successor regulations), to provide the Secretary
19 the authority to waive the requirements under such section
20 51.51(b) for a veteran to be eligible for per diem payments
21 for domiciliary care at a State home if—

22 (1) the veteran has met not fewer than four of
23 the requirements set forth in such section; or

24 (2) such waiver would be in the best interest of
25 the veteran.

1 (b) MODIFICATION OF ELIGIBILITY.—Section
2 1741(a)(1) of title 38, United States Code, is amended,
3 in the flush text following subparagraph (B), by striking
4 “in a Department facility” and inserting “under the laws
5 administered by the Secretary”.

6 (c) STATE HOME DEFINED.—In this section, the
7 term “State home” has the meaning given that term in
8 section 101(19) of title 38, United States Code.

9 **SEC. 3008. EXPANSION OF QUARTERLY UPDATE OF INFOR-**
10 **MATION ON STAFFING AND VACANCIES AT**
11 **FACILITIES OF THE DEPARTMENT OF VET-**
12 **ERANS AFFAIRS TO INCLUDE INFORMATION**
13 **ON DURATION OF HIRING PROCESS.**

14 (a) QUARTERLY UPDATE.—Subsection (a)(1) of sec-
15 tion 505 of the VA MISSION Act of 2018 (Public Law
16 115–182; 38 U.S.C. 301 note) is amended by adding at
17 the end the following new subparagraph:

18 “(E) Beginning with any update under
19 paragraph (3) on or after the date of the enact-
20 ment of the Johnny Isakson and David P. Roe,
21 M.D. Veterans Health Care and Benefits Im-
22 provement Act of 2020, the following:

23 “(i) For employees appointed under
24 paragraphs (1) and (3) of section 7401 of
25 title 38, United States Code, the number

1 of employees for which the duration of the
2 process from validation of vacancy to re-
3 ceipt of official offer and notification of ac-
4 tual start date exceeds the metrics laid out
5 in the Time to Hire Model of the Veterans
6 Health Administration, or successor model.

7 “(ii) The percentage of employees who
8 are described in clause (i) compared to all
9 employees appointed under paragraphs (1)
10 and (3) of section 7401 of such title dur-
11 ing the same period.

12 “(iii) The average number of days po-
13 tential hires or new hires appointed under
14 paragraphs (1) and (3) of section 7401 of
15 such title spent in each phase of the Time
16 to Hire Model, or successor model.”.

17 (b) ANNUAL REPORT.—Subsection (b) of such sec-
18 tion is amended, in the first sentence, by adding before
19 the period at the end the following: “and to improve the
20 onboard timeline for facilities for which the duration of
21 the onboarding process exceeds the metrics laid out in the
22 Time to Hire Model of the Veterans Health Administra-
23 tion, or 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 facil-
12 ity” means a medical facility of the Department of Vet-
13 erans Affairs with an onsite pharmacy or a physical loca-
14 tion dedicated 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
21 Affairs shall carry out a pilot program for a one-year pe-
22 riod, beginning not later than August 15, 2021, to provide
23 certain students described in subsection (d) a clinical ob-
24 servation experience at medical centers of the Department
25 of Veterans 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 se-
4 lecting such medical centers, the Secretary shall ensure
5 regional 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
23 sessions provided at a medical center have mini-
24 mal 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
9 40 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
14 experience that exposes the students to a vari-
15 ety of aspects of medical care and health care
16 administration.

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 pro-
3 cess.

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 com-
8 pletion of their secondary education, resided in
9 a health professional shortage area (as defined
10 in section 332 of the Public Health Service Act
11 (42 U.S.C. 254e)).

12 (B) First generation college students (as
13 defined in section 402A(h)(3) of the Higher
14 Education Act of 1965 (20 U.S.C. 1067q(a))).

15 (C) Students who have been referred by
16 minority-serving institutions (as defined in sec-
17 tion 371(a) of the Higher Education Act of
18 1965 (20 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 sub-
4 section (b) without regard for whether such medical
5 centers have staffing shortages in any health profes-
6 sional occupation pursuant to section 7412 of title
7 38, United 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 stu-
12 dent observers participating in the pilot program;

13 (2) establish standardized legal, privacy, and
14 ethical requirements for the student observers, in-
15 cluding 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,
9 not later than 180 days before the date on which ap-
10 plications are required to be submitted by potential
11 student 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
15 of the House of Representatives and the Senate of
16 the medical centers selected under subsection (c)
17 within 30 days of selection, to facilitate program
18 awareness.

19 (f) REPORT.—Not later than 180 days after the com-
20 pletion of the pilot program under subsection (a), the Sec-
21 retary shall submit to the Committees on Veterans' Affairs
22 of the House of Representatives and the Senate a report
23 on the results of the pilot program, including—

24 (1) the number and demographics of all appli-
25 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
6 pilot program, the results of any such satisfaction
7 surveys, provided at the discretion of the institution
8 of higher education.

9 (g) SENSE OF CONGRESS REGARDING DEPARTMENT
10 OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL
11 OBSERVATION BY UNDERGRADUATE STUDENTS.—It is
12 the sense of Congress that the pilot program described in
13 subsection (a) should be designed to—

14 (1) increase the awareness, knowledge, and em-
15 pathy of future health professionals toward the
16 health conditions common to veterans;

17 (2) increase the diversity of the recruitment
18 pool 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 profes-
22 sions.

23 (h) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
24 ditional funds are authorized to be appropriated to carry
25 out the requirements of this section. Such requirements

1 shall be carried out using amounts otherwise authorized
2 to be appropriated.

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
12 of Veterans Affairs shall—

13 (A) establish a process and requirements
14 for scheduling appointments for—

15 (i) health care from the Department
16 of Veterans Affairs; and

17 (ii) health care furnished through the
18 Veterans Community Care Program under
19 section 1703 of title 38, United States
20 Code, by a non-Department health care
21 provider; and

22 (B) submit to the Committee on Veterans'
23 Affairs of the Senate and the Committee on
24 Veterans' Affairs of the House of Representa-

1 tives a description of such process and require-
2 ments.

3 (2) ELEMENTS OF DESCRIPTION.—The descrip-
4 tion of the process and requirements for scheduling
5 appointments for health care required to be sub-
6 mitted under paragraph (1)(B) shall include—

7 (A) information on how such process and
8 requirements take into account the access
9 standards established under section 1703B of
10 title 38, United States Code; and

11 (B) the maximum number of days allowed
12 to complete each step of such process.

13 (3) PERIODIC REVISION.—

14 (A) IN GENERAL.—The Secretary may re-
15 vise the process and requirements required
16 under paragraph (1) as the Secretary considers
17 necessary.

18 (B) SUBMITTAL TO CONGRESS.—Not later
19 than 30 days before revising the process and re-
20 quirements under subparagraph (A), 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 Represent-
24 atives a description of such revised process and
25 requirements, including a description of any

1 modifications to the certification and training
2 under subsection (b).

3 (b) CERTIFICATION AND TRAINING ON PROCESS AND
4 REQUIREMENTS.—

5 (1) CERTIFICATION.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary shall require each individual involved in the
8 scheduling of appointments for health care from the
9 Department or health care described in subsection
10 (a)(1)(A)(ii), including schedulers, clinical coordina-
11 tors, and supervisors, to certify to the Secretary that
12 the individual understands the process and require-
13 ments established under subsection (a), including
14 the maximum number of days allowed to complete
15 each step of such process.

16 (2) NEW EMPLOYEES.—The Secretary shall re-
17 quire each employee hired by the Department on or
18 after the date of the enactment of this Act who is
19 to be involved in the scheduling of appointments for
20 health care from the Department or health care de-
21 scribed in subsection (a)(1)(A)(ii)—

22 (A) to undergo training on the process and
23 requirements established under subsection (a)
24 as part of training for the position for which
25 the employee has been hired; and

1 (B) to make the certification to the Sec-
2 retary required under paragraph (1).

3 (c) METHOD TO MONITOR COMPLIANCE.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall establish or maintain a method or tool—

7 (A) to enable monitoring of the compliance
8 of the Department with the process and re-
9 quirements established under subsection (a), in-
10 cluding compliance with policies of the Depart-
11 ment relating to the maximum number of days
12 allowed to complete each step of such process;
13 and

14 (B) to ensure that each medical facility of
15 the Department complies with such process and
16 requirements.

17 (2) USE THROUGHOUT DEPARTMENT.—

18 (A) IN GENERAL.—The Secretary shall re-
19 quire each medical facility of the Department to
20 use the method or tool described in paragraph
21 (1).

22 (B) REPORT.—Not later than one year
23 after the date of the enactment of this Act, the
24 Secretary shall submit to the Committee on
25 Veterans' Affairs of the Senate and the Com-

1 mittee on Veterans' Affairs of the House of
2 Representatives a report indicating whether
3 each medical facility of the Department is using
4 the method or tool described in paragraph (1).

5 (d) **COMPTROLLER GENERAL REPORT.**—Not later
6 than two years after the date of the enactment of this Act,
7 the Comptroller General of the United States shall submit
8 to the Committee on Veterans' Affairs of the Senate and
9 the Committee on Veterans' Affairs of the House of Rep-
10 resentatives a report on the compliance of the Secretary
11 with the requirements of this section.

12 **SEC. 3102. AUDITS REGARDING SCHEDULING OF APPOINT-**
13 **MENTS AND MANAGEMENT OF CONSULTA-**
14 **TIONS FOR HEALTH CARE FROM DEPART-**
15 **MENT OF VETERANS AFFAIRS AND NON-DE-**
16 **PARTMENT HEALTH CARE.**

17 (a) **IN GENERAL.**—Not later than each of one year
18 and two years after the date of the enactment of this Act,
19 the Secretary of Veterans Affairs shall provide for the con-
20 duct of a facility-level audit of the scheduling of appoint-
21 ments and the management of consultations for health
22 care under the laws administered by the Secretary.

23 (b) **APPLICATION.**—

1 (1) FIRST AUDIT.—The first audit required
2 under subsection (a) shall apply to each medical fa-
3 cility of the Department of Veterans Affairs.

4 (2) SECOND AUDIT.—The second audit required
5 under subsection (a) shall apply to only those med-
6 ical facilities of the Department that are in need of
7 corrective action based on the first audit, as deter-
8 mined by the Secretary.

9 (c) ELEMENTS.—Each audit conducted under sub-
10 section (a) shall include the following:

11 (1) With respect to each medical center of the
12 Department covered by the audit, an assessment of
13 any scheduling or consultation management issues
14 at that medical center, including the following:

15 (A) An assessment of noncompliance with
16 policies of the Veterans Health Administration
17 relating to scheduling appointments and man-
18 aging consultations.

19 (B) An assessment of the extent to which
20 appointments or consultations are not timely
21 processed.

22 (C) A description of any backlogs in ap-
23 pointments or consultations that are awaiting
24 action.

1 (D) An assessment of whether consulta-
2 tions are appropriately processed.

3 (E) Data with respect to consultations as
4 follows:

5 (i) Consultations that were scheduled
6 within the request window.

7 (ii) Duplicate consultation requests.

8 (iii) Consultations that were discon-
9 tinued.

10 (iv) Delays in consultations.

11 (v) Consultations that were not prop-
12 erly closed or discontinued, including a de-
13 scription of remediation attempts.

14 (F) A review for accuracy with respect to
15 consultation management as follows:

16 (i) A review of the accuracy of the
17 type of service, either administrative or
18 clinical, that is inputted in the electronic
19 health record.

20 (ii) A review of the accuracy of the
21 type of consultation setting, either impa-
22 tient or outpatient, that is inputted in the
23 electronic health record.

24 (iii) A review of the appropriateness
25 of the level of urgency of the consultation

1 that is inputted in the electronic health
2 record.

3 (iv) A review of any delayed or unre-
4 solved consultations.

5 (2) An identification of such recommendations
6 for corrective action as the Secretary considers nec-
7 essary, including additional training, increased per-
8 sonnel, and other resources.

9 (3) A certification that the director of each
10 medical center of the Department covered by the
11 audit is in compliance with the process and require-
12 ments established under section 3101(a) and such
13 other requirements relating to the scheduling of ap-
14 pointments and management of consultations as the
15 Secretary considers appropriate.

16 (4) With respect to referrals for health care be-
17 tween health care providers or facilities of the De-
18 partment, a measurement of, for each medical facil-
19 ity of the Department covered by the audit—

20 (A) the period of time between—

21 (i) the date that a clinician of the De-
22 partment determines that a veteran re-
23 quires care from another health care pro-
24 vider or facility and the date that the re-

1 ferral for care is sent to the other health
2 care provider or facility;

3 (ii) the date that the referral for care
4 is sent to the other health care provider or
5 facility and the date that the other health
6 care provider or facility accepts the refer-
7 ral;

8 (iii) the date that the other health
9 care provider or facility accepts the refer-
10 ral and the date that the appointment with
11 the other health care provider or at the
12 other facility is made; and

13 (iv) the date that the appointment
14 with the other health care provider or at
15 the other facility is made and the date of
16 the appointment with the other health care
17 provider or at the other facility; and

18 (B) any other period of time that the Sec-
19 retary determines necessary to measure.

20 (5) With respect to referrals for non-Depart-
21 ment health care originating from medical facilities
22 of the Department, a measurement of, for each such
23 facility covered by the audit—

24 (A) the period of time between—

1 (i) the date that a clinician of the De-
2 partment determines that a veteran re-
3 quires care, or a veteran presents to the
4 Department requesting care, and the date
5 that the referral for care is sent to a non-
6 Department health care provider;

7 (ii) the date that the referral for care
8 is sent to a non-Department health care
9 provider and the date that a non-Depart-
10 ment health care provider accepts the re-
11 ferral;

12 (iii) the date that a non-Department
13 health care provider accepts the referral
14 and the date that the referral to a non-De-
15 partment health care provider is com-
16 pleted;

17 (iv) the date that the referral to a
18 non-Department health care provider is
19 completed and the date that an appoint-
20 ment with a non-Department health care
21 provider is made; and

22 (v) the date that an appointment with
23 a non-Department health care provider is
24 made and the date that an appointment

1 with a non-Department health care pro-
2 vider occurs; and

3 (B) any other period of time that the Sec-
4 retary determines necessary to measure.

5 (d) CONDUCT OF AUDIT BY THIRD PARTY.—Each
6 audit conducted under subsection (a) with respect to a
7 medical facility of the Department shall be conducted by
8 an individual or entity that is not affiliated with the facil-
9 ity.

10 (e) TRANSMITTAL TO VHA.—Each audit conducted
11 under subsection (a) shall be transmitted to the Under
12 Secretary for Health of the Department so that the Under
13 Secretary can—

14 (1) strengthen oversight of the scheduling of
15 appointments and management of consultations
16 throughout the Department;

17 (2) monitor national policy on such scheduling
18 and management; and

19 (3) develop a remediation plan to address issues
20 uncovered by those audits.

21 (f) ANNUAL REPORT.—

22 (1) IN GENERAL.—Not later than December 31
23 of each year in which an audit is conducted under
24 subsection (a), the Secretary shall submit to the
25 Committee on Veterans' Affairs of the Senate and

1 the Committee on Veterans' Affairs of the House of
2 Representatives a report on the audit conducted dur-
3 ing that year.

4 (2) ELEMENTS.—The Secretary shall include in
5 each report required by paragraph (1)—

6 (A) the nationwide results of the audit con-
7 ducted under subsection (a);

8 (B) the results of such audit with respect
9 to each medical facility of the Department cov-
10 ered by such audit;

11 (C) an assessment of how the Department
12 strengthened oversight of the scheduling of ap-
13 pointments and management of consultations at
14 each such facility as a result of the audit;

15 (D) an assessment of how the audit in-
16 formed the national policy of the Department
17 with respect to the scheduling of appointments
18 and management of consultations; and

19 (E) a description of any remediation plans
20 to address issues raised by the audit that was
21 completed.

22 **SEC. 3103. ADMINISTRATION OF NON-DEPARTMENT OF VET-**
23 **ERANS AFFAIRS HEALTH CARE.**

24 (a) CERTIFICATION OF PROPER ADMINISTRATION OF
25 NON-DEPARTMENT CARE.—

1 (1) REVIEW.—

2 (A) IN GENERAL.—The Secretary of Vet-
3 erans Affairs shall conduct a review of the
4 staffing, training, and other requirements nec-
5 essary to administer section 1703 of title 38,
6 United States Code.

7 (B) ELEMENTS.—The review conducted
8 under subparagraph (A) shall include, with re-
9 spect to each medical facility of the Department
10 of Veterans Affairs—

11 (i) an assessment of the type of posi-
12 tions required to be staffed at the medical
13 facility;

14 (ii) the number of such positions au-
15 thorized;

16 (iii) the number of such positions
17 funded;

18 (iv) the number of such positions
19 filled; and

20 (v) the number of additional such po-
21 sitions required to be authorized.

22 (2) SUBMITTAL TO CONGRESS.—Not later than
23 180 days after the date of the enactment of this Act,
24 and every 180 days thereafter, the Secretary shall
25 submit to the Committee on Veterans' Affairs of the

1 Senate and the Committee on Veterans' Affairs of
2 the House of Representatives—

3 (A) the results of the review conducted
4 under paragraph (1); and

5 (B) a certification that the Secretary has
6 established all staffing, training, and other re-
7 quirements required to be reviewed under such
8 paragraph.

9 (b) SCHEDULING OF APPOINTMENTS.—

10 (1) MEASUREMENT OF TIMELINESS FOR EACH
11 FACILITY.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary shall
13 measure, with respect to referrals for non-Depart-
14 ment health care originating from medical facilities
15 of the Department, for each such facility—

16 (A) the period of time between—

17 (i) the date that a clinician of the De-
18 partment determines that a veteran re-
19 quires care, or a veteran presents to the
20 Department requesting care, and the date
21 that the referral for care is sent to a non-
22 Department health care provider;

23 (ii) the date that the referral for care
24 is sent to a non-Department health care
25 provider and the date that a non-Depart-

1 ment health care provider accepts the re-
2 ferral;

3 (iii) the date that a non-Department
4 health care provider accepts the referral
5 and the date that the referral to a non-De-
6 partment health care provider is com-
7 pleted;

8 (iv) the date that the referral to a
9 non-Department health care provider is
10 completed and the date that an appoint-
11 ment with a non-Department health care
12 provider is made; and

13 (v) the date that an appointment with
14 a non-Department health care provider is
15 made and the date that an appointment
16 with a non-Department health care pro-
17 vider occurs; and

18 (B) any other period of time that the Sec-
19 retary determines necessary to measure.

20 (2) SUBMISSIONS TO CONGRESS.—

21 (A) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the
23 Secretary shall submit to the Committee on
24 Veterans' Affairs of the Senate and the Com-
25 mittee on Veterans' Affairs of the House of

1 Representatives the data measured under para-
2 graph (1), disaggregated by medical facility.

3 (B) UPDATE.—Not less frequently than bi-
4 weekly, the Secretary shall update the data sub-
5 mitted under subparagraph (A).

6 (c) COMPTROLLER GENERAL REPORT.—

7 (1) REVIEW.—Beginning not later than one
8 year after the date of the enactment of this Act, the
9 Comptroller General of the United States shall re-
10 view compliance by the Secretary with the require-
11 ments of this section, including a review of the valid-
12 ity and reliability of data submitted by the Secretary
13 under subsection (b)(2).

14 (2) REPORT.—Not later than three years after
15 the date of the enactment of this Act, the Comp-
16 troller General shall submit to the Committee on
17 Veterans' Affairs of the Senate and the Committee
18 on Veterans' Affairs of the House of Representatives
19 the results of the review conducted under paragraph
20 (1).

21 **SEC. 3104. EXAMINATION OF HEALTH CARE CONSULTATION**
22 **AND SCHEDULING POSITIONS OF DEPART-**
23 **MENT OF VETERANS AFFAIRS.**

24 (a) PROPER GRADING OF CONSULTATION AND
25 SCHEDULING POSITIONS.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs shall conduct an examination of health care
3 positions of the Department of Veterans Affairs to
4 determine whether health care positions involved in
5 the consultation and scheduling processes are appro-
6 priately graded.

7 (2) CONSULTATION.—In conducting the exam-
8 ination under paragraph (1), the Secretary shall
9 consult with health care staffing experts in the Fed-
10 eral Government and the private sector.

11 (3) SUBMITTAL TO CONGRESS.—Not later than
12 120 days after the date of the enactment of this Act,
13 the Secretary shall submit to the appropriate com-
14 mittees of Congress the results of the examination
15 conducted under paragraph (1).

16 (b) REVIEW OF ONBOARDING PROCESS.—Not later
17 than 180 days after the date of the enactment of this Act,
18 the Secretary shall submit to the appropriate committees
19 of Congress—

20 (1) a review of the onboarding process of indi-
21 viduals in health care positions described in sub-
22 section (a), including how long it takes to hire those
23 individuals; and

1 (2) a description of any changes that the Sec-
2 retary has made or plans to make to improve that
3 process.

4 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this section, the term “appropriate commit-
6 tees of Congress” means—

7 (1) the Committee on Veterans’ Affairs and the
8 Committee on Appropriations of the Senate; and

9 (2) the Committee on Veterans’ Affairs and the
10 Committee on Appropriations of the House of Rep-
11 resentatives.

12 **TITLE IV—NAVY SEAL BILL**
13 **MULDER**

14 **SEC. 4001. SHORT TITLE.**

15 This title may be cited as the “Navy SEAL Bill
16 Mulder Act of 2020”.

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

19 **SEC. 4101. PRESUMPTIONS OF SERVICE-CONNECTION FOR**
20 **MEMBERS OF ARMED FORCES WHO CON-**
21 **TRACT CORONAVIRUS DISEASE 2019 UNDER**
22 **CERTAIN CIRCUMSTANCES.**

23 (a) IN GENERAL.—Subchapter VI of chapter 11 of
24 title 38, United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 1164. Presumptions of service-connection for**
2 **Coronavirus Disease 2019**

3 “(a) PRESUMPTIONS GENERALLY.—(1) For purposes
4 of laws administered by the Secretary and subject to sec-
5 tion 1113 of this title, if symptoms of Coronavirus Disease
6 2019 (in this section referred to as ‘COVID–19’) de-
7 scribed in subsection (d) manifest within one of the mani-
8 festation periods described in paragraph (2) in an indi-
9 vidual who served in a qualifying period of duty described
10 in subsection (b)—

11 “(A) infection with severe acute respiratory
12 syndrome coronavirus 2 (in this section referred to
13 as ‘SARS–CoV–2’) shall be presumed to have oc-
14 curred during the qualifying period of duty;

15 “(B) COVID–19 shall be presumed to have
16 been incurred during the qualifying period of duty;
17 and

18 “(C) if the individual becomes disabled or dies
19 as a result of COVID–19, it shall be presumed that
20 the individual became disabled or died during the
21 qualifying period of duty for purposes of establishing
22 that the individual served in the active military,
23 naval, or air service.

24 “(2)(A) The manifestation periods described in this
25 paragraph are the following:

1 “(i) During a qualifying period of duty de-
2 scribed in subsection (b), if that period of duty was
3 more than 48 continuous hours in duration.

4 “(ii) Within 14 days after the individual’s com-
5 pletion of a qualifying period of duty described in
6 subsection (b).

7 “(iii) An additional period prescribed under
8 subparagraph (B).

9 “(B)(i) If the Secretary determines that a manifesta-
10 tion period of more than 14 days after completion of a
11 qualifying period of service is appropriate for the presump-
12 tions under paragraph (1), the Secretary may prescribe
13 that additional period by regulation.

14 “(ii) A determination under clause (i) shall be made
15 in consultation with the Director of the Centers for Dis-
16 ease Control and Prevention.

17 “(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—
18 A qualifying period of duty described in this subsection
19 is—

20 “(1) a period of active duty performed—

21 “(A) during the national emergency de-
22 clared by the President under the National
23 Emergencies Act (50 U.S.C. 1601 et seq.); and

24 “(B) before the date that is three years
25 after the date of the enactment of the Johnny

1 Isakson and David P. Roe, M.D. Veterans
2 Health Care and Benefits Improvement Act of
3 2020; or

4 “(2) training duty under title 10 or full-time
5 National Guard duty (as defined in section 101 of
6 title 10), performed under orders issued on or after
7 March 13, 2020—

8 “(A) during the national emergency de-
9 clared by the President under the National
10 Emergencies Act (50 U.S.C. 1601 et seq.); and

11 “(B) before the date that is three years
12 after the date of the enactment of the Johnny
13 Isakson and David P. Roe, M.D. Veterans
14 Health Care and Benefits Improvement Act of
15 2020.

16 “(c) APPLICATION OF PRESUMPTIONS FOR TRAINING
17 DUTY.—When, pursuant to subsection (a), COVID–19 is
18 presumed to have been incurred during a qualifying period
19 of duty described in subsection (b)(2)—

20 “(1) COVID–19 shall be deemed to have been
21 incurred in the line of duty during a period of active
22 military, naval, or air service; and

23 “(2) where entitlement to benefits under this
24 title is predicated on the individual who was disabled
25 or died being a veteran, benefits for disability or

1 death resulting from COVID–19 as described in sub-
2 section (a) shall be paid or furnished as if the indi-
3 vidual was a veteran, without regard to whether the
4 period of duty would constitute active military,
5 naval, or air service under section 101 of this title.

6 “(d) SYMPTOMS OF COVID–19.—For purposes of
7 subsection (a), symptoms of COVID–19 are those symp-
8 toms that competent medical evidence demonstrates are
9 experienced by an individual affected and directly related
10 to COVID–19.

11 “(e) MEDICAL EXAMINATIONS AND OPINIONS.—If
12 there is a question of whether the symptoms experienced
13 by an individual described in paragraph (1) of subsection
14 (a) during a manifestation period described in paragraph
15 (2) of such subsection are attributable to COVID–19 re-
16 sulting from infection with SARS–CoV–2 during the
17 qualifying period of duty, in determining whether a med-
18 ical examination or medical opinion is necessary to make
19 a decision on the claim within the meaning of section
20 5103A(d) of this title, a qualifying period of duty de-
21 scribed in subsection (b) of this section shall be treated
22 as if it were active military, naval, or air service for pur-
23 poses of section 5103A(d)(2)(B) of this title.”

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

“1164. Presumptions of service-connection for Coronavirus Disease 2019.”.

4 **Subtitle B—Assistance for**
5 **Homeless Veterans**

6 **SEC. 4201. FLEXIBILITY FOR THE SECRETARY OF VET-**
7 **ERANS AFFAIRS IN CARING FOR HOMELESS**
8 **VETERANS DURING A COVERED PUBLIC**
9 **HEALTH EMERGENCY.**

10 (a) GENERAL SUPPORT.—

11 (1) USE OF FUNDS.—During a covered public
12 health emergency, the Secretary of Veterans Affairs
13 may use amounts appropriated or otherwise made
14 available to the Department of Veterans Affairs to
15 carry out sections 2011, 2012, 2031, and 2061 of
16 title 38, United States Code, to provide to homeless
17 veterans and veterans participating in the program
18 carried out under section 8(o)(19) of the United
19 States Housing Act of 1937 (42 U.S.C.
20 1437f(o)(19)) (commonly referred to as “HUD–
21 VASH”), as the Secretary determines is needed, the
22 following:

23 (A) Assistance required for safety and sur-
24 vival (such as food, shelter, clothing, blankets,
25 and hygiene items).

1 (B) Transportation required to support
2 stability and health (such as for appointments
3 with service providers, conducting housing
4 searches, and obtaining food and supplies).

5 (C) Communications equipment and serv-
6 ices (such as tablets, smartphones, disposable
7 phones, and related service plans) required to
8 support stability and health (such as maintain-
9 ing contact with service providers, prospective
10 landlords, and family).

11 (D) Such other assistance as the Secretary
12 determines is needed.

13 (2) HOMELESS VETERANS ON LAND OF THE
14 DEPARTMENT.—

15 (A) COLLABORATION.—During a covered
16 public health emergency, to the extent possible,
17 the Secretary may collaborate with one or more
18 organizations to manage use of land of the De-
19 partment for homeless veterans for living and
20 sleeping.

21 (B) ELEMENTS.—Collaboration under sub-
22 paragraph (A) may include the provision by ei-
23 ther the Secretary or the organization of food
24 services and security for property, buildings,

1 and other facilities owned or controlled by the
2 Department.

3 (b) GRANT AND PER DIEM PROGRAM.—

4 (1) LIMITS ON RATES FOR PER DIEM PAY-
5 MENTS.—Section 20013(b) of the Coronavirus Aid,
6 Relief, and Economic Security Act (38 U.S.C. 2011
7 note; Public Law 116–136) is amended—

8 (A) by redesignating paragraphs (1) and
9 (2) as subparagraphs (A) and (B), respectively;

10 (B) in the matter preceding subparagraph
11 (A), as so redesignated, by inserting “(1)” be-
12 fore “In the case”; and

13 (C) by adding at the end the following:

14 “(2) If the Secretary waives any limit on grant
15 amounts or rates for per diem payments under paragraph
16 (1), notwithstanding section 2012(a)(2)(B) of such title,
17 the maximum rate for per diem payments described in
18 paragraph (1)(B) shall be three times the rate authorized
19 for State homes for domiciliary care under section 1741
20 of such title.”.

21 (2) MODIFICATION OF FUNDING LIMITS FOR
22 GRANTS.—Subsection (c)(2) of section 2011 of title
23 38, United States Code, shall not apply to any grant
24 awarded during a covered public health emergency

1 under such section for a project described in sub-
2 section (b)(1) of such section.

3 (3) USE OF PER DIEM PAYMENTS.—During a
4 covered public health emergency, a recipient of a
5 grant or an eligible entity under the grant and per
6 diem program of the Department (in this subsection
7 referred to as the “program”) may use per diem
8 payments under sections 2012 and 2061 of title 38,
9 United States Code, to provide assistance required
10 for safety and survival (such as food, shelter, cloth-
11 ing, blankets, and hygiene items) for—

12 (A) homeless veterans; and

13 (B) formerly homeless veterans residing in
14 a facility operated wholly or in part by such a
15 recipient or eligible entity receiving per diem
16 payments under section 2012 of such title.

17 (4) ADDITIONAL TRANSITIONAL HOUSING.—

18 (A) IN GENERAL.—During a covered pub-
19 lic health emergency, under the program, the
20 Secretary may provide amounts for additional
21 transitional housing beds to facilitate access to
22 housing and services provided to homeless vet-
23 erans.

1 (B) NOTICE; COMPETITION; PERIOD OF
2 PERFORMANCE.—The Secretary may provide
3 amounts under subparagraph (A)—

4 (i) without notice or competition; and
5 (ii) for a period of performance deter-
6 mined by the Secretary.

7 (5) INSPECTIONS AND LIFE SAFETY CODE RE-
8 QUIREMENTS.—

9 (A) IN GENERAL.—During a covered pub-
10 lic health emergency, the Secretary may waive
11 any requirement under subsection (b) or (c) of
12 section 2012 of title 38, United States Code, in
13 order to allow the recipient of a grant or an eli-
14 gible entity under the program—

15 (i) to quickly identify temporary alter-
16 nate sites of care for homeless veterans
17 that are suitable for habitation;

18 (ii) to facilitate social distancing or
19 isolation needs; or

20 (iii) to facilitate activation or continu-
21 ation of a program for which a grant has
22 been awarded.

23 (B) LIMITATION.—The Secretary may
24 waive a requirement pursuant to the authority
25 provided by subparagraph (A) with respect to a

1 facility of a recipient of a grant or an eligible
2 entity under the program only if the facility
3 meets applicable local safety requirements, in-
4 cluding fire safety requirements.

5 (6) DISPOSITION OF PROPERTY RELATING TO
6 GRANTS.—During a covered public health emer-
7 gency, if the recipient of a grant awarded before or
8 during such emergency under section 2011 of title
9 38, United States Code, for a project described in
10 subsection (b)(1) of such section is no longer pro-
11 viding services in accordance with the terms of the
12 grant, the recipient shall not be subject during such
13 emergency to any property disposition requirements
14 relating to the grant under subsection (c) or (f) of
15 section 61.67 of title 38, Code of Federal Regula-
16 tions, section 200.311(c) of title 2, Code of Federal
17 Regulations, or successor regulations.

18 (c) INSPECTION AND LIFE SAFETY CODE REQUIRE-
19 MENTS FOR THERAPEUTIC HOUSING.—

20 (1) IN GENERAL.—During a covered public
21 health emergency, the Secretary may waive any in-
22 spection or life safety code requirement under sub-
23 section (c) of section 2032 of title 38, United States
24 Code—

1 (A) to allow quick identification of tem-
2 porary alternate sites of care for homeless vet-
3 erans that are suitable for habitation;

4 (B) to facilitate social distancing or isola-
5 tion needs; or

6 (C) to facilitate the operation of housing
7 under such section.

8 (2) LIMITATION.—The Secretary may waive a
9 requirement pursuant to the authority provided by
10 paragraph (1) with respect to a residence or facility
11 referred to in such section 2032 only if the residence
12 or facility, as the case may be, meets applicable local
13 safety requirements, including fire safety require-
14 ments.

15 (d) ACCESS TO DEPARTMENT OF VETERANS AF-
16 FAIRS TELEHEALTH SERVICES.—To the extent prac-
17 ticable, during a covered public health emergency, the Sec-
18 retary shall ensure that veterans participating in or receiv-
19 ing services from a program under chapter 20 of title 38,
20 United States Code, have access to telehealth services to
21 which such veterans are eligible under the laws adminis-
22 tered by the Secretary, including by ensuring that tele-
23 health capabilities are available to—

24 (1) such veterans;

1 (2) case managers of the Department of pro-
2 grams for homeless veterans authorized under such
3 chapter; and

4 (3) community-based service providers for
5 homeless veterans receiving funds from the Depart-
6 ment through grants or contracts.

7 (e) DEFINITIONS.—In this section:

8 (1) COVERED PUBLIC HEALTH EMERGENCY.—
9 The term “covered public health emergency” means
10 an emergency with respect to COVID–19 declared
11 by a Federal, State, or local authority.

12 (2) HOMELESS VETERAN; VETERAN.—The
13 terms “homeless veteran” and “veteran” have the
14 meanings given those terms in section 2002 of title
15 38, United States Code.

16 (3) TELEHEALTH.—

17 (A) IN GENERAL.—The term “telehealth”
18 means the use of electronic information and
19 telecommunications technologies to support and
20 promote long-distance clinical health care, pa-
21 tient and professional health-related education,
22 public health, and health administration.

23 (B) TECHNOLOGIES.—For purposes of
24 subparagraph (A), “telecommunications tech-
25 nologies” include video conferencing, the inter-

1 net, streaming media, and terrestrial and wire-
2 less communications.

3 **SEC. 4202. LEGAL SERVICES FOR HOMELESS VETERANS**
4 **AND VETERANS AT RISK FOR HOMELESS-**
5 **NESS.**

6 (a) IN GENERAL.—Subchapter III of chapter 20 of
7 title 38, United States Code, is amended by inserting after
8 section 2022 the following new section:

9 **“§ 2022A. Legal services for homeless veterans and**
10 **veterans at risk for homelessness**

11 “(a) GRANTS.—Subject to the availability of appro-
12 priations provided for such purpose, the Secretary shall
13 award grants to eligible entities that provide legal services
14 to homeless veterans and veterans at risk for homeless-
15 ness.

16 “(b) CRITERIA.—(1) The Secretary shall—

17 “(A) establish criteria and requirements for
18 grants under this section, including criteria for enti-
19 ties eligible to receive such grants; and

20 “(B) publish such criteria and requirements in
21 the Federal Register.

22 “(2) In establishing criteria and requirements under
23 paragraph (1), the Secretary shall—

24 “(A) take into consideration any criteria and
25 requirements needed with respect to carrying out

1 this section in rural communities, on trust lands,
2 and in the territories and possessions of the United
3 States; and

4 “(B) consult with organizations that have expe-
5 rience in providing services to homeless veterans, in-
6 cluding—

7 “(i) veterans service organizations;

8 “(ii) the Equal Justice Works AmeriCorps
9 Veterans Legal Corps; and

10 “(iii) such other organizations as the Sec-
11 retary determines appropriate.

12 “(c) ELIGIBLE ENTITIES.—The Secretary may
13 award a grant under this section to an entity applying for
14 such a grant only if the applicant for the grant—

15 “(1) is a public or nonprofit private entity with
16 the capacity (as determined by the Secretary) to ef-
17 fectively administer a grant under this section;

18 “(2) demonstrates that adequate financial sup-
19 port will be available to carry out the services for
20 which the grant is sought consistent with the appli-
21 cation;

22 “(3) agrees to meet the applicable criteria and
23 requirements established under subsection (b)(1);
24 and

1 “(4) has, as determined by the Secretary, dem-
2 onstrated the capacity to meet such criteria and re-
3 quirements.

4 “(d) USE OF FUNDS.—Grants under this section
5 shall be used to provide homeless veterans and veterans
6 at risk for homelessness the following legal services:

7 “(1) Legal services relating to housing, includ-
8 ing eviction defense, representation in landlord-ten-
9 ant cases, and representation in foreclosure cases.

10 “(2) Legal services relating to family law, in-
11 cluding assistance in court proceedings for child sup-
12 port, divorce, estate planning, and family reconcili-
13 ation.

14 “(3) Legal services relating to income support,
15 including assistance in obtaining public benefits.

16 “(4) Legal services relating to criminal defense,
17 including defense in matters symptomatic of home-
18 lessness, such as outstanding warrants, fines, and
19 driver’s license revocation, to reduce recidivism and
20 facilitate the overcoming of reentry obstacles in em-
21 ployment or housing.

22 “(5) Legal services relating to requests to up-
23 grade the characterization of a discharge or dis-
24 missal of a former member of the Armed Forces
25 under section 1553 of title 10.

1 “(6) Such other legal services as the Secretary
2 determines appropriate.

3 “(e) FUNDS FOR WOMEN VETERANS.—For any fiscal
4 year, not less than 10 percent of the amount authorized
5 to be appropriated for grants under this section shall be
6 used to provide legal services described in subsection (d)
7 to women veterans.

8 “(f) LOCATIONS.—To the extent practicable, the Sec-
9 retary shall award grants under this section to eligible en-
10 tities in a manner that is equitably distributed across the
11 geographic regions of the United States, including with
12 respect to—

13 “(1) rural communities;

14 “(2) trust lands (as defined in section 3765 of
15 this title);

16 “(3) Native Americans; and

17 “(4) tribal organizations (as defined in section
18 4 of the Indian Self-Determination and Education
19 Assistance Act (25 U.S.C. 5304)).

20 “(g) BIENNIAL REPORTS.—(1) Not less frequently
21 than once every two years, the Secretary shall submit to
22 the Committee on Veterans’ Affairs of the Senate and the
23 Committee on Veterans’ Affairs of the House of Rep-
24 resentatives a report on grants awarded under this sec-
25 tion.

1 “(2) To the extent feasible, each report required by
2 paragraph (1) shall include the following with respect to
3 the period covered by the report:

4 “(A) The number of homeless veterans and vet-
5 erans at risk for homelessness assisted.

6 “(B) A description of the legal services pro-
7 vided.

8 “(C) A description of the legal matters ad-
9 dressed.

10 “(D) An analysis by the Secretary with respect
11 to the operational effectiveness and cost-effectiveness
12 of the services provided.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 20 of such title is amended
15 by inserting after the item relating to section 2022 the
16 following new item:

 “2022A. Legal services for homeless veterans and veterans at risk for homeless-
 ness.”.

17 (c) CRITERIA.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Vet-
19 erans Affairs shall establish and publish in the Federal
20 Register the criteria and requirements pursuant to sub-
21 section (b)(1) of section 2022A of title 38, United States
22 Code, as added by 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
13 to the Committee on Veterans' Affairs of the Senate and
14 the Committee on Veterans' Affairs of the House of Rep-
15 resentatives a report on the analysis completed under sub-
16 section (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
10 other sources of income as the Secretary may require to
11 make the 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 vet-
15 erans under programs other than under this subchapter,
16 including payments and grants from other departments
17 and agencies of the United States, from departments or
18 agencies of State or local government, and from private
19 entities or organizations.

20 “(iii) For purposes of calculating the rate for per
21 diem payments under clause (i), in the case of a homeless
22 veteran who has care of a minor dependent while receiving
23 services from the grant recipient or eligible entity, the
24 daily cost of care of the homeless veteran shall be the sum
25 of the daily cost of care of the homeless veteran deter-

1 mined under clause (i) plus, for each such minor depend-
2 ent, an amount that equals 50 percent of such daily cost
3 of care.

4 “(B)(i)(I) Except as provided in clause (ii), and sub-
5 ject to the availability of appropriations, the Secretary
6 may adjust the rate for per diem payments under this
7 paragraph, as the Secretary considers appropriate.

8 “(II) Any adjustment made under this clause—

9 “(aa) may not result in a rate that—

10 “(AA) is lower than the rate in effect
11 under this paragraph as in effect immediately
12 preceding the date of the enactment of the
13 Navy SEAL Bill Mulder Act of 2020; or

14 “(BB) exceeds the rate that is 115 percent
15 of the rate authorized for State homes for
16 domiciliary care under subsection (a)(1)(A) of
17 section 1741 of this title, as the Secretary may
18 increase from time to time under subsection (c)
19 of that section; and

20 “(bb) may be determined on the basis of local-
21 ity.

22 “(ii) In the case of services furnished to a homeless
23 veteran who is placed in housing that will become perma-
24 nent housing for the veteran upon termination of the fur-
25 nishing of such services to such veteran, the maximum

1 rate of per diem authorized under this section is 150 per-
2 cent of the rate authorized for State homes for domiciliary
3 care under subsection (a)(1)(A) of section 1741 of this
4 title, as the Secretary may increase from time to time
5 under subsection (c) of that section.”.

6 (b) REIMBURSEMENT OF CERTAIN FEES.—Such sec-
7 tion is further amended by adding at the end the following
8 new subsection:

9 “(e) REIMBURSEMENT OF ENTITIES FOR CERTAIN
10 FEES.—The Secretary may reimburse a recipient of a
11 grant under section 2011, 2013, or 2061 of this title or
12 a recipient of per diem payments under this section for
13 fees charged to that grant or per diem payment recipient
14 for the use of the homeless management information sys-
15 tem described in section 402(f) of the McKinney-Vento
16 Homeless Assistance Act (42 U.S.C. 11360a(f))—

17 “(1) in amounts the Secretary determines to be
18 reasonable; and

19 “(2) if the Secretary determines that the grant
20 or per diem payment recipient is unable to obtain in-
21 formation contained in such system through other
22 means and at no cost to the grant or per diem pay-
23 ment recipient.”.

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 sub-
11 section (d).

12 (b) CONFORMING AMENDMENT.—Section 2021(a)(4)
13 of such title is amended by striking “section 2023(e)” and
14 inserting “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
21 amended by adding at the end the following new sub-
22 section:

23 “(c) MEMORANDUM OF UNDERSTANDING ON ASSIST-
24 ANCE FROM INDIAN HEALTH SERVICE.—The Secretary
25 may enter into a memorandum of understanding with the
26 Secretary of Health and Human Services under which

1 case managers of the Indian Health Service may provide
2 case management assistance to veterans who receive hous-
3 ing vouchers under the Tribal Housing and Urban Devel-
4 opment-Veterans Affairs Supportive Housing (Tribal
5 HUD-VASH) program of the Department of Housing and
6 Urban Development.”.

7 **SEC. 4207. CONTRACTS RELATING TO CASE MANAGERS FOR**
8 **HOMELESS VETERANS IN SUPPORTED HOUS-**
9 **ING PROGRAM.**

10 (a) IN GENERAL.—Section 304 of the Honoring
11 America’s Veterans and Caring for Camp Lejeune Fami-
12 lies Act of 2012 (Public Law 112–154; 38 U.S.C. 2041
13 note) is amended—

14 (1) in subsection (a)—

15 (A) by inserting “(1)” before “The Sec-
16 retary”;

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

19 “(2)(A) The director of each covered medical center
20 shall seek to enter into one or more contracts or agree-
21 ments described in paragraph (1).

22 “(B) Any contract or agreement under subparagraph
23 (A) may require that each case manager employed by an
24 eligible entity who performs services under the contract

1 or agreement has credentials equivalent to the credentials
2 required for a case manager of the Department.

3 “(C)(i) The Secretary may waive the requirement
4 under subparagraph (A) with respect to a covered medical
5 center if the Secretary determines that fulfilling such re-
6 quirement is infeasible.

7 “(ii) If the Secretary grants a waiver under clause
8 (i), the Secretary shall, not later than 90 days after grant-
9 ing such waiver, submit to the Committee on Veterans’
10 Affairs of the Senate and the Committee on Veterans’ Af-
11 fairs of the House of Representatives a report con-
12 taining—

13 “(I) an explanation of the determination made
14 under clause (i);

15 “(II) a plan to increase the number of case
16 managers of the Department; and

17 “(III) a plan for the covered medical center to
18 increase use of housing vouchers allocated to that
19 medical center under the program described in para-
20 graph (1).

21 “(D) In this paragraph, the term ‘covered medical
22 center’ means a medical center of the Department with
23 respect to which the Secretary determines that—

24 “(i) more than 15 percent of all housing vouch-
25 ers allocated to that medical center under the pro-

1 gram described in paragraph (1) during the fiscal
2 year preceding the fiscal year in which such deter-
3 mination was made were unused due to a lack of
4 case management services provided by the Secretary;
5 and

6 “(ii) one or more case manager positions have
7 been vacant for at least nine consecutive months im-
8 mediately preceding the date of such determina-
9 tion.”; and

10 (2) in subsection (b)(2)—

11 (A) in the matter before subparagraph (A),
12 by striking “, including because—” and insert-
13 ing a period; and

14 (B) by striking subparagraphs (A), (B),
15 and (C).

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the first day of the first
18 fiscal year that begins after the date of the enactment of
19 this Act.

20 **SEC. 4208. REPORT ON STAFFING OF DEPARTMENT OF**
21 **HOUSING AND URBAN DEVELOPMENT-DE-**
22 **PARTMENT OF VETERANS AFFAIRS SUP-**
23 **PORTED HOUSING PROGRAM.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, and every three years thereafter, the Sec-

1 retary of Veterans Affairs shall submit to the Committee
2 on Veterans' Affairs of the Senate and the Committee on
3 Veterans' Affairs of the House of Representatives a report
4 that includes the following:

5 (1) An assessment of the hiring needs of the
6 program carried out under section 8(o)(19) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437f(o)(19)) (in this section referred to as the
9 “HUD-VASH program”), including—

10 (A) an identification of the number of case
11 managers of the HUD-VASH program as of
12 the date of the report including—

13 (i) the total number of vacancies; and

14 (ii) the vacancies at each medical cen-
15 ter of the Department of Veterans Affairs;

16 (B) the number of case managers of the
17 HUD-VASH program that the Secretary of
18 Veterans Affairs and the Secretary of Housing
19 and Urban Development jointly determine nec-
20 essary to meet the needs of the Department
21 and the program; and

22 (C) the amount of turnover among case
23 managers of the HUD-VASH program and
24 whether the turnover was planned or unex-
25 pected.

1 (2) An assessment of how compensation, includ-
2 ing recruitment and retention incentives, for case
3 managers of the HUD-VASH program affects turn-
4 over, and what percentage of retention compensation
5 is provided to such case managers at each medical
6 center of the Department of Veterans Affairs (com-
7 pared to other positions).

8 (3) A comparison of compensation described in
9 paragraph (2) with the compensation provided to
10 State, local, and nongovernmental housing employees
11 at comparable training and experience levels.

12 (4) Examples of how the Department of Vet-
13 erans Affairs and the Department of Housing and
14 Urban Development have worked with non-Federal
15 partners (such as local governments, nongovern-
16 mental organizations, veterans service organizations,
17 and employee unions) to meet the staffing needs of
18 the HUD-VASH program.

19 (5) Examples of how medical centers of the De-
20 partment of Veterans Affairs with high retention
21 rates for case managers of the HUD-VASH program
22 have been able to maintain staffing levels.

1 **Subtitle C—Retraining Assistance**
2 **for Veterans**

3 **SEC. 4301. ACCESS FOR THE SECRETARIES OF LABOR AND**
4 **VETERANS AFFAIRS TO THE FEDERAL DIREC-**
5 **TORY OF NEW HIRES.**

6 Section 453A(h) of the Social Security Act (42
7 U.S.C. 653a(h)) is amended by adding at the end the fol-
8 lowing new paragraph:

9 “(4) VETERAN EMPLOYMENT.—The Secretaries
10 of Labor and of Veterans Affairs shall have access
11 to information reported by employers pursuant to
12 subsection (b) of this section for purposes of track-
13 ing employment of veterans.”.

14 **SEC. 4302. EXPANSION OF ELIGIBLE CLASS OF PROVIDERS**
15 **OF HIGH TECHNOLOGY PROGRAMS OF EDU-**
16 **CATION FOR VETERANS.**

17 Section 116 of the Harry W. Colmery Veterans Edu-
18 cational Assistance Act of 2017 (Public Law 115–48; 38
19 U.S.C. 3001 note) is amended—

20 (1) in subsection (b), by adding at the end the
21 following: “The Secretary shall treat an individual as
22 an eligible veteran if the Secretary determines that
23 the individual shall become an eligible veteran fewer
24 than 180 days after the date of such determination.
25 If an individual treated as an eligible veteran by rea-

1 son of the preceding sentence does anything to make
2 the veteran ineligible during the 180-day period re-
3 ferred to in such sentence, the Secretary may re-
4 quire the veteran to repay any benefits received by
5 such veteran by reason of such sentence.”;

6 (2) in subsection (c)—

7 (A) in paragraph (3)(A), by striking “has
8 been operational for at least 2 years” and in-
9 serting “employs instructors whom the Sec-
10 retary determines are experts in their respective
11 fields in accordance with paragraph (6)”;

12 (B) by adding at the end the following new
13 paragraph:

14 “(6) EXPERTS.—The Secretary shall determine
15 whether instructors are experts under paragraph
16 (3)(A) based on evidence furnished to the Secretary
17 by the provider regarding the ability of the instruc-
18 tors to—

19 “(A) identify professions in need of new
20 employees to hire, tailor the programs to meet
21 market needs, and identify the employers likely
22 to hire graduates;

23 “(B) effectively teach the skills offered to
24 eligible veterans;

1 erans’ Benefits Improvement Act of 2012 (Public Law
2 112–260; 10 U.S.C. 1144 note) is amended—

3 (1) by striking “During the two-year period be-
4 ginning on the date of the enactment of this Act”
5 and inserting “During the five-year period beginning
6 on the date of the enactment of the Navy SEAL Bill
7 Mulder Act of 2020”; and

8 (2) by striking “to assess the feasibility and ad-
9 visability of providing such program to eligible indi-
10 viduals at locations other than military installa-
11 tions”.

12 (b) LOCATIONS.—Subsection (c) of such section is
13 amended—

14 (1) in paragraph (1)—

15 (A) in the paragraph heading, by striking
16 “STATES” and inserting “LOCATIONS”; and

17 (B) by striking “not less than three and
18 not more than five States” and inserting “not
19 fewer than 50 locations in States (as defined in
20 section 101 of title 38, United States Code)”;

21 (2) in paragraph (2), by striking “at least two”
22 and inserting “at least 20”; and

23 (3) by adding at the end the following new
24 paragraphs:

1 “(5) PREFERENCES.—In selecting States for
2 participation in the pilot program, the Secretary
3 shall provide a preference for any State with—

4 “(A) a high rate of usage of unemployment
5 benefits for recently separated members of the
6 Armed Forces; or

7 “(B) a labor force or economy that has
8 been significantly impacted by a covered public
9 health emergency.

10 “(6) COVERED PUBLIC HEALTH EMERGENCY
11 DEFINED.—In this subsection, the term ‘covered
12 public health emergency’ means—

13 “(A) the public health emergency declared
14 by the Secretary of Health and Human Services
15 under section 319 of the Public Health Service
16 Act (42 U.S.C. 247d) on January 31, 2020,
17 with respect to Coronavirus Disease 2019
18 (COVID–19); or

19 “(B) a domestic emergency declared, based
20 on an outbreak of Coronavirus Disease 2019
21 (COVID–19), by the President, the Secretary of
22 Homeland Security, or a State or local author-
23 ity.”.

24 “(c) ANNUAL REPORT.—Subsection (e) of such section
25 is amended by adding at the end the following new sen-

1 tence: “Each such report shall include information about
2 the employment outcomes of the eligible individuals who
3 received such training during the year covered by the re-
4 port.”.

5 (d) CONFORMING REPEAL.—Subsection (f) of such
6 section is repealed.

7 **SEC. 4304. GRANTS FOR PROVISION OF TRANSITION AS-**
8 **SISTANCE TO MEMBERS OF THE ARMED**
9 **FORCES AFTER SEPARATION, RETIREMENT,**
10 **OR DISCHARGE.**

11 (a) IN GENERAL.—The Secretary of Veterans Affairs
12 shall make grants to eligible organizations for the provi-
13 sion of transition assistance to members of the Armed
14 Forces who are separated, retired, or discharged from the
15 Armed Forces, and spouses of such members.

16 (b) USE OF FUNDS.—The recipient of a grant under
17 this section shall use the grant to provide to members of
18 the Armed Forces and spouses described in subsection (a)
19 resume assistance, interview training, job recruitment
20 training, and related services leading directly to successful
21 transition, as determined by the Secretary.

22 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
23 grant under this section, an organization shall submit to
24 the Secretary an application containing such information

1 and assurances as the Secretary, in consultation with the
2 Secretary of Labor, may require.

3 (d) PRIORITY.—In making grants under this section,
4 the Secretary shall give priority to an organization that—

5 (1) provides multiple forms of services described
6 in subsection (b); or

7 (2) is located in a State with—

8 (A) a high rate of unemployment among
9 veterans;

10 (B) a high rate of usage of unemployment
11 benefits for recently separated members of the
12 Armed Forces; or

13 (C) a labor force or economy that has been
14 significantly impacted by a covered public
15 health emergency (as such term is defined in
16 section 131(n)).

17 (e) AMOUNT OF GRANT.—A grant under this section
18 shall be in an amount that does not exceed 50 percent
19 of the amount required by the organization to provide the
20 services described in subsection (b).

21 (f) DEADLINE.—The Secretary shall carry out this
22 section not later than 180 days after the date of the enact-
23 ment of this Act.

24 (g) TERMINATION.—The authority to provide a grant
25 under this section shall terminate on the date that is five

1 years after the date on which the Secretary implements
2 the grant program under this section.

3 **SEC. 4305. ONE-YEAR INDEPENDENT ASSESSMENT OF THE**
4 **EFFECTIVENESS OF TRANSITION ASSIST-**
5 **ANCE PROGRAM.**

6 (a) INDEPENDENT ASSESSMENT.—Not later than 90
7 days after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs, in consultation with the cov-
9 ered officials, shall enter into an agreement with an appro-
10 priate entity with experience in adult education to carry
11 out a one-year independent assessment of the Transition
12 Assistance Program under sections 1142 and 1144 of title
13 10, United States Code (TAP), including—

14 (1) the effectiveness of the Transition Assist-
15 ance Program for members of each military depart-
16 ment during the entire military life cycle;

17 (2) the appropriateness of the career readiness
18 standards of the Transition Assistance Program;

19 (3) a review of information that is provided to
20 the Department of Veterans Affairs under the Tran-
21 sition Assistance Program, including mental health
22 data;

23 (4) whether the Transition Assistance Program
24 effectively addresses the challenges veterans face en-
25 tering the civilian workforce and in translating expe-

1 rience and skills from military service to the job
2 market;

3 (5) whether the Transition Assistance Program
4 effectively addresses the challenges faced by the fam-
5 ilies of veterans making the transition to civilian life;

6 (6) appropriate metrics regarding outcomes of
7 the Transition Assistance Program for members of
8 the Armed Forces one year after separation, retire-
9 ment, or discharge from the Armed Forces;

10 (7) what the Secretary, in consultation with the
11 covered officials and veterans service organizations,
12 determine to be successful outcomes for the Transi-
13 tion Assistance Program;

14 (8) whether members of the Armed Forces
15 achieve successful outcomes for the Transition As-
16 sistance Program, as determined under paragraph
17 (7);

18 (9) how the Secretary and the covered officials
19 provide feedback to each other regarding such out-
20 comes;

21 (10) recommendations for the Secretaries of the
22 military departments regarding how to improve out-
23 comes for members of the Armed Forces after sepa-
24 ration, retirement, and discharge; and

1 (11) other topics the Secretary and the covered
2 officials determine would aid members of the Armed
3 Forces as they transition to civilian life.

4 (b) REPORT.—Not later than 90 days after the com-
5 pletion of the independent assessment under subsection
6 (a), the Secretary and the covered officials shall jointly
7 submit to the appropriate committees of Congress—

8 (1) the findings and recommendations (includ-
9 ing recommended legislation) of the independent as-
10 sessment prepared by the entity described in sub-
11 section (a); and

12 (2) responses of the Secretary and the covered
13 officials to the findings and recommendations de-
14 scribed in paragraph (1).

15 (c) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

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

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

1 (2) COVERED OFFICIALS.—The term “covered
2 officials” means—

3 (A) the Secretary of Defense;

4 (B) the Secretary of Labor;

5 (C) the Administrator of the Small Busi-
6 ness Administration; and

7 (D) the Secretaries of the military depart-
8 ments.

9 (3) MILITARY DEPARTMENT.—The term “mili-
10 tary department” has the meaning given that term
11 in section 101 of title 10, United States Code.

12 **SEC. 4306. LONGITUDINAL STUDY ON CHANGES TO TRANSI-**
13 **TION ASSISTANCE PROGRAM.**

14 (a) STUDY.—Not later than 90 days after the date
15 of the enactment of this Act, the Secretary of Veterans
16 Affairs, in consultation with the Secretary of Defense, the
17 Secretary of Labor, and the Administrator of the Small
18 Business Administration, shall conduct a five-year longitu-
19 dinal study regarding the Transition Assistance Program
20 under sections 1142 and 1144 of title 10, United States
21 Code (TAP), on three separate cohorts of members of the
22 Armed Forces who have separated from the Armed
23 Forces, including—

1 (1) a cohort that has attended counseling under
2 the Transition Assistance Program as implemented
3 on the date of the enactment of this Act;

4 (2) a cohort that attends counseling under the
5 Transition Assistance Program after the Secretary
6 of Defense and the Secretary of Labor implement
7 changes recommended in the report under section
8 136(b); and

9 (3) a cohort that has not attended counseling
10 under the Transition Assistance Program.

11 (b) PROGRESS REPORTS.—Not later than 90 days
12 after the date that is one year after the date of the initi-
13 ation of the study under subsection (a), and annually
14 thereafter for the three subsequent years, the Secretary
15 of Veterans Affairs, the Secretary of Defense, the Sec-
16 retary of Labor, and the Administrator of the Small Busi-
17 ness Administration shall jointly submit to the appropriate
18 committees of Congress a progress report of activities
19 under the study during the immediately preceding year.

20 (c) FINAL REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the completion of the study under subsection
23 (a), the Secretary of Veterans Affairs, the Secretary
24 of Defense, the Secretary of Labor, and the Admin-
25 istrator of the Small Business Administration shall

1 jointly submit to the appropriate committees of Con-
2 gress a report of final findings and recommendations
3 based on the study.

4 (2) ELEMENTS.—The final report under para-
5 graph (1) shall include information regarding the
6 following:

7 (A) The percentage of each cohort that re-
8 ceived unemployment benefits during the study
9 under subsection (a).

10 (B) The numbers of months members of
11 each cohort were employed during the study.

12 (C) Annual starting and ending salaries of
13 members of each cohort who were employed
14 during the study.

15 (D) How many members of each cohort en-
16 rolled in an institution of higher learning, as
17 that term is defined in section 3452(f) of title
18 38, United States Code.

19 (E) The academic credit hours, degrees,
20 and certificates obtained by members of each
21 cohort during the study.

22 (F) The annual income of members of each
23 cohort.

24 (G) The total household income of mem-
25 bers of each cohort.

1 (H) How many members of each cohort
2 own their principal residences.

3 (I) How many dependents members of
4 each cohort have.

5 (J) The percentage of each cohort that
6 achieves a successful outcome for the Transition
7 Assistance Program, as determined under sec-
8 tion 136(a)(7).

9 (K) Other criteria the Secretaries and the
10 Administrator of the Small Business Adminis-
11 tration determine appropriate.

12 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Veterans’ Affairs and the
16 Committee on Armed Services of the Senate; and

17 (2) the Committee on Veterans’ Affairs and the
18 Committee on Armed Services of the House of Rep-
19 resentatives.

20 **TITLE V—DEBORAH SAMPSON**

21 **SEC. 5001. SHORT TITLE.**

22 This title may be cited as the “Deborah Sampson Act
23 of 2020”.

1 **Subtitle A—Improving Access for**
2 **Women Veterans to the Depart-**
3 **ment of Veterans Affairs**

4 **SEC. 5101. OFFICE OF WOMEN'S HEALTH IN DEPARTMENT**
5 **OF VETERANS AFFAIRS.**

6 (a) CHIEF OFFICER OF WOMEN'S HEALTH.—Sub-
7 section (a) of section 7306 of title 38, United States Code,
8 is amended—

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

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

13 “(10) The Chief Officer of Women's Health.”.

14 (b) ORGANIZATION OF OFFICE AND ANNUAL RE-
15 PORTS.—

16 (1) IN GENERAL.—Subchapter I of chapter 73
17 of title 38, United States Code, is amended by add-
18 ing at the end of the following new sections:

19 **“§ 7310. Office of Women's Health**

20 “(a) ESTABLISHMENT.—(1) The Under Secretary for
21 Health shall establish and operate in the Veterans Health
22 Administration the Office of Women's Health (in this sec-
23 tion referred to as the ‘Office’).

24 “(2) The Office shall be located at the Central Office
25 of the Department of Veterans Affairs.

1 “(3)(A) The head of the Office is the Chief Officer
2 of Women’s Health (in this section referred to as the
3 ‘Chief Officer’).

4 “(B) The Chief Officer shall report to the Under Sec-
5 retary for Health.

6 “(4) The Under Secretary for Health shall provide
7 the Office with such staff and other support as may be
8 necessary for the Office to carry out effectively the func-
9 tions of the Office under this section.

10 “(5) The Under Secretary for Health may reorganize
11 existing offices within the Veterans Health Administration
12 as of the date of the enactment of this section in order
13 to avoid duplication with the functions of the Office.

14 “(b) FUNCTIONS.—The functions of the Office in-
15 clude the following:

16 “(1) To provide a central office for monitoring
17 and encouraging the activities of the Veterans
18 Health Administration with respect to the provision,
19 evaluation, and improvement of health care services
20 provided to women veterans by the Department.

21 “(2) To develop and implement standards of
22 care for the provision of health care for women vet-
23 erans by the Department.

24 “(3) To monitor and identify deficiencies in
25 standards of care for the provision of health care for

1 women veterans by the Department, to provide tech-
2 nical assistance to medical facilities of the Depart-
3 ment to address and remedy deficiencies, and to per-
4 form oversight of implementation of such standards
5 of care.

6 “(4) To monitor and identify deficiencies in
7 standards of care for the provision of health care for
8 women veterans provided through the community
9 pursuant to this title and to provide recommenda-
10 tions to the appropriate office to address and rem-
11 edy any deficiencies.

12 “(5) To oversee distribution of resources and
13 information related to health programming for
14 women veterans under this title.

15 “(6) To promote the expansion and improve-
16 ment of clinical, research, and educational activities
17 of the Veterans Health Administration with respect
18 to the health care of women veterans.

19 “(7) To provide, as part of the annual budg-
20 eting process, recommendations with respect to the
21 amounts to be requested for furnishing hospital care
22 and medical services to women veterans pursuant to
23 chapter 17 of this title, including, at a minimum,
24 recommendations that ensure that such amounts ei-
25 ther reflect or exceed the proportion of veterans en-

1 rolled in the system of patient enrollment of the De-
2 partment established and operated under section
3 1705(a) of this title who are women.

4 “(8) To provide recommendations to the Under
5 Secretary for Health with respect to modifying the
6 Veterans Equitable Resource Allocation system, or
7 successor system, to ensure that resource allocations
8 under such system, or successor system, reflect the
9 health care needs of women veterans.

10 “(9) To carry out such other duties as the
11 Under Secretary for Health may require.

12 “(c) RECOMMENDATIONS.—(1) If the Under Sec-
13 retary for Health determines not to implement any rec-
14 ommendation made by the Chief Officer with respect to
15 the allocation of resources to address the health care needs
16 of women veterans, the Secretary shall notify the appro-
17 priate congressional committees of such determination by
18 not later than 30 days after the date on which the Under
19 Secretary for Health receives the recommendation.

20 “(2) Each notification under paragraph (1) relating
21 to a determination with respect to a recommendation shall
22 include the following:

23 “(A) The reasoning of the Under Secretary for
24 Health in making the determination.

1 “(B) An alternative, if one is selected, to the
2 recommendation that the Under Secretary for
3 Health will carry out to fulfill the health care needs
4 of women veterans.

5 “(d) STANDARDS OF CARE.—For purposes of car-
6 rying out the functions of the Office under this section,
7 the standards of care for the provision of health care for
8 women veterans from the Department shall include, at a
9 minimum, the following:

10 “(1) A requirement for—

11 “(A) at least one designated women’s
12 health primary care provider at each medical
13 center of the Department whose duties include,
14 to the extent practicable, providing training to
15 other health care providers of the Department
16 with respect to the needs of women veterans;
17 and

18 “(B) at least one designated women’s
19 health primary care provider at each commu-
20 nity-based outpatient clinic of the Department
21 who may serve women patients as a percentage
22 of the total duties of the provider.

23 “(2) Other requirements as determined by the
24 Under Secretary for Health.

1 “(e) OUTREACH.—The Chief Officer shall ensure
2 that—

3 “(1) not less frequently than biannually, each
4 medical facility of the Department holds a public
5 forum for women veterans that occurs outside of
6 regular business hours; and

7 “(2) not less frequently than quarterly, each
8 medical facility of the Department convenes a focus
9 group of women veterans that includes a discussion
10 of harassment occurring at such facility.

11 “(f) DEFINITIONS.—In this section:

12 “(1) The term ‘appropriate congressional com-
13 mittees’ has the meaning given that term in section
14 7310A(h) of this title.

15 “(2) The term ‘facility of the Department’ has
16 the meaning given the term ‘facilities of the Depart-
17 ment’ in section 1701(3) of this title.

18 “(3) The term ‘Veterans Equitable Resource
19 Allocation system’ means the resource allocation sys-
20 tem established pursuant to section 429 of the De-
21 partments of Veterans Affairs and Housing and
22 Urban Development, and Independent Agencies Ap-
23 propriations Act, 1997 (Public Law 104–204; 110
24 Stat. 2929).

1 **“§ 7310A. Annual reports on women’s health**

2 “(a) ANNUAL REPORTS.—Not later than December
3 1 of each year, the Chief Officer of Women’s Health shall
4 submit to the appropriate congressional committees a re-
5 port containing the matters under subsections (b) through
6 (g).

7 “(b) OFFICE OF WOMEN’S HEALTH.—Each report
8 under subsection (a) shall include a description of—

9 “(1) actions taken by the Office of Women’s
10 Health established under section 7310 of this title in
11 the preceding fiscal year to improve the provision of
12 health care by the Department to women veterans;

13 “(2) any identified deficiencies related to the
14 provision of health care by the Department to
15 women veterans and the standards of care estab-
16 lished in such section and the plan of the Depart-
17 ment to address such deficiencies;

18 “(3) the funding and personnel provided to the
19 Office and whether additional funding or personnel
20 are needed to meet the requirements of such section;
21 and

22 “(4) other information that would be of interest
23 to the appropriate congressional committees with re-
24 spect to oversight of the provision of health care by
25 the Department to women veterans.

1 “(c) ACCESS TO GENDER-SPECIFIC SERVICES.—(1)

2 Each report under subsection (a) shall include an analysis
3 of the access of women veterans to gender-specific services
4 under contracts, agreements, or other arrangements with
5 non-Department medical providers entered into by the
6 Secretary for the provision of hospital care or medical
7 services to veterans.

8 “(2) The analysis under paragraph (1) shall include
9 data and performance measures for the availability of gen-
10 der-specific services described in such paragraph, includ-
11 ing—

12 “(A) the average wait time between the pre-
13 ferred appointment date of the veteran and the date
14 on which the appointment is completed;

15 “(B) the average driving time required for vet-
16 erans to attend appointments; and

17 “(C) reasons why appointments could not be
18 scheduled with non-Department medical providers.

19 “(d) MODELS OF CARE.—(1) Each report under sub-
20 section (a) shall include an analysis of the use by the De-
21 partment of general primary care clinics, separate but
22 shared spaces, and women’s health centers as delivery of
23 care models for women veterans.

24 “(2) The analysis under paragraph (1) shall include
25 the following:

1 “(A) The number of facilities of the Depart-
2 ment that fall into each delivery of care model de-
3 scribed in such paragraph, disaggregated by Vet-
4 erans Integrated Service Network and State.

5 “(B) A description of the criteria used by the
6 Department to determine which such model is most
7 appropriate for each facility of the Department.

8 “(C) An assessment of how the Department de-
9 cides to make investments to modify facilities to a
10 different model.

11 “(D) A description of what, if any, plans the
12 Department has to modify facilities from general
13 primary care clinics to another model.

14 “(E) An assessment of whether any facilities
15 could be modified to a separate but shared space for
16 a women’s health center within planned investments
17 under the strategic capital investment planning proc-
18 ess of the Department.

19 “(F) An assessment of whether any facilities
20 could be modified to a separate or shared space or
21 a women’s health center with minor modifications to
22 existing plans under the strategic capital investment
23 planning process of the Department.

1 “(G) An assessment of whether the Department
2 has a goal for how many facilities should fall into
3 each such model.

4 “(e) STAFFING.—Each report under subsection (a)
5 shall include an analysis of the staffing of the Department
6 relating to the treatment of women, including the fol-
7 lowing, disaggregated by Veterans Integrated Service Net-
8 work and State (except with respect to paragraph (4)):

9 “(1) The number of women’s health centers.

10 “(2) The number of patient aligned care teams
11 of the Department relating to women’s health.

12 “(3) The number of full- and part-time gyne-
13 cologists of the Department.

14 “(4) The number of designated women’s health
15 care providers of the Department, disaggregated by
16 facility of the Department.

17 “(5) The number of health care providers of the
18 Department who have completed a mini-residency
19 for women’s health care through the Women Vet-
20 erans Health Care Mini-Residency Program of the
21 Department during the one-year period preceding
22 the submittal of the report and the number of mini-
23 residency training slots for such program that are
24 available during the one-year period following such
25 date.

1 “(6) The number of designated women’s health
2 care providers of the Department who have suffi-
3 cient women patient loads or case complexities to re-
4 tain their competencies and proficiencies.

5 “(f) ACCESSIBILITY AND TREATMENT OPTIONS.—
6 Each report under subsection (a) shall include an analysis
7 of the accessibility and treatment options for women vet-
8 erans, including the following:

9 “(1) An assessment of wheelchair accessibility
10 of women’s health centers of the Department, in-
11 cluding, with respect to each such center, an assess-
12 ment of accessibility for each kind of treatment pro-
13 vided at the center, including with respect to radi-
14 ology and mammography, that addresses all relevant
15 factors, including door sizes, hoists, and equipment.

16 “(2) The options for women veterans to access
17 mental health providers and primary care providers
18 who are women.

19 “(3) The options for women veterans at medical
20 facilities of the Department with respect to clothing
21 sizes, including for gowns, drawstring pants, and pa-
22 jamas.

23 “(g) DEFINITIONS.—In this section:

24 “(1) The term ‘appropriate congressional com-
25 mittees’ means—

1 “(A) the Committee on Appropriations and
2 the Committee on Veterans’ Affairs of the Sen-
3 ate; and

4 “(B) the Committee on Appropriations and
5 the Committee on Veterans’ Affairs of the
6 House of Representatives.

7 “(2) The term ‘gender-specific services’ means
8 mammography, obstetric care, gynecological care,
9 and such other services as the Secretary determines
10 appropriate.”.

11 (2) REFERENCES TO HEALTH CARE AND SERV-
12 ICES.—The references to health care and the ref-
13 erences to services in sections 7310 and 7310A of
14 title 38, United States Code, as added by paragraph
15 (1), are references to the health care and services in-
16 cluded in the medical benefits package provided by
17 the Department as in effect on the day before the
18 date of the enactment of this Act.

19 (3) CLERICAL AMENDMENT.—The table of sec-
20 tions for such chapter is amended by inserting after
21 the item relating to section 7309A the following new
22 items:

“7310. Office of Women’s Health.

“7310A. Annual reports on women’s health.”.

23 (c) INITIAL REPORT.—The Chief Officer of Women’s
24 Health of the Department of Veterans Affairs shall submit

1 the initial report under section 7310A of title 38, United
2 States Code, as added by subsection (b), by not later than
3 one year after the date of the enactment of this Act.

4 **SEC. 5102. WOMEN VETERANS RETROFIT INITIATIVE.**

5 (a) IN GENERAL.—The Secretary of Veterans Affairs
6 shall prioritize the retrofitting of existing medical facilities
7 of the Department of Veterans Affairs with fixtures, mate-
8 rials, and other outfitting measures to support the provi-
9 sion of care to women veterans at such facilities.

10 (b) PLAN.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to Congress, the Committee on
14 Veterans' Affairs of the Senate, and the Committee
15 on Veterans' Affairs of the House of Representatives
16 a plan to address deficiencies in environment of care
17 for women veterans at medical facilities of the De-
18 partment.

19 (2) ELEMENTS.—The plan required by para-
20 graph (1) shall include the following:

21 (A) An explanation of the specific environ-
22 ment of care deficiencies that need correcting.

23 (B) An assessment of how the Secretary
24 prioritizes retrofitting existing medical facilities

1 to support provision of care to women veterans
2 in comparison to other requirements.

3 (C) A five-year strategic plan and cost pro-
4 jection for retrofitting medical facilities of the
5 Department to support the provision of care to
6 women veterans as required under subsection
7 (a).

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Subject
9 to appropriations and the plan under (b), there is author-
10 ized to be appropriated to the Secretary \$20,000,000 to
11 carry out subsection (a) in addition to amounts otherwise
12 made available to the Secretary for the purposes set forth
13 in such subsection.

14 **SEC. 5103. ESTABLISHMENT OF ENVIRONMENT OF CARE**
15 **STANDARDS AND INSPECTIONS AT DEPART-**
16 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
17 **TERS.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs
19 shall establish a policy under which the environment of
20 care standards and inspections at medical centers of the
21 Department of Veterans Affairs include—

22 (1) an alignment of the requirements for such
23 standards and inspections with the women’s health
24 handbook of the Veterans Health Administration;

1 (2) a requirement for the frequency of such in-
2 spections;

3 (3) delineation of the roles and responsibilities
4 of staff at each medical center who are responsible
5 for compliance;

6 (4) the requirement that each medical center
7 submit to the Secretary and make publicly available
8 a report on the compliance of the medical center
9 with the standards; and

10 (5) a remediation plan.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the Committee on Veterans' Affairs of the Senate and
14 the Committee on Veterans' Affairs of the House of Rep-
15 resentatives a report certifying in writing that the policy
16 required by subsection (a) has been finalized and dissemi-
17 nated to all medical centers of the Department.

18 **SEC. 5104. PROVISION OF REINTEGRATION AND READJUST-**
19 **MENT SERVICES TO VETERANS AND FAMILY**
20 **MEMBERS IN GROUP RETREAT SETTINGS.**

21 (a) IN GENERAL.—Section 1712A of title 38, United
22 States Code, is amended—

23 (1) in subsection (a)(1)(B)—

24 (A) in clause (ii), by redesignating sub-
25 clauses (I) and (II) as items (aa) and (bb);

1 (B) by redesignating clauses (i) and (ii) as
2 subclauses (I) and (II);

3 (C) in the matter preceding subclause (I),
4 as redesignated by subparagraph (B), by strik-
5 ing “Counseling” and inserting “(i) Coun-
6 seling”; and

7 (D) by adding at the end the following new
8 clause:

9 “(ii)(I) Except as provided in subclauses (IV) and
10 (V), counseling furnished to an individual under subpara-
11 graph (A) may include reintegration and readjustment
12 services described in subclause (II) furnished in group re-
13 treat settings.

14 “(II) Reintegration and readjustment services de-
15 scribed in this subclause are the following:

16 “(aa) Information on reintegration of the indi-
17 vidual into family, employment, and community.

18 “(bb) Financial counseling.

19 “(cc) Occupational counseling.

20 “(dd) Information and counseling on stress re-
21 duction.

22 “(ee) Information and counseling on conflict
23 resolution.

24 “(ff) Such other information and counseling as
25 the Secretary considers appropriate to assist the in-

1 dividual in reintegration into family, employment,
2 and community.

3 “(III) In furnishing reintegration and readjustment
4 services under subclause (I), the Secretary shall offer
5 women the opportunity to receive such services in group
6 retreat settings in which the only participants are women.

7 “(IV) An individual described in subparagraph (C)(v)
8 may receive reintegration and readjustment services under
9 subclause (I) of this clause only if the individual receives
10 such services with a family member described in subclause
11 (I) or (II) of such subparagraph.

12 “(V) In each of fiscal years 2021 through 2025, the
13 maximum number of individuals to whom integration and
14 readjustment services may be furnished in group retreat
15 settings under this subclause (I) shall not exceed 1,200
16 individuals.”.

17 (b) REQUEST FOR SERVICES.—Subsection (a)(2) of
18 such section is amended—

19 (1) by striking “Upon” and inserting “(A)
20 Upon”;

21 (2) by striking “paragraph (1)(B)” and insert-
22 ing “paragraph (1)(B)(i)”; and

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

1 “(B) Upon the request of an individual described in
2 paragraph (1)(C), the Secretary shall furnish the indi-
3 vidual reintegration and readjustment services in group
4 retreat settings under paragraph (1)(B)(ii) if the Sec-
5 retary determines the experience will be therapeutically
6 appropriate.”.

7 **SEC. 5105. PROVISION OF LEGAL SERVICES FOR WOMEN**
8 **VETERANS.**

9 (a) **AGREEMENT REQUIRED.**—The Secretary of Vet-
10 erans Affairs shall enter into one or more agreements with
11 public or private entities to provide legal services to women
12 veterans.

13 (b) **FOCUS.**—The focus of an agreement entered into
14 under subsection (a) shall be to address the following
15 unmet needs of women veterans as set forth in the most
16 recently completed Community Homelessness Assessment,
17 Local Education and Networking Groups for Veterans
18 (CHALENG for Veterans) survey:

- 19 (1) Child support.
- 20 (2) Prevention of eviction and foreclosure.
- 21 (3) Discharge upgrades.
- 22 (4) Financial guardianship.
- 23 (5) Credit counseling.
- 24 (6) Family reconciliation assistance.

1 **SEC. 5106. COMPTROLLER GENERAL SURVEYS AND RE-**
2 **PORT ON SUPPORTIVE SERVICES PROVIDED**
3 **FOR VERY LOW-INCOME WOMEN VETERANS.**

4 (a) SURVEYS.—

5 (1) SURVEY OF WOMEN VETERANS.—The
6 Comptroller General of the United States shall sur-
7 vey women veterans who have received or are receiv-
8 ing supportive services provided under section 2044
9 of title 38, United States Code, to determine satis-
10 faction with the ability of such services to meet the
11 specific needs of such veterans.

12 (2) SURVEY OF ELIGIBLE ENTITIES.—The
13 Comptroller General shall survey eligible entities re-
14 ceiving financial assistance under such section and
15 other partners of the Department of Veterans Af-
16 fairs, including veterans service organizations and
17 the National Coalition of Homeless Veterans, on the
18 view of such entities and partners regarding—

19 (A) whether the Department is meeting
20 the needs of women veterans through the provi-
21 sion of supportive services under such section;
22 and

23 (B) any additional supportive services that
24 may be required to meet such needs.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of the enactment of this Act, the
3 Comptroller General of the United States shall sub-
4 mit to the Committee on Veterans' Affairs of the
5 Senate and the Committee on Veterans' Affairs of
6 the House of Representatives a report on the efforts
7 of the Department of Veterans Affairs to provide
8 supportive services to women veterans under section
9 2044 of title 38, United States.

10 (2) ELEMENTS.—The report required by para-
11 graph (1) shall include the following:

12 (A) A review of how the Department deter-
13 mines which categories of supportive services
14 would be beneficial to women veterans who re-
15 ceive services under such section.

16 (B) A description of the challenges women
17 veterans who have children face in accessing
18 supportive services under such section, includ-
19 ing with respect to accessing—

20 (i) homeless shelters with their chil-
21 dren;

22 (ii) homeless shelters that have re-
23 strictions on male children; and

24 (iii) affordable child care.

1 (C) A description of how the Department
2 identifies eligible entities under such section
3 that can provide supportive services to meet the
4 needs of women veterans, including eligible enti-
5 ties with experience in—

6 (i) intimate partner violence;

7 (ii) legal matters pertaining especially
8 to women veterans, including temporary
9 restraining orders and child care orders;

10 (iii) supportive services for children;

11 and

12 (iv) the evaluation of which categories
13 of services would be beneficial to women
14 veterans who receive such services under
15 such section.

16 (D) A description of how much the De-
17 partment spends, from funds appropriated to
18 carry out such section and funds provided
19 under the Coronavirus Aid, Relief, and Eco-
20 nomic Security Act (Public Law 116–136), on
21 supportive services specifically for women vet-
22 erans, and in particular, on the services de-
23 scribed in subparagraph (A).

24 (E) The results of the surveys conducted
25 under subsection (a).

1 (F) A review of the resources and pro-
2 gramming offered to woman veterans under
3 such section.

4 (G) An assessment of such other areas as
5 the Comptroller General considers appropriate.

6 **SEC. 5107. PROGRAMS ON ASSISTANCE FOR CHILD CARE**
7 **FOR CERTAIN VETERANS.**

8 (a) ASSISTANCE FOR CHILD CARE FOR CERTAIN
9 VETERANS RECEIVING HEALTH CARE.—

10 (1) IN GENERAL.—Subchapter I of chapter 17
11 of title 38, United States Code, is amended by add-
12 ing at the end the following new section:

13 **“§ 1709C. Assistance for child care for certain vet-**
14 **erans receiving health care**

15 “(a) PROGRAM REQUIRED.—The Secretary shall
16 carry out a program to provide, subject to subsection (b),
17 assistance to qualified veterans described in subsection (c)
18 to obtain child care so that such veterans can receive
19 health care services described in subsection (c)(2).

20 “(b) LIMITATION ON PERIOD OF PAYMENTS.—As-
21 sistance may be provided to a qualified veteran under this
22 section for receipt of child care only during the period that
23 the qualified veteran—

1 “(1) receives the types of health care services
2 described in subsection (c)(2) at a facility of the De-
3 partment; and

4 “(2) requires travel to and return from such fa-
5 cility for the receipt of such health care services.

6 “(c) QUALIFIED VETERANS.—For purposes of this
7 section, a qualified veteran is a veteran who—

8 “(1) is the primary caretaker of a child or chil-
9 dren; and

10 “(2)(A) receives from the Department—

11 “(i) regular mental health care services;

12 “(ii) intensive mental health care services;

13 or

14 “(iii) such other intensive health care serv-
15 ices that the Secretary determines that provi-
16 sion of assistance to the veteran to obtain child
17 care would improve access to such health care
18 services by the veteran; or

19 “(B) is in need of regular or intensive mental
20 health care services from the Department, and but
21 for lack of child care services, would receive such
22 health care services from the Department.

23 “(d) LOCATIONS.—Not later than five years after the
24 date of the enactment of the Deborah Sampson Act of

1 2020, the Secretary shall carry out the program at each
2 medical center of the Department.

3 “(e) FORMS OF CHILD CARE ASSISTANCE.—(1)
4 Child care assistance under this section may include the
5 following:

6 “(A) Stipends for the payment of child care of-
7 fered by a licensed child care center (either directly
8 or through a voucher program) that shall be, to the
9 extent practicable, modeled after the Department of
10 Veterans Affairs Child Care Subsidy Program estab-
11 lished pursuant to section 630 of the Treasury and
12 General Government Appropriations Act, 2002
13 (Public Law 107–67; 115 Stat. 552).

14 “(B) Direct provision of child care at an on-site
15 facility of the Department.

16 “(C) Payments to private child care agencies.

17 “(D) Collaboration with facilities or programs
18 of other Federal agencies.

19 “(E) Such other forms of assistance as the Sec-
20 retary considers appropriate.

21 “(2) In providing child care assistance under this sec-
22 tion, the child care needs of the local area shall be consid-
23 ered and the head of each medical center may select the
24 type of care that is most appropriate or feasible for such
25 medical center.

1 “(3) In the case that child care assistance under this
2 section is provided as a stipend under paragraph (1)(A),
3 such stipend shall cover the full cost of such child care.”.

4 (2) CONFORMING AMENDMENT.—Section
5 205(e) of the Caregivers and Veterans Omnibus
6 Health Services Act of 2010 (Public Law 111–163;
7 38 U.S.C. 1710 note) is amended by striking “Sep-
8 tember 30, 2020” and inserting “the date of the en-
9 actment of the Deborah Sampson Act of 2020”.

10 (3) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 17 of such title is
12 amended by inserting after the item relating to sec-
13 tion 1709B the following new item:

“1709C. Assistance for child care for certain veterans receiving health care,”.

14 (b) PILOT PROGRAM ON ASSISTANCE FOR CHILD
15 CARE FOR CERTAIN VETERANS RECEIVING READJUST-
16 MENT COUNSELING AND RELATED MENTAL HEALTH
17 SERVICES.—

18 (1) IN GENERAL.—The Secretary of Veterans
19 Affairs shall carry out a pilot program to assess the
20 feasibility and advisability of providing, subject to
21 paragraph (2), assistance to qualified veterans de-
22 scribed in paragraph (3) to obtain child care so that
23 such veterans can receive readjustment counseling
24 and related mental health services.

1 (2) LIMITATION ON PERIOD OF PAYMENTS.—
2 Assistance may be provided to a qualified veteran
3 under the pilot program for receipt of child care only
4 during the period that the qualified veteran receives
5 readjustment counseling and related health care
6 services at a Vet Center.

7 (3) QUALIFIED VETERANS.—For purposes of
8 this subsection, a qualified veteran is a veteran
9 who—

10 (A) is the primary caretaker of a child or
11 children; and

12 (B)(i) receives from the Department reg-
13 ular readjustment counseling and related men-
14 tal health services; or

15 (ii) is in need of regular readjustment
16 counseling and related mental health services
17 from the Department, and but for lack of child
18 care services, would receive such counseling and
19 services from the Department.

20 (4) LOCATIONS.—The Secretary shall carry out
21 the pilot program in not fewer than three Readjust-
22 ment Counseling Service Regions selected by the
23 Secretary for purposes of the pilot program.

24 (5) FORMS OF CHILD CARE ASSISTANCE.—

1 (A) IN GENERAL.—Child care assistance
2 under the pilot program may include the fol-
3 lowing:

4 (i) Stipends for the payment of child
5 care offered by a licensed child care center
6 (either directly or through a voucher pro-
7 gram) that shall be, to the extent prac-
8 ticable, modeled after the Department of
9 Veterans Affairs Child Care Subsidy Pro-
10 gram established pursuant to section 630
11 of the Treasury and General Government
12 Appropriations Act, 2002 (Public Law
13 107–67; 115 Stat. 552).

14 (ii) Payments to private child care
15 agencies.

16 (iii) Collaboration with facilities or
17 programs of other Federal agencies.

18 (iv) Such other forms of assistance as
19 the Secretary considers appropriate.

20 (B) LOCAL AREA.—In providing child care
21 assistance under the pilot program, the child
22 care needs of the local area shall be considered
23 and the head of each Vet Center may select the
24 type of care that is most appropriate or feasible
25 for such Vet Center.

1 (C) USE OF STIPEND.—In the case that
2 child care assistance under the pilot program is
3 provided as a stipend under subparagraph
4 (A)(i), such stipend shall cover the full cost of
5 such child care.

6 (6) DURATION.—The pilot program shall be
7 carried out during the two-year period beginning on
8 the date of the commencement of the pilot program.

9 (7) REPORT.—

10 (A) IN GENERAL.—Not later than 180
11 days after the completion of the pilot program,
12 the Secretary shall submit to Congress a report
13 on the pilot program.

14 (B) ELEMENTS.—The report required by
15 subparagraph (A) shall include the findings and
16 conclusions of the Secretary regarding the pilot
17 program, and shall include such recommenda-
18 tions for the continuation or expansion of the
19 pilot program as the Secretary considers appro-
20 priate.

21 (8) VET CENTER DEFINED.—In this subsection,
22 the term “Vet Center” has the meaning given that
23 term in section 1712A(h) of title 38, United States
24 Code.

1 **SEC. 5108. AVAILABILITY OF PROSTHETICS FOR WOMEN**
2 **VETERANS FROM DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) ACCESS AT EACH MEDICAL FACILITY.—Section
5 1714(a) of title 38, United States Code, is amended—

6 (1) by striking “(a) Any veteran” and inserting
7 “(a)(1) Any veteran”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) In furnishing prosthetic appliances under para-
11 graph (1), the Secretary shall ensure women veterans are
12 able to access clinically appropriate prosthetic appliances
13 through each medical facility of the Department.”.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary of Veterans Affairs shall submit to the Com-
18 mittee on Veterans’ Affairs of the Senate and the
19 Committee on Veterans’ Affairs of the House of
20 Representatives a report on the availability from the
21 Department of Veterans Affairs of prosthetics made
22 for women veterans, including an assessment of the
23 availability of such prosthetics at medical facilities of
24 the Department.

25 (2) ELEMENTS.—The report required by para-
26 graph (1) shall include—

1 (A) a list of all devices classified by the
2 Department as prosthetic devices, including a
3 breakdown of whether a device is considered
4 gender-neutral or gender-specific;

5 (B) for gender-neutral devices, a break-
6 down of sizing;

7 (C) the average time it takes for a woman
8 veteran to receive a prosthetic device after it is
9 prescribed, disaggregated by Veterans Inte-
10 grated Service Network and medical center of
11 the Department;

12 (D) the total number of women veterans
13 utilizing the Department for prosthetic services,
14 disaggregated by facility of the Department;

15 (E) an assessment of efforts by the De-
16 partment on research, development, and em-
17 ployment of additive manufacture technology
18 (commonly referred to as 3D printing) to pro-
19 vide prosthetic items for women veterans;

20 (F) the results of a survey with a rep-
21 resentative sample of not fewer than 50,000
22 veterans (of which women shall be overrepre-
23 sented) in an amputee care program on satis-
24 faction with prosthetics furnished or procured

1 by the Department that replace appendages or
2 their function; and

3 (G) such other information as the Sec-
4 retary considers appropriate.

5 **SEC. 5109. REQUIREMENT TO IMPROVE DEPARTMENT OF**
6 **VETERANS AFFAIRS WOMEN VETERANS CALL**
7 **CENTER.**

8 The Secretary of Veterans Affairs shall enhance the
9 capabilities of the women veterans call center of the De-
10 partment of Veterans Affairs to respond to requests by
11 women veterans for assistance with accessing health care
12 and benefits furnished under the laws administered by the
13 Secretary.

14 **SEC. 5110. STUDY ON INFERTILITY SERVICES FURNISHED**
15 **AT DEPARTMENT OF VETERANS AFFAIRS.**

16 (a) **STUDY REQUIRED.**—The Secretary of Veterans
17 Affairs shall conduct a study on the infertility services of-
18 ferings at the Department of Veterans Affairs.

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

21 (1) An assessment of the following:

22 (A) The availability of infertility services at
23 facilities of the Department and through laws
24 administered by the Secretary for the provision
25 of non-Department care.

1 (B) The demand for such services from eli-
2 gible individuals.

3 (2) Identification of potential challenges in ac-
4 cessing infertility services for eligible individuals.

5 (3) An analysis of Department resources for the
6 furnishing of infertility services, including analysis of
7 Department workforce and non-Department pro-
8 viders.

9 (4) Development of recommendations for the
10 improvement of infertility services under laws ad-
11 ministered by the Secretary to improve eligible indi-
12 viduals' access, delivery of services, and health out-
13 comes.

14 (c) REPORT.—Not later than one year after the date
15 of the enactment of this Act, the Secretary shall submit
16 to the Committee on Veterans' Affairs of the Senate and
17 the Committee on Veterans' Affairs of the House of Rep-
18 resentatives a report on the study conducted under sub-
19 section (a).

20 (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
21 tion, the term “eligible individual” means an individual
22 who is a veteran who is eligible for and enrolled in the
23 health care system of the Department under section
24 1705(a) of title 38, United States Code.

1 **SEC. 5111. SENSE OF CONGRESS ON ACCESS TO FACILITIES**
2 **OF DEPARTMENT OF VETERANS AFFAIRS BY**
3 **RESERVISTS FOR COUNSELING AND TREAT-**
4 **MENT RELATING TO MILITARY SEXUAL TRAU-**
5 **MA.**

6 (a) IN GENERAL.—It is the sense of Congress that
7 members of the reserve components of the Armed Forces,
8 including members of the National Guard, should be able
9 to access all health care facilities of the Department of
10 Veterans Affairs, not just Vet Centers, to receive coun-
11 seling and treatment relating to military sexual trauma.

12 (b) DEFINITIONS.—In this section:

13 (1) MILITARY SEXUAL TRAUMA.—The term
14 “military sexual trauma” has the meaning given
15 such term in section 1164(e) of title 38, United
16 States Code, as added by section 5501(a) of this
17 title.

18 (2) VET CENTER.—The term “Vet Center” has
19 the meaning given that term in section 1712A(h) of
20 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 Af-
8 fairs has not fewer than one full-time or part-time wom-
9 en's health primary care provider whose duties include, to
10 the extent possible, providing training to other health care
11 providers of the Department on the needs of women vet-
12 erans.

13 **SEC. 5202. ADDITIONAL FUNDING FOR PRIMARY CARE AND**
14 **EMERGENCY CARE CLINICIANS IN WOMEN**
15 **VETERANS HEALTH CARE MINI-RESIDENCY**
16 **PROGRAM.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to the Secretary of Veterans Affairs \$1,000,000
19 for each fiscal years 2021 through 2025 to provide oppor-
20 tunities for participation in the Women Veterans Health
21 Care Mini-Residency Program of the Department of Vet-
22 erans Affairs for primary care and emergency care clini-
23 cians.

24 (b) TREATMENT OF AMOUNTS.—The amounts au-
25 thorized to be appropriated under subsection (a) shall be

1 in addition to amounts otherwise made available to the
2 Secretary for the purposes set forth in such subsection.

3 **SEC. 5203. ESTABLISHMENT OF WOMEN VETERAN TRAIN-**
4 **ING MODULE FOR NON-DEPARTMENT OF VET-**
5 **ERANS AFFAIRS HEALTH CARE PROVIDERS.**

6 (a) IN GENERAL.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall establish and make available to commu-
9 nity providers a training module that is specific to women
10 veterans.

11 (b) TRAINING MATERIALS PROVIDED.—Under the
12 training module established and made available to commu-
13 nity providers under subsection (a), the Secretary shall
14 provide to community providers the same training mate-
15 rials relating to treatment of women veterans that is pro-
16 vided to health care providers of the Department of Vet-
17 erans Affairs to ensure that all health care providers treat-
18 ing women veterans have access to the same materials to
19 support competency throughout the community.

20 (c) ADMINISTRATION OF TRAINING MODULE.—The
21 Secretary shall administer the training module established
22 under subsection (a) to community providers through an
23 internet website of the Department.

24 (d) ANNUAL REPORT.—Not later than one year after
25 the establishment of the training module under subsection

1 (a), and annually thereafter, the Secretary shall submit
2 to Congress a report on—

3 (1) the utilization by community providers of
4 the training module; and

5 (2) the effectiveness of the training module.

6 (e) DEFINITIONS.—In this section:

7 (1) COMMUNITY PROVIDER.—The term “com-
8 munity provider” means a non-Department of Vet-
9 erans Affairs health care provider who provides
10 preauthorized health care to veterans under the laws
11 administered by the Secretary of Veterans Affairs.

12 (2) PREAUTHORIZED HEALTH CARE.—The term
13 “preauthorized health care” means health care pro-
14 vided to a veteran that is authorized by the Sec-
15 retary before being provided.

16 **SEC. 5204. STUDY ON STAFFING OF WOMEN VETERAN PRO-**
17 **GRAM MANAGER PROGRAM AT MEDICAL**
18 **CENTERS OF DEPARTMENT OF VETERANS AF-**
19 **FAIRS AND TRAINING OF STAFF.**

20 (a) STUDY.—The Secretary of Veterans Affairs shall
21 conduct a study on the use of the Women Veteran Pro-
22 gram Manager program of the Department of Veterans
23 Affairs to determine—

24 (1) if the program is appropriately staffed at
25 each medical center of the Department;

1 (2) submit to the Committee on Veterans' Af-
2 fairs of the Senate and the Committee on Veterans'
3 Affairs of the House of Representatives a report on
4 the findings of the Secretary with respect to the
5 study completed under paragraph (1).

6 (b) ELEMENTS.—The study required by subsection
7 (a)(1) shall identify the following:

8 (1) If the program described in such subsection
9 is appropriately staffed at each regional benefits of-
10 fice of the Department.

11 (2) Whether each regional benefits office of the
12 Department is staffed with a Women Veteran Coor-
13 dinator.

14 (3) The position description of the Women Vet-
15 eran Coordinator.

16 (4) Whether an individual serving in the
17 Women Veteran Coordinator position concurrently
18 serves in any other position, and if so, the allocation
19 of time the individual spends in each such position.

20 (5) A description of the metrics the Secretary
21 uses to determine the job performance and effective-
22 ness of the Women Veteran Coordinator.

1 **SEC. 5206. STAFFING IMPROVEMENT PLAN FOR PEER SPE-**
2 **CIALISTS OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS WHO ARE WOMEN.**

4 (a) ASSESSMENT OF CAPACITY.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary
7 of Veterans Affairs, in consultation with the Inspec-
8 tor General of the Department of Veterans Affairs,
9 shall commence an assessment of the capacity of
10 peer specialists of the Department of Veterans Af-
11 fairs who are women.

12 (2) ELEMENTS.—The assessment required by
13 paragraph (1) shall include an assessment of the fol-
14 lowing:

15 (A) The geographical distribution of peer
16 specialists of the Department who are women.

17 (B) The geographical distribution of
18 women veterans.

19 (C) The number and proportion of women
20 peer specialists who specialize in peer coun-
21 seling on mental health or suicide prevention.

22 (D) The number and proportion of women
23 peer specialists who specialize in peer coun-
24 seling on non-mental health related matters.

25 (b) REPORT.—Not later than one year after the as-
26 sessment required by subsection (a) has commenced, the

1 Secretary shall submit to the Committee on Veterans' Af-
2 fairs of the Senate and the Committee on Veterans' Af-
3 fairs of the House of Representatives a report detailing
4 the findings of the assessment.

5 (c) STAFFING IMPROVEMENT PLAN.—

6 (1) IN GENERAL.—Not later than 180 days
7 after submitting the report under subsection (b), the
8 Secretary, in consultation with the Inspector Gen-
9 eral, shall submit to the Committee on Veterans' Af-
10 fairs of the Senate and the Committee on Veterans'
11 Affairs of the House of Representatives a plan,
12 based on the results of the assessment required by
13 subsection (a), to hire additional qualified peer spe-
14 cialists who are women, with special consideration
15 for areas that lack peer specialists who are women.

16 (2) ELEMENTS.—The peer specialist positions
17 included in the plan required by paragraph (1)—

18 (A) shall be non-volunteer, paid positions;

19 and

20 (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
7 AND TREATMENT.—Section 1720D of title 38, United
8 States 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
13 duty status or line of duty determination (as
14 that term is used in section 12323 of title 10)”;
15 and

16 (B) in paragraph (2)(A), by striking “ac-
17 tive duty, active duty for training, or inactive
18 duty training” and inserting “duty, regardless
19 of duty status or line of duty determination (as
20 that term is used in section 12323 of title 10)”;

21 (2) by striking “veteran” each place it appears
22 and inserting “former member of the Armed
23 Forces”;

1 (3) by striking “veterans” each place it appears
2 and inserting “former members of the Armed
3 Forces”; and

4 (4) by adding at the end the following new sub-
5 section:

6 “(g) In this section, the term ‘former member of the
7 Armed Forces’ includes the following:

8 “(1) A veteran.

9 “(2) An individual described in section 1720I(b)
10 of this title.”.

11 (b) INCLUSION OF TREATMENT FOR PHYSICAL
12 HEALTH CONDITIONS.—Such section is further amend-
13 ed—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by inserting “, to include care for
17 physical health conditions, as appropriate,”
18 after “counseling and appropriate care and
19 services”;

20 (ii) by striking “overcome psycho-
21 logical trauma” and inserting “treat a con-
22 dition”; and

23 (iii) by striking “mental health profes-
24 sional” and inserting “health care profes-
25 sional”; and

1 (B) in paragraph (2)(A), by striking “over-
2 come psychological trauma” and inserting
3 “treat a condition”; and
4 (2) in subsection (d)—

5 (A) in paragraph (1), by inserting “and
6 other health care professionals” after “mental
7 health professionals”; and

8 (B) in paragraph (2)(A), by inserting “and
9 other health care professionals” after “mental
10 health professionals”.

11 **SEC. 5302. ASSESSMENT OF EFFECTS OF INTIMATE PART-**
12 **NER VIOLENCE ON WOMEN VETERANS BY AD-**
13 **VISORY COMMITTEE ON WOMEN VETERANS.**

14 Section 542(c)(1) of title 38, United States Code, is
15 amended—

16 (1) in subparagraph (B), by striking “and” at
17 the end;

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

20 (3) by inserting after subparagraph (B) the fol-
21 lowing new subparagraph (C):

22 “(C) an assessment of the effects of intimate
23 partner violence on women veterans; and”.

1 **SEC. 5303. ANTI-HARASSMENT AND ANTI-SEXUAL ASSAULT**
2 **POLICY OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

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

7 **“§ 533. Anti-harassment and anti-sexual assault pol-**
8 **icy**

9 “(a) ESTABLISHMENT.—(1) The Secretary, acting
10 through the Office of Assault and Prevention of the Vet-
11 erans Health Administration, shall establish a comprehen-
12 sive policy to end harassment and sexual assault, including
13 sexual harassment and gender-based harassment,
14 throughout the Department.

15 “(2) The policy required by paragraph (1) shall in-
16 clude the following:

17 “(A) A process for employees and contractors
18 of the Department to respond to reported incidents
19 of harassment and sexual assault committed by any
20 non-Department individual within a facility of the
21 Department, including with respect to accountability
22 or disciplinary measures.

23 “(B) A process for employees and contractors
24 of the Department to respond to reported incidents
25 of harassment and sexual assault of any non-Depart-
26 ment individual within a facility of the Department.

1 “(C) A process for any non-Department indi-
2 vidual to report harassment and sexual assault de-
3 scribed in subparagraph (A), including an option for
4 confidential reporting, and for the Secretary to re-
5 spond to and address such reports.

6 “(D) Clear mechanisms for non-Department in-
7 dividuals to readily identify to whom and how to re-
8 port incidents of harassment and sexual assault
9 committed by another non-Department individual.

10 “(E) Clear mechanisms for employees and con-
11 tractors of the Department to readily identify to
12 whom and how to report incidents of harassment
13 and sexual assault and how to refer non-Department
14 individuals with respect to reporting an incident of
15 harassment or sexual assault.

16 “(F) A process for, and mandatory reporting
17 requirement applicable to, any employee or con-
18 tractor of the Department who witnesses harassment
19 or sexual assault described in subparagraph (A) or
20 (B) within a facility of the Department, regardless
21 of whether the individual affected by such harass-
22 ment or sexual assault wants to report such harass-
23 ment or sexual assault.

24 “(G) The actions possible, including disciplinary
25 actions, for employees or contractors of the Depart-

1 ment who fail to report incidents of harassment and
2 sexual assault described in subparagraph (A) or (B)
3 that the employees or contractors witness.

4 “(H) On an annual or more frequent basis,
5 mandatory training for employees and contractors of
6 the Department regarding how to report and ad-
7 dress harassment and sexual assault described in
8 subparagraphs (A) and (B), including bystander
9 intervention training.

10 “(I) On an annual or more frequent basis, the
11 distribution of the policy under this subsection and
12 anti-harassment and anti-sexual assault educational
13 materials by mail or email to each individual receiv-
14 ing a benefit under a law administered by the Sec-
15 retary.

16 “(J) The prominent display of anti-harassment
17 and anti-sexual assault messages in each facility of
18 the Department, including how non-Department in-
19 dividuals may report harassment and sexual assault
20 described in subparagraphs (A) and (B) at such fa-
21 cility and the points of contact under subsection (b).

22 “(K) The posting on internet websites of the
23 Department, including the main internet website re-
24 garding benefits of the Department and the main
25 internet website regarding health care of the Depart-

1 ment, of anti-harassment and anti-sexual assault
2 banners specifically addressing harassment and sex-
3 ual assault described in subparagraphs (A) and (B).

4 “(b) POINTS OF CONTACT.—The Secretary shall des-
5 ignate, as a point of contact to receive reports of harass-
6 ment and sexual assault described in subparagraphs (A)
7 and (B) of subsection (a)(2)—

8 “(1) at least one individual, in addition to law
9 enforcement, at each facility of the Department (in-
10 cluding Vet Centers under section 1712A of this
11 title), with regard to that facility;

12 “(2) at least one individual employed in each
13 Veterans Integrated Service Network, with regard to
14 facilities in that Veterans Integrated Service Net-
15 work;

16 “(3) at least one individual employed in each
17 regional benefits office;

18 “(4) at least one individual employed at each lo-
19 cation of the National Cemetery Administration; and

20 “(5) at least one individual employed at the
21 Central Office of the Department to track reports of
22 such harassment and sexual assault across the De-
23 partment, disaggregated by facility.

24 “(c) ACCOUNTABILITY.—(1) The Secretary shall es-
25 tablish a policy to ensure that each facility of the Depart-

1 ment and each director of a Veterans Integrated Service
2 Network is responsible for addressing harassment and sex-
3 ual assault at the facility and the Network.

4 “(2) The policy required by paragraph (1) shall in-
5 clude—

6 “(A) a remediation plan for facilities that expe-
7 rience five or more incidents of sexual harassment,
8 sexual assault, or combination thereof, during any
9 single fiscal year; and

10 “(B) taking appropriate actions under chapter
11 7 or subchapter V of chapter 74 of this title.

12 “(d) DATA.—The Secretary shall ensure that the in-
13 take process for veterans at medical facilities of the De-
14 partment includes a survey to collect the following infor-
15 mation:

16 “(1) Whether the veteran feels safe at the facil-
17 ity and whether any events occurred at the facility
18 that affect such feeling.

19 “(2) Whether the veteran wants to be contacted
20 later by the Department with respect to such safety
21 issues.

22 “(e) WORKING GROUP.—(1) The Secretary shall es-
23 tablish a working group to assist the Secretary in imple-
24 menting policies to carry out this section.

1 “(2) The working group established under paragraph
2 (1) shall consist of representatives from—

3 “(A) veterans service organizations;

4 “(B) State, local, and Tribal veterans agencies;

5 and

6 “(C) other persons the Secretary determines
7 appropriate.

8 “(3) The working group established under paragraph
9 (1) shall develop, and the Secretary shall carry out—

10 “(A) an action plan for addressing changes at
11 the local level to reduce instances of harassment and
12 sexual assault;

13 “(B) standardized media for veterans service
14 organizations and other persons to use in print and
15 on the internet with respect to reducing harassment
16 and sexual assault; and

17 “(C) bystander intervention training for vet-
18 erans.

19 “(4) The working group established under paragraph
20 (1) shall not be subject to the requirements of the Federal
21 Advisory Committee Act (5 U.S.C. App.).

22 “(f) ANNUAL REPORTS.—(1) The Secretary shall
23 submit to the Committee on Veterans’ Affairs of the Sen-
24 ate and the Committee on Veterans’ Affairs of the House
25 of Representatives an annual report on harassment and

1 sexual assault described in subparagraphs (A) and (B) of
2 subsection (a)(2) in facilities of the Department.

3 “(2) Each report submitted under paragraph (1)
4 shall include the following:

5 “(A) Results of harassment and sexual assault
6 programming, including the End Harassment pro-
7 gram.

8 “(B) Results of studies from the Women’s
9 Health Practice-Based Research Network of the De-
10 partment relating to harassment and sexual assault.

11 “(C) Data collected on incidents of sexual har-
12 assment and sexual assault.

13 “(D) A description of any actions taken by the
14 Secretary during the year preceding the date of the
15 report to stop harassment and sexual assault at fa-
16 cilities of the Department.

17 “(E) An assessment of the implementation of
18 the training required in subsection (a)(2)(H).

19 “(F) A list of resources the Secretary deter-
20 mines necessary to prevent harassment and sexual
21 assault at facilities of the Department.

22 “(g) DEFINITIONS.—In this section:

23 “(1) The term ‘non-Department individual’
24 means any individual present at a facility of the De-

1 partment who is not an employee or contractor of
2 the Department.

3 “(2) The term ‘sexual harassment’ means unso-
4 solicited verbal or physical contact of a sexual nature
5 which is threatening in character.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 after the item relating to section 532 the following new
9 item:

 “533. Anti-harassment and anti-sexual assault policy.”.

10 (c) DEFINITION OF SEXUAL HARASSMENT.—Section
11 1720D(f) of such title is amended by striking “repeated,”.

12 (d) DEADLINE.—The Secretary shall commence car-
13 rying out section 533 of such title, as added by subsection
14 (a), not later than 180 days after the date of enactment
15 of this Act.

16 **SEC. 5304. PILOT PROGRAM ON ASSISTING VETERANS WHO**
17 **EXPERIENCE INTIMATE PARTNER VIOLENCE**
18 **OR SEXUAL ASSAULT.**

19 (a) PILOT PROGRAM REQUIRED.—The Secretary of
20 Veterans Affairs shall carry out a pilot program to assess
21 the feasibility and advisability of assisting former mem-
22 bers of the Armed Forces who have experienced or are
23 experiencing intimate partner violence or sexual assault in
24 accessing benefits from the Department of Veterans Af-
25 fairs, including coordinating access to medical treatment

1 centers, housing assistance, and other benefits from the
2 Department.

3 (b) DURATION.—The Secretary shall carry out the
4 pilot program under subsection (a) during the two-year
5 period beginning on the date of the commencement of the
6 pilot program.

7 (c) COLLABORATION.—The Secretary shall carry out
8 the pilot program under subsection (a) in collaboration
9 with—

10 (1) intimate partner violence shelters and pro-
11 grams;

12 (2) rape crisis centers;

13 (3) State intimate partner violence and sexual
14 assault coalitions; and

15 (4) such other health care or other service pro-
16 viders that serve intimate partner violence or sexual
17 assault victims as determined by the Secretary, par-
18 ticularly those providing emergency services or hous-
19 ing assistance.

20 (d) AUTHORIZED ACTIVITIES.—In carrying out the
21 pilot program under subsection (a), the Secretary may
22 conduct the following activities:

23 (1) Training for community-based intimate
24 partner violence or sexual assault service providers
25 on—

1 (A) identifying former members of the
2 Armed Forces who have been victims of, or are
3 currently experiencing, intimate partner vio-
4 lence or sexual assault;

5 (B) coordinating with local service pro-
6 viders of the Department; and

7 (C) connecting former members of the
8 Armed Forces with appropriate housing, mental
9 health, medical, and other financial assistance
10 or benefits from the Department.

11 (2) Assistance to service providers to ensure ac-
12 cess of veterans to intimate partner violence and
13 sexual assault emergency services, particularly in un-
14 derserved areas, including services for Native Amer-
15 ican veterans (as defined in section 3765 of title 38,
16 United States Code).

17 (3) Such other outreach and assistance as the
18 Secretary determines necessary for the provision of
19 assistance under subsection (a).

20 (e) INTIMATE PARTNER VIOLENCE AND SEXUAL AS-
21 SAULT OUTREACH COORDINATORS.—

22 (1) IN GENERAL.—In order to effectively assist
23 veterans who have experienced intimate partner vio-
24 lence or sexual assault, the Secretary may establish

1 local coordinators to provide outreach under the
2 pilot program required by subsection (a).

3 (2) LOCAL COORDINATOR KNOWLEDGE.—The
4 Secretary shall ensure that each coordinator estab-
5 lished under paragraph (1) is knowledgeable about—

6 (A) the dynamics of intimate partner vio-
7 lence and sexual assault, including safety con-
8 cerns, legal protections, and the need for the
9 provision of confidential services;

10 (B) the eligibility of veterans for services
11 and benefits from the Department that are rel-
12 evant to recovery from intimate partner violence
13 and sexual assault, particularly emergency
14 housing assistance, mental health care, other
15 health care, and disability benefits; and

16 (C) local community resources addressing
17 intimate partner violence and sexual assault.

18 (3) LOCAL COORDINATOR ASSISTANCE.—Each
19 coordinator established under paragraph (1) shall
20 assist intimate partner violence shelters and rape
21 crisis centers in providing services to veterans.

22 (f) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the completion of the pilot program under sub-

1 section (a), the Secretary shall submit to Congress
2 a report on the pilot program.

3 (2) CONTENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) The findings and conclusions of the
6 Secretary with respect to the pilot program.

7 (B) Such recommendations for continuing
8 or expanding the pilot program as the Secretary
9 considers appropriate.

10 (g) DEFINITIONS.—In this section:

11 (1) INTIMATE PARTNER.—

12 (A) IN GENERAL.—The term “intimate
13 partner” means a person with whom one has a
14 close personal relationship that may be charac-
15 terized by the partners’ emotional connected-
16 ness, regular contact, ongoing physical contact
17 and sexual behavior, identity as a couple, and
18 familiarity and knowledge about each other’s
19 lives.

20 (B) CLOSE PERSONAL RELATIONSHIPS.—

21 In this paragraph, the term “close personal re-
22 lationships” includes the following:

23 (i) A relationship between married
24 spouses.

1 (ii) A relationship between common-
2 law spouses.

3 (iii) A relationship between civil union
4 spouses.

5 (iv) A relationship between domestic
6 partners.

7 (v) A relationship between dating
8 partners.

9 (vi) A relationship between ongoing
10 sexual partners.

11 (2) INTIMATE PARTNER VIOLENCE.—The term
12 “intimate partner violence” includes physical vio-
13 lence, sexual violence, stalking, and psychological ag-
14 gression, including coercive tactics by a current or
15 former intimate partner.

16 **SEC. 5305. STUDY AND TASK FORCE ON VETERANS EXPERI-**
17 **ENCING INTIMATE PARTNER VIOLENCE OR**
18 **SEXUAL ASSAULT.**

19 (a) NATIONAL BASELINE STUDY.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, the Sec-
22 retary of Veterans Affairs, in consultation with the
23 Attorney General, shall conduct a national baseline
24 study to examine the scope of the problem of inti-

1 mate partner violence and sexual assault among vet-
2 erans and spouses and intimate partners of veterans.

3 (2) MATTERS INCLUDED.—The study under
4 paragraph (1) shall—

5 (A) include a literature review of all rel-
6 evant research on intimate partner violence and
7 sexual assault among veterans and spouses and
8 intimate partners of veterans;

9 (B) examine the prevalence of the experi-
10 ence of intimate partner violence among—

11 (i) women veterans;

12 (ii) veterans who are minority group
13 members (as defined in section 544 of title
14 38, United States Code, and including
15 other minority populations as the Sec-
16 retary determines appropriate);

17 (iii) urban and rural veterans;

18 (iv) veterans who are enrolled in a
19 program under section 1720G of title 38,
20 United States Code;

21 (v) veterans who are in intimate rela-
22 tionships with other veterans; and

23 (vi) veterans who are described in
24 more than one clause of this subparagraph;

1 (C) examine the prevalence of the per-
2 petration of intimate partner violence by vet-
3 erans; and

4 (D) include recommendations to address
5 the findings of the study.

6 (3) REPORT.—Not later than 30 days after the
7 date on which the Secretary completes the study
8 under paragraph (1), the Secretary shall submit to
9 the Committee on Veterans' Affairs of the Senate
10 and the Committee on Veterans' Affairs of the
11 House of Representatives a report on such study.

12 (b) TASK FORCE.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date on which the Secretary completes the study
15 under subsection (a), the Secretary, in consultation
16 with the Attorney General and the Secretary of
17 Health and Human Services, shall establish a na-
18 tional task force (in this section referred to as the
19 “Task Force”) to develop a comprehensive national
20 program, including by integrating facilities, services,
21 and benefits of the Department of Veterans Affairs
22 into existing networks of community-based intimate
23 partner violence and sexual assault services, to ad-
24 dress intimate partner violence and sexual assault
25 among veterans.

1 (2) LEADERSHIP.—The Secretary of Veterans
2 Affairs shall lead the Task Force in collaboration
3 with the Attorney General and the Secretary of
4 Health and Human Services.

5 (c) CONSULTATION WITH STAKEHOLDERS.—In car-
6 rying out this section, the Task Force shall consult with—

7 (1) representatives from veteran service organi-
8 zations and military service organizations;

9 (2) representatives from not fewer than three
10 national organizations or State coalitions with dem-
11 onstrated expertise in intimate partner violence pre-
12 vention, response, or advocacy; and

13 (3) representatives from not fewer than three
14 national organizations or State coalitions, particu-
15 larly those representing underserved and ethnic mi-
16 nority communities, with demonstrated expertise in
17 sexual assault prevention, response, or advocacy.

18 (d) DUTIES.—The duties of the Task Force shall in-
19 clude the following:

20 (1) To review existing services and policies of
21 the Department and develop a comprehensive na-
22 tional program to be carried out by the Secretary of
23 Veterans Affairs, in collaboration with the heads of
24 relevant Federal agencies, to address intimate part-

1 ner violence and sexual assault prevention, response,
2 and treatment.

3 (2) To review the feasibility and advisability of
4 establishing an expedited process to secure emer-
5 gency, temporary benefits, including housing or
6 other benefits, for veterans who are experiencing in-
7 timate partner violence or sexual assault.

8 (3) To review and make recommendations re-
9 garding the feasibility and advisability of estab-
10 lishing dedicated, temporary housing assistance for
11 veterans experiencing intimate partner violence or
12 sexual assault.

13 (4) To identify any requirements regarding inti-
14 mate partner violence assistance or sexual assault
15 response and services that are not being met by the
16 Department and make recommendations on how the
17 Department can meet such requirements.

18 (5) To review and make recommendations re-
19 garding the feasibility and advisability of providing
20 direct services or contracting for community-based
21 services for veterans in response to a sexual assault,
22 including through the use of sexual assault nurse ex-
23 aminers, particularly in underserved or remote
24 areas, including services for Native American vet-
25 erans.

1 (6) To review the availability of counseling serv-
2 ices provided by the Department and through peer
3 network support, and to provide recommendations
4 for the enhancement of such services, to address—

5 (A) the perpetration of intimate partner vi-
6 olence and sexual assault; and

7 (B) the recovery of veterans, particularly
8 women veterans, from intimate partner violence
9 and sexual assault.

10 (7) To review and make recommendations to
11 expand services available for veterans at risk of per-
12 petrating intimate partner violence.

13 (e) REPORT.—Not later than one year after the date
14 of the enactment of this Act, and not less frequently than
15 annually thereafter by October 1 of each year, the Task
16 Force shall submit to the Secretary of Veterans Affairs
17 and Congress a report on the activities of the Task Force,
18 including any recommendations for legislative or adminis-
19 trative action.

20 (f) NONAPPLICABILITY OF FACA.—The Task Force
21 shall not be subject to the requirements of the Federal
22 Advisory Committee Act (5 U.S.C. App.).

23 (g) DEFINITIONS.—In this section:

24 (1) NATIVE AMERICAN VETERAN.—The term
25 “Native American veteran” has the meaning given

1 that term in section 3765 of title 38, United States
2 Code.

3 (2) STATE.—The term “State” has the mean-
4 ing given that term in section 101 of title 38, United
5 States Code.

6 **Subtitle D—Data Collection and** 7 **Reporting**

8 **SEC. 5401. REQUIREMENT FOR COLLECTION AND ANALYSIS** 9 **OF DATA ON DEPARTMENT OF VETERANS AF-** 10 **FAIRS BENEFITS AND SERVICES AND** 11 **DISAGGREGATION OF SUCH DATA BY GEN-** 12 **DER, RACE, AND ETHNICITY.**

13 The Secretary of Veterans Affairs shall—

14 (1) collect and analyze data on each program of
15 the Department of Veterans Affairs that provides a
16 service or benefit to a veteran, including the pro-
17 gram carried out under section 1144 of title 10,
18 United States Code;

19 (2) disaggregate such data by gender, race, and
20 ethnicity, when the data lends itself to such
21 disaggregation; and

22 (3) publish the data collected and analyzed
23 under paragraph (1), except for such cases in which
24 the Secretary determines that some portions of the
25 data would undermine the anonymity of a veteran.

1 **SEC. 5402. STUDY ON BARRIERS FOR WOMEN VETERANS TO**
2 **RECEIPT OF HEALTH CARE FROM DEPART-**
3 **MENT OF VETERANS AFFAIRS.**

4 (a) STUDY REQUIRED.—The Secretary of Veterans
5 Affairs shall conduct a comprehensive study of the bar-
6 riers to the provision of health care by the Department
7 of Veterans Affairs encountered by women who are vet-
8 erans.

9 (b) SURVEY.—In conducting the study required by
10 subsection (a), the Secretary shall—

11 (1) survey women veterans who seek or receive
12 hospital care or medical services provided by the De-
13 partment as well as women veterans who do not seek
14 or receive such care or services;

15 (2) administer the survey to a representative
16 sample of women veterans from each Veterans Inte-
17 grated Service Network; and

18 (3) ensure that the sample of women veterans
19 surveyed is of sufficient size for the study results to
20 be statistically significant and is a larger sample
21 than that of the study specified in subsection (c)(1).

22 (c) USE OF PREVIOUS STUDIES.—In conducting the
23 study required by subsection (a), the Secretary shall build
24 on the work of the studies of the Department titled—

25 (1) “National Survey of Women Veterans in
26 Fiscal Year 2007–2008”; and

1 (2) “Study of Barriers for Women Veterans to
2 VA Health Care 2015”.

3 (d) ELEMENTS OF STUDY.—In conducting the study
4 required by subsection (a), the Secretary shall conduct re-
5 search on the effects of the following on the women vet-
6 erans surveyed in the study:

7 (1) The barriers associated with seeking mental
8 health care services, including with respect to pro-
9 vider availability, telehealth access, and family,
10 work, and school obligations.

11 (2) The effect of driving distance or availability
12 of other forms of transportation to the nearest med-
13 ical facility on access to care.

14 (3) The effect of access to care from non-De-
15 partment providers.

16 (4) The availability of child care.

17 (5) The satisfaction of such veterans with the
18 provision by the Department of integrated primary
19 care, women’s health clinics, or both, including per-
20 ceptions of quality of care, safety, and comfort.

21 (6) The understanding and perceived accessi-
22 bility among such veterans of eligibility requirements
23 for, and the scope of services available under, hos-
24 pital care and medical services.

1 (7) The perception of such veterans of personal
2 safety and comfort in inpatient, outpatient, and be-
3 havioral health facilities.

4 (8) The gender sensitivity of health care pro-
5 viders and staff to issues that particularly affect
6 women.

7 (9) The effectiveness of outreach for health care
8 services available to women veterans.

9 (10) The location and operating hours of health
10 care facilities that provide services to women vet-
11 erans.

12 (11) The perception of such veterans of the
13 motto of the Department.

14 (12) Such other significant barriers as the Sec-
15 retary considers appropriate.

16 (e) DISCHARGE BY CONTRACT.—The Secretary shall
17 enter into a contract with a qualified independent entity
18 or organization to carry out the study and research re-
19 quired under this section.

20 (f) MANDATORY REVIEW OF DATA BY CERTAIN DE-
21 PARTMENT DIVISIONS.—

22 (1) REVIEW.—

23 (A) IN GENERAL.—The Secretary shall en-
24 sure that the head of each division of the De-
25 partment of Veterans Affairs specified in para-

1 graph (2) reviews the results of the study con-
2 ducted under this section.

3 (B) SUBMITTAL OF FINDINGS.—The head
4 of each division specified in paragraph (2) shall
5 submit findings with respect to the study under
6 this section to the Under Secretary of the De-
7 partment with responsibilities relating to health
8 care services for women veterans.

9 (2) SPECIFIED DIVISIONS.—The divisions of the
10 Department of Veterans Affairs specified in this
11 paragraph are the following:

12 (A) The Office of the Under Secretary for
13 Health.

14 (B) The Office of Women’s Health estab-
15 lished under section 7310 of title 38, United
16 States Code.

17 (C) The Center for Women Veterans under
18 section 318 of such title.

19 (D) The Advisory Committee on Women
20 Veterans established under section 542 of such
21 title.

22 (g) REPORT.—

23 (1) IN GENERAL.—Not later than 30 months
24 after the date of the enactment of this Act, the Sec-

1 retary shall submit to Congress a report on the
2 study required under this section.

3 (2) ELEMENTS.—The report under paragraph
4 (1) shall include—

5 (A) the findings of the head of each divi-
6 sion of the Department specified under sub-
7 section (f)(2); and

8 (B) recommendations for such administra-
9 tive and legislative action as the Secretary con-
10 siders appropriate.

11 **SEC. 5403. STUDY ON FEASIBILITY AND ADVISABILITY OF**
12 **OFFERING PARENTING STAIR PROGRAM AT**
13 **ALL MEDICAL CENTERS OF DEPARTMENT OF**
14 **VETERANS AFFAIRS.**

15 (a) IN GENERAL.—The Secretary of Veterans Affairs
16 shall conduct a study on the feasibility and advisability
17 of expanding the Parenting STAIR program to all medical
18 centers of the Department of Veterans Affairs and includ-
19 ing such program as part of care for military sexual trau-
20 ma for affected members and former members of the
21 Armed Forces.

22 (b) ELEMENTS.—In conducting the study under sub-
23 section (a), the Secretary shall assess—

1 (1) staffing needed to offer the Parenting
2 STAIR program at all medical centers of the De-
3 partment;

4 (2) any additional infrastructure or resources
5 (such as child care during the program) needed for
6 the expansion of the program; and

7 (3) such other factors relevant to the expansion
8 of the program as the Secretary considers appro-
9 priate.

10 (c) REPORTS TO CONGRESS.—

11 (1) INTERIM REPORT.—Not later than one year
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to the Committee on Veterans’
14 Affairs of the Senate and the Committee on Vet-
15 erans’ Affairs of the House of Representatives a re-
16 port detailing—

17 (A) the current number and locations of all
18 facilities of the Department offering the Par-
19 enting STAIR program; and

20 (B) the number of veterans served by such
21 program in the most recent fiscal year or cal-
22 endar year for which data is available.

23 (2) FINAL REPORT.—Not later than three years
24 after the date of the enactment of this Act, the Sec-
25 retary shall submit to the Committee on Veterans’

1 Affairs of the Senate and the Committee on Vet-
2 erans' Affairs of the House of Representatives a re-
3 port detailing—

4 (A) the results of the study conducted
5 under subsection (a);

6 (B) an update on how many veterans have
7 used the Parenting STAIR program since its
8 development in fiscal year 2017, disaggregated
9 by year, including the locations in which vet-
10 erans have used such program; and

11 (C) a determination on the feasibility and
12 advisability of expanding the Parenting STAIR
13 program to all medical facilities of the Depart-
14 ment offering care for military sexual trauma.

15 (d) DEFINITIONS.—In this section:

16 (1) AFFECTED MEMBERS AND FORMER MEM-
17 BERS OF THE ARMED FORCES.—The term “affected
18 members and former members of the Armed Forces”
19 means members and former members of the Armed
20 Forces who are parents and have experienced mili-
21 tary sexual trauma.

22 (2) MILITARY SEXUAL TRAUMA.—The term
23 “military sexual trauma” has the meaning given
24 such term in section 1164(c) of title 38, United

1 States Code, as added by section 5501(a) of this
2 title.

3 (3) PARENTING STAIR PROGRAM.—The term
4 “Parenting STAIR program” means the program of
5 the Department of Veterans Affairs that consists of
6 a five-session, parenting-specific treatment protocol
7 based on skills training in affective and inter-
8 personal regulation (commonly referred to as
9 “STAIR”), which is a cognitive behavioral therapy
10 that has been identified as a promising practice for
11 treating post-traumatic stress disorder, including
12 chronic and complicated forms, among individuals
13 with co-occurring disorders.

14 **Subtitle E—Benefits Matters**

15 **SEC. 5501. EVALUATION OF SERVICE-CONNECTION OF MEN-**
16 **TAL HEALTH CONDITIONS RELATING TO**
17 **MILITARY SEXUAL TRAUMA.**

18 (a) SPECIALIZED TEAMS TO EVALUATE CLAIMS IN-
19 VOLVING MILITARY SEXUAL TRAUMA.—

20 (1) IN GENERAL.—subchapter VI of chapter 11
21 of such title is amended by adding at the end the
22 following new section:

1 **“§ 1164. Specialized teams to evaluate claims involv-**
2 **ing military sexual trauma**

3 “(a) IN GENERAL.—The Secretary shall establish
4 specialized teams to process claims for compensation for
5 a covered mental health condition based on military sexual
6 trauma experienced by a veteran during active military,
7 naval, or air service.

8 “(b) TRAINING.—The Secretary shall ensure that
9 members of teams established under subsection (a) are
10 trained to identify markers indicating military sexual trau-
11 ma.

12 “(c) DEFINITIONS.—In this section:

13 “(1) The term ‘covered mental health condition’
14 means post-traumatic stress disorder, anxiety, de-
15 pression, or other mental health diagnosis described
16 in the current version of the Diagnostic and Statis-
17 tical Manual of Mental Disorders published by the
18 American Psychiatric Association that the Secretary
19 determines to be related to military sexual trauma.

20 “(2) The term ‘military sexual trauma’ means,
21 with respect to a veteran, a physical assault of a sex-
22 ual nature, battery of a sexual nature, or sexual har-
23 assment during active military, naval, or air serv-
24 ice.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

 “1164. Specialized teams to evaluate claims involving military sexual trauma.”.

4 (b) ANNUAL REPORTS ON CLAIMS FOR DISABILITIES
5 INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAU-
6 MA.—

7 (1) REPORTS REQUIRED.—Not later than
8 March 1, 2021, and not less frequently than once
9 each year thereafter through 2027, the Secretary of
10 Veterans Affairs shall submit to Congress a report
11 on covered claims submitted during the previous fis-
12 cal year to identify and track the consistency of deci-
13 sions across regional offices of the Department of
14 Veterans Affairs.

15 (2) ELEMENTS.—Each report under paragraph
16 (1) shall include the following:

17 (A) The number of covered claims sub-
18 mitted to or considered by the Secretary during
19 the fiscal year covered by the report.

20 (B) Of the covered claims listed under sub-
21 paragraph (A), the number and percentage of
22 such claims—

23 (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
9 section 1164(a) of title 38, United States
10 Code, 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 re-

1 port, are pending and, separately, the number
2 of such 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
6 on 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
13 content 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 “cov-
22 ered claims” means claims for disability com-
23 pensation submitted to the Secretary based on
24 a covered mental health condition alleged to

1 have been incurred or aggravated by military
2 sexual trauma.

3 (B) COVERED MENTAL HEALTH CONDI-
4 TION.—The term “covered mental health condi-
5 tion” has the meaning given such term in sec-
6 tion 1164(e) of title 38, United States Code.

7 (C) MILITARY SEXUAL TRAUMA.—The
8 term “military sexual trauma” has the meaning
9 given 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
18 title 38, United States Code, as amended by section 5501
19 of this title, is further amended by inserting after section
20 1164, 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
24 a veteran who requires a medical examination from a cov-
25 ered medical provider in support of a claim for compensa-

1 tion under this chapter for a mental or physical health
2 condition that resulted from a physical assault of a sexual
3 nature, battery of a sexual nature, or sexual harassment
4 may designate the sex of the medical provider who pro-
5 vides such medical examination.

6 “(b) COVERED MEDICAL PROVIDERS.—For purposes
7 of this section, a covered medical provider is any medical
8 provider who is employed by the Department or is under
9 any contract with the Department to provide a medical
10 examination or a medical opinion when such an examina-
11 tion 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
15 the veteran’s rights under subsection (a).”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 11 of such title, as amended
18 by section 5501 of this title, is further amended by insert-
19 ing after the item relating to section 1164 the following
20 new 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**
4 **VETERANS AFFAIRS IN CERTAIN REPORT ON**
5 **DENIED POSTTRAUMATIC STRESS DISORDER**
6 **CLAIMS RELATED TO MILITARY SEXUAL**
7 **TRAUMA.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of Veterans Affairs shall
10 submit to the Committee on Veterans' Affairs of the Sen-
11 ate and the Committee on Veterans' Affairs of the House
12 a report on the progress of the Secretary in implementing
13 the recommendations from the report of the Inspector
14 General of the Department of Veterans Affairs entitled
15 "Denied Posttraumatic Stress Disorder Claims Related to
16 Military 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 Vet-
23 eran 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 sys-
9 tematically soliciting and collecting information on com-
10 plaints received, referrals made, and actions taken by the
11 pension management centers of the Department of Vet-
12 erans Affairs and any other relevant components of the
13 Department, in cases of potential financial exploitation of
14 individuals receiving pension under chapter 15 of title 38,
15 United States 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
22 identify trends of potential financial exploitation
23 of the individuals described in subsection (a)
24 across 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
8 of the enactment of this Act, the Secretary shall
9 submit the plan most recently developed or updated
10 under paragraph (1) to—

11 (A) the Comptroller General of the United
12 States; and

13 (B) the Committee on Veterans' Affairs
14 and the Special Committee on Aging of the
15 Senate and the Committee on Veterans' Affairs
16 of the 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
25 of the Department of Veterans Affairs shall update guid-

1 ance and training curriculum for the processors of claims
2 for pension under chapter 15 of title 38, United States
3 Code, regarding the evaluation of questionable medical ex-
4 penses on applications for pension, including by updating
5 such guidance with respect to what constitutes a question-
6 able medical expense and by including examples of such
7 expenses.

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

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

20 (1) The number of individuals who received
21 overpayments of pension under chapter 15 of title
22 38, United States Code.

23 (2) The five most common reasons for overpay-
24 ments described in paragraph (1).

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

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

6 (5) The total dollar amount of overpayments
7 described in paragraph (1).

8 (6) The total dollar amount of repayments of
9 veterans for overpayments described in paragraph
10 (1).

11 (7) The average dollar amount of repayments
12 described in paragraph (6).

13 **SEC. 6004. EVALUATION OF ADDITIONAL ACTIONS FOR**
14 **VERIFYING DIRECT DEPOSIT INFORMATION**
15 **PROVIDED BY VETERANS ON APPLICATIONS**
16 **FOR VETERANS PENSION.**

17 (a) IN GENERAL.—The Under Secretary for Benefits
18 of the Department of Veterans Affairs shall—

19 (1) conduct an evaluation of the feasibility and
20 advisability of requiring the processors of claims for
21 pension under chapter 15 of title 38, United States
22 Code, to take additional actions to verify that the di-
23 rect deposit information provided by an individual on
24 an application for pension is for the appropriate re-
25 cipient; and

1 (2) identify such legislative or administrative
2 actions as the Under Secretary considers appropriate
3 to ensure that payments of pension are provided to
4 the correct recipients.

5 (b) SUBMISSION TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 240 days
7 after the date of the enactment of this Act, the
8 Under Secretary shall submit to Congress a report
9 on the evaluation and identification under subsection
10 (a).

11 (2) CONTENTS.—The report required by para-
12 graph (1) shall include the following:

13 (A) The findings of the Under Secretary
14 with respect to the evaluation conducted under
15 subsection (a)(1).

16 (B) The actions identified under subsection
17 (a)(2).

18 (C) A plan for implementing any adminis-
19 trative actions identified under subsection
20 (a)(2).

21 (D) A rationale for not implementing any
22 actions evaluated under paragraph (1) of sub-
23 section (a) but not identified under paragraph
24 (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
19 pension under chapter 15 of title 38, United States
20 Code, who have been referred by any component of
21 the Department of Veterans Affairs to the Office of
22 Inspector General of the Department as likely or
23 proven victims of financial exploitation.

24 (2) The number of referrals and reports relat-
25 ing to the financial exploitation of such individuals
26 made 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 re-
5 sult of such referrals and reports against—

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

9 (B) individuals not so recognized.

10 **SEC. 6006. NOTICE REGARDING FEES CHARGED IN CON-**
11 **NECTION WITH FILING AN APPLICATION FOR**
12 **VETERANS 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 avail-
17 able to individuals who apply for such pension, including
18 educational forms about or applications for such pension,
19 includes 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
7 develop, in collaboration with veterans service organiza-
8 tions, an outreach plan for educating vulnerable individ-
9 uals about potential financial exploitation relating to the
10 receipt of pension under chapter 15 of title 38, United
11 States Code.

12 (b) SUBMISSION TO CONGRESS.—Not later than 180
13 days after the date of the enactment of this Act, the Under
14 Secretary shall submit to the Committee on Veterans' Af-
15 fairs and the Special Committee on Aging of the Senate
16 and the Committee on Veterans' Affairs of the House of
17 Representatives the plan developed under subsection (a).

18 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
19 In this section, the term “veterans service organization”
20 means an organization recognized by the Secretary of Vet-
21 erans Affairs for the representation of veterans under sec-
22 tion 5902 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
13 paragraph:

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
19 for volunteer drivers to participate in the program de-
20 scribed in paragraph (1).

21 “(B) In developing the protocol required by subpara-
22 graph (A), the Secretary shall consult with such persons
23 as the Secretary determines have an interest in the pro-
24 gram described in paragraph (1).

1 “(C)(i) The Secretary shall implement the protocol
2 by first conducting a one-year pilot program using the pro-
3 tocol.

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 con-
7 siders 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
16 of title 38, United States Code, is amended by add-
17 ing 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 es-
21 tablish an advisory committee to provide advice and guid-
22 ance to the Secretary on matters relating to Indian tribes,
23 tribal 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 De-
5 partment and Indian tribes or tribal organizations.

6 “(4) The Secretary shall consult with Indian tribes
7 or tribal organizations in developing a charter for the
8 Committee.

9 “(b) MEMBERSHIP.—(1) The Committee shall be
10 comprised of 15 voting members selected by the Secretary
11 from among individuals nominated as specified under this
12 subsection.

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
16 service areas of the Indian Health Service is rep-
17 resented in the membership of the Committee nomi-
18 nated by Indian tribes or tribal organizations;

19 “(B) at least one member of the Committee
20 represents the Native Hawaiian veteran community
21 nominated by a Native Hawaiian Organization;

22 “(C) at least one member of the Committee
23 represents urban Indian organizations nominated by
24 a national urban Indian organization; and

1 “(D) not fewer than half of the members are
2 veterans, unless the Secretary determines that an in-
3 sufficient number of qualified veterans were nomi-
4 nated under paragraph (1).

5 “(3) No member of the Committee may be an em-
6 ployee of the Federal Government.

7 “(c) TERMS; VACANCIES.—(1) A member of the
8 Committee 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 fre-
15 quently than twice each year and hold monthly conference
16 calls as necessary.

17 “(B) During a public health emergency (as defined
18 in section 20003 of the Coronavirus Aid, Relief, and Eco-
19 nomic Security Act (Public Law 116–136)), meetings
20 under subparagraph (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 Gov-
2 ernment Relations of the Department shall attend at each
3 meeting 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 re-
10 spect to the Committee.

11 “(e) SUBCOMMITTEES.—(1) The Committee may es-
12 tablish subcommittees.

13 “(2) The Secretary may, in consultation with the
14 Committee, appoint a member to a subcommittee estab-
15 lished under paragraph (1) who is not a member of the
16 Committee.

17 “(3) Such subcommittees may enhance the function
18 of the Committee, but may not supersede the authority
19 of the Committee or provide direct advice or work products
20 to the Department.

21 “(f) DUTIES.—The duties of the Committee are as
22 follows:

23 “(1) To advise the Secretary on ways the De-
24 partment can improve the programs and services of

1 the Department to better serve Native American vet-
2 erans.

3 “(2) To identify for the Department evolving
4 issues of relevance to Indian tribes, tribal organiza-
5 tions, and Native American veterans relating to pro-
6 grams and services of the Department.

7 “(3) To propose clarifications, recommenda-
8 tions, and solutions to address issues raised at trib-
9 al, regional, and national levels, especially regarding
10 any tribal consultation reports.

11 “(4) To provide a forum for Indian tribes, trib-
12 al organizations, urban Indian organizations, Native
13 Hawaiian organizations, and the Department to dis-
14 cuss issues and proposals for changes to Department
15 regulations, policies, and procedures.

16 “(5) To identify priorities and provide advice on
17 appropriate strategies for tribal consultation and
18 urban Indian organizations conferring on issues at
19 the tribal, regional, or national levels.

20 “(6) To ensure that pertinent issues are
21 brought to the attention of Indian tribes, tribal or-
22 ganizations, urban Indian organizations, and Native
23 Hawaiian organizations in a timely manner, so that
24 feedback can be obtained.

1 “(7) To encourage the Secretary to work with
2 other Federal agencies and Congress so that Native
3 American veterans are not denied the full benefit of
4 their status as both Native Americans and veterans.

5 “(8) To highlight contributions of Native Amer-
6 ican veterans in the Armed Forces.

7 “(9) To make recommendations on the con-
8 sultation policy of the Department on tribal matters.

9 “(10) To support a process to develop an urban
10 Indian organization confer policy to ensure the Sec-
11 retary confers, to the maximum extent practicable,
12 with urban Indian organizations.

13 “(11) To conduct other duties as recommended
14 by the Committee.

15 “(g) REPORTS.—(1) Not less frequently than once
16 each year, the Committee shall submit to the Secretary
17 and the appropriate committees of Congress such rec-
18 ommendations as the Committee may have for legislative
19 or administrative action for the upcoming year.

20 “(2) Not later than 90 days after the date on which
21 the Secretary receives a recommendation under paragraph
22 (1), the Secretary shall submit to the appropriate commit-
23 tees of Congress a written response to the recommenda-
24 tion.

1 “(3) Not less frequently than once every two years,
2 the Committee shall submit to the Secretary and the ap-
3 propriate committees of Congress a report describing the
4 activities of the Committee during the previous two years.

5 “(4) The Secretary shall make publicly available on
6 an Internet website of the Department—

7 “(A) each recommendation the Secretary re-
8 ceives under paragraph (1);

9 “(B) each response the Secretary submits under
10 paragraph (2); and

11 “(C) each report the Secretary receives under
12 paragraph (3).

13 “(h) COMMITTEE PERSONNEL MATTERS.—A mem-
14 ber of the Committee shall be allowed travel expenses, in-
15 cluding per diem in lieu of subsistence, at rates authorized
16 for an employee of an agency under subchapter I of chap-
17 ter 57 of title 5 while away from the home or regular place
18 of business of the member in the performance of the duties
19 of the Committee.

20 “(i) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
21 TION.—Section 14 of the Federal Advisory Committee Act
22 (5 U.S.C. App.) shall not apply to the Committee.

23 “(j) DEFINITIONS.—In this section:

24 “(1) The term ‘appropriate committees of Con-
25 gress’ means—

1 “(A) the Committee on Veterans’ Affairs
2 and the Committee on Indian Affairs of the
3 Senate; and

4 “(B) the Committee on Veterans’ Affairs
5 and the Committee on Natural Resources of the
6 House of Representatives.

7 “(2) The term ‘Indian tribe’ has the meaning
8 given such term in section 4 of the Indian Self-De-
9 termination and Education Assistance Act (25
10 U.S.C. 5304).

11 “(3) The term ‘Native Hawaiian organization’
12 means any organization that—

13 “(A) serves the interests of Native Hawai-
14 ians;

15 “(B) has Native Hawaiians in substantive
16 and policymaking positions within the organiza-
17 tion;

18 “(C) has demonstrated experience working
19 with Native Hawaiian veterans; and

20 “(D) shall include the Office of Hawaiian
21 Affairs.

22 “(4) The term ‘Native American veteran’ has
23 the meaning given such term in section 3765 of this
24 title.

1 “(5) The term ‘Office of Hawaiian Affairs’
2 means the Office of Hawaiian Affairs established by
3 the constitution of the State of Hawaii.”.

4 “(6) The term ‘tribal organization’ has the
5 meaning given such term in section 3765 of this
6 title.

7 “(7) The term ‘urban Indian organization’ has
8 the meaning given such term in section 4 of the In-
9 dian Health Care Improvement Act (25 U.S.C.
10 1603).”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 5 of such title is
13 amended by inserting after the item relating to sec-
14 tion 546 the following new item:

“547. Advisory Committee on Tribal and Indian Affairs.”.

15 (b) DEADLINE FOR ESTABLISHMENT.—The Sec-
16 retary of Veterans Affairs shall establish the advisory com-
17 mittee required by section 547 of title 38, United States
18 Code, as added by subsection (a)(1), not later than 180
19 days after the date of the enactment of this Act.

20 (c) DEADLINE FOR INITIAL APPOINTMENTS.—Not
21 later than 90 days after the date on which the Secretary
22 establishes the advisory committee required by such sec-
23 tion, the Secretary shall appoint members under sub-
24 section (b)(1) of such section.

1 (d) INITIAL MEETING.—Not later than 90 days after
2 the date on which the Secretary establishes the advisory
3 committee required by such section, such advisory com-
4 mittee shall hold its first meeting.

5 (e) REPORT ON RELATION TO OFFICE OF TRIBAL
6 AND GOVERNMENT RELATIONS.—

7 (1) IN GENERAL.—Not later than two years
8 after the date of the first meeting held by the advi-
9 sory committee required by such section, the Sec-
10 retary shall submit to Congress a report on whether
11 and to what extent the activities of the advisory
12 committee improve the function of the Office of
13 Tribal and Government Relations of the Department
14 of Veterans Affairs, aid the decisions of the Sec-
15 retary, and whether and to what extent the activities
16 of the advisory committee duplicate function of the
17 Department performed before the enactment of this
18 Act.

19 (2) REVIEW BY ADVISORY COMMITTEE.—The
20 Secretary shall—

21 (A) give the advisory committee an oppor-
22 tunity to review the report required by para-
23 graph (1) before submitting the report under
24 such paragraph; and

1 (B) include in the report submitted under
2 such paragraph such comments as the advisory
3 committee considers appropriate regarding the
4 views of the advisory committee with respect to
5 the report.

6 **SEC. 7003. PREFERENCE FOR OFFERORS EMPLOYING VET-**
7 **ERANS.**

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

11 **“§ 8129. Preference for offerors employing veterans**

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

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

19 “(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Sec-
20 retary to have willfully and intentionally misrepresented
21 the veteran status of the employees of the offeror for pur-
22 poses of subsection (a) may be debarred from contracting
23 with the Department for a period of not less than five
24 years.
25 years.

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

3 “(A) commence debarment action against the
4 offeror by not later than 30 days after determining
5 that the offeror willfully and intentionally misrepre-
6 sented the veteran status of the employees of the of-
7 feror as described in paragraph (1); and

8 “(B) complete debarment actions against such
9 offeror by not later than 90 days after such deter-
10 mination.

11 “(3) The debarment of an offeror under paragraph
12 (1) includes the debarment of all principals in the offeror
13 for a period of not less than five years.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 81 of such title is amended
16 by inserting after the item relating to section 8128 the
17 following new item:

“8129. Preference for offerors employing veterans.”.

18 **SEC. 7004. EXTENSION OF CERTAIN EMPLOYMENT AND RE-**
19 **EMPLOYMENT RIGHTS TO MEMBERS OF THE**
20 **NATIONAL GUARD WHO PERFORM STATE AC-**
21 **TIVE DUTY.**

22 Section 4303 of title 38, United States Code, is
23 amended—

24 (1) in paragraph (13), by inserting “State ac-
25 tive duty for a period of 14 days or more, State ac-

1 tive duty in response to a national emergency de-
2 clared by the President under the National Emer-
3 gencies Act (50 U.S.C. 1601 et seq.), State active
4 duty in response to a major disaster declared by the
5 President under section 401 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5170),” after “full-time National Guard
8 duty,”;

9 (2) by redesignating paragraph (15) as para-
10 graph (16); and

11 (3) by inserting after paragraph (14) the fol-
12 lowing new paragraph (15):

13 “(15) The term ‘State active duty’ means train-
14 ing or other duty, other than inactive duty, per-
15 formed by a member of the National Guard of a
16 State—

17 “(A) not under section 502 of title 32 or
18 under title 10;

19 “(B) in service to the Governor of a State;
20 and

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

23 **SEC. 7005. REPAYMENT OF MISUSED BENEFITS.**

24 (a) IN GENERAL.—Section 6107(b) of title 38,
25 United States Code, is amended—

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

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

6 (3) by redesignating paragraph (3) as para-
7 graph (2).

8 (b) APPLICATION.—The amendments made by sub-
9 section (a) shall apply with respect to any determination
10 by the Secretary of Veterans Affairs made on or after the
11 date of the enactment of this Act regarding the misuse
12 of benefits by a fiduciary.

13 **SEC. 7006. EXEMPTION OF CERTAIN TRANSFERS.**

14 Section 7364(b)(1) of title 38, United States Code,
15 is amended by adding at the end the following new sen-
16 tence: “Any amounts so transferred after September 30,
17 2016, shall be available without regard to fiscal year limi-
18 tations, notwithstanding section 1535(d) of title 31.”.

19 **SEC. 7007. REPORT AND PLANNED ACTIONS OF THE SEC-**
20 **RETARY OF VETERANS AFFAIRS TO ADDRESS**
21 **CERTAIN HIGH-RISK AREAS OF THE DEPART-**
22 **MENT OF VETERANS AFFAIRS.**

23 (a) REPORT REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act, the Secretary
25 of Veterans Affairs, in consultation with the Comptroller

1 General of the United States, shall submit to the Commit-
2 tees on Veterans' Affairs of the Senate and House of Rep-
3 resentatives a report outlining the plan the Secretary has
4 developed and the actions the Secretary has taken to ad-
5 dress the areas of concern identified by the Comptroller
6 General for the Department of Veterans Affairs in the
7 2019 High-Risk List of the Government Accountability
8 Office (GAO-19-157SP) regarding—

9 (1) acquisition management; and

10 (2) managing risks and improving health care.

11 (b) ELEMENTS.—The report under subsection (a)
12 shall include each of the following:

13 (1) Root causes of the areas of concern de-
14 scribed in paragraphs (1) and (2) of subsection (a).

15 (2) Corrective actions and specific steps to ad-
16 dress each root cause, including—

17 (A) the progress of the Secretary in imple-
18 menting those actions and steps; and

19 (B) timelines and milestones the Secretary
20 determines feasible to complete each corrective
21 action.

22 (3) Resources the Secretary determines are nec-
23 essary to implement corrective actions, including—

24 (A) funding;

25 (B) stakeholders;

1 (C) technology; and

2 (D) senior officials responsible for imple-
3 menting the corrective actions and reporting re-
4 sults.

5 (4) Metrics for assessing progress in addressing
6 the areas of concern described in paragraphs (1) and
7 (2) of subsection (a).

8 (5) Key outcomes that demonstrate progress in
9 addressing the areas of concern described in para-
10 graphs (1) and (2) of subsection (a).

11 (6) Obstacles to implementation of the plan
12 that the Secretary identifies.

13 (7) Recommendations of the Secretary regard-
14 ing legislation or funding the Secretary determines
15 necessary to implement the plan.

16 (8) Any other information the Secretary deter-
17 mines is relevant to understanding the progress of
18 the Department toward the removal of the areas of
19 concern from the High Risk List.

20 (c) ANNUAL UPDATES.—

21 (1) UPDATE REQUIRED.—Not less than once
22 each year during the implementation period under
23 paragraph (2), the Secretary shall submit to Con-
24 gress an update regarding implementation of each
25 element of the plan under subsection (b).

1 (2) IMPLEMENTATION PERIOD.—The implemen-
2 tation period described in this paragraph begins on
3 the date on which the Secretary submits the report
4 required under subsection (a) and ends on the ear-
5 lier of the following dates:

6 (A) The date on which the Comptroller
7 General removes the last area of concern for
8 the Department from the most recent High-
9 Risk List of the Government Accountability Of-
10 fice.

11 (B) The date that is 8 years after the date
12 on which the Secretary submits the plan re-
13 quired under subsection (a).

14 **SEC. 7008. ANNUAL REPORT BY SECRETARY OF VETERANS**
15 **AFFAIRS ON IMPLEMENTATION OF PRIORITY**
16 **RECOMMENDATIONS OF COMPTROLLER GEN-**
17 **ERAL OF THE UNITED STATES PERTAINING**
18 **TO DEPARTMENT OF VETERANS AFFAIRS.**

19 (a) ANNUAL REPORT REQUIRED.—Not later than
20 270 days after the date of the enactment of this Act, and
21 not less than once during each of the subsequent 3 years,
22 the Secretary of Veterans Affairs shall submit to the Com-
23 mittees on Veterans' Affairs of the Senate and House of
24 Representatives and to the Comptroller General of the
25 United States a report on the implementation of priority

1 recommendations of the Comptroller General that pertain
2 to the Department of Veterans Affairs.

3 (b) CONTENTS.—Each report submitted under sub-
4 section (a) shall include, for the period covered by the re-
5 port, the following:

6 (1) The progress of the Secretary in imple-
7 menting all open priority recommendations of the
8 Comptroller General for the Department of Veterans
9 Affairs.

10 (2) An explanation for each instance where the
11 Secretary has decided not to implement, or has not
12 fully implemented, an open priority recommendation
13 of the Comptroller General for the Department.

14 (3) A summary of the corrective actions taken
15 and remaining steps the Secretary plans to take to
16 implement open priority recommendations of the
17 Comptroller General.

18 (c) SUPPLEMENT NOT SUPPLANT CERTAIN RE-
19 QUIRED REPORTS OR WRITTEN STATEMENTS.—The re-
20 port under this section shall not be construed to supplant
21 any report or written statement required under section
22 720 of title 31, United States Code.

1 **SEC. 7009. CLARIFICATION OF METHODS USED TO MON-**
2 **ITOR COMPLIANCE WITH CERTAIN LIMITA-**
3 **TIONS ON SUBCONTRACTING.**

4 Section 8127(k)(3)(A) of title 38, United States
5 Code, is amended by striking “and any other” and insert-
6 ing “or any other”.

7 **SEC. 7010. DEPARTMENT OF VETERANS AFFAIRS REQUIRE-**
8 **MENT TO PROVIDE CERTAIN NOTICE TO PER-**
9 **SONS FILING CLAIMS FOR DAMAGE, INJURY,**
10 **OR DEATH ON STANDARD FORM 95.**

11 Not later than 90 days after the date on which a per-
12 son submits to the Secretary of Veterans Affairs a claim
13 for damage, injury, or death on Standard Form 95, or
14 any successor form, the Secretary shall provide to such
15 person notice of each of the following:

16 (1) The benefit of obtaining legal advice con-
17 cerning such claim.

18 (2) The employment status of any individual
19 listed on the form.

20 (3) If the claim involves a contractor that en-
21 tered into an agreement with the Secretary, the im-
22 portance of obtaining legal advice as to the statute
23 of limitations regarding the claim in the State in
24 which the claim arose.

1 **Subtitle B—Matters Relating to the**
2 **Chief Financial Officer of De-**
3 **partment of Veterans Affairs**

4 **SEC. 7101. DEFINITIONS.**

5 In this subtitle:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means the Committees on Veterans’ Affairs
9 of the Senate and the House of Representatives and
10 the Committees on Appropriations of the Senate and
11 the House of Representatives.

12 (2) **SUBORDINATE CHIEF FINANCIAL OFFI-**
13 **CER.**—The term “subordinate chief financial offi-
14 cer”—

15 (A) includes—

16 (i) the chief financial officer of the
17 Veterans Health Administration, the chief
18 financial officer of the Office of Commu-
19 nity Care within the Veterans Health Ad-
20 ministration, and all chief financial officers
21 of Veterans Integrated Service Networks
22 within the Veterans Health Administra-
23 tion;

24 (ii) the chief financial officer of the
25 Veterans Benefits Administration and all

1 chief financial officers of organizational
2 subdivisions representing business lines
3 within the Veterans Benefits Administra-
4 tion;

5 (iii) the chief financial officer of the
6 National Cemetery Administration; and

7 (iv) the chief financial officer of the
8 Office of Information and Technology; and

9 (B) does not include the Inspector General.

10 **SEC. 7102. PLANS FOR ADDRESSING MATERIAL WEAK-**
11 **NESSES AND PROVIDING SUFFICIENT AU-**
12 **THORITY TO CHIEF FINANCIAL OFFICER OF**
13 **DEPARTMENT OF VETERANS AFFAIRS.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, and annually thereafter for each of the
16 three subsequent years, the Secretary of Veterans Affairs,
17 acting through the Chief Financial Officer of the Depart-
18 ment of Veterans Affairs, shall submit to the appropriate
19 congressional committees—

20 (1) an action plan, including steps, related
21 timelines, costs, progress, status of implementation,
22 and any updates for fully addressing the material
23 weaknesses of the Department discussed in the Man-
24 agement's Discussion and Analysis section of the fi-
25 nancial statements of the Department submitted to

1 Congress under section 3515 of title 31, United
2 States Code for the year preceding the year during
3 which the report is submitted; and

4 (2) a plan outlining the steps the Secretary
5 plans to take to address the recommendations of
6 auditors related to entity-level internal controls and
7 to provide sufficient authority to the Chief Financial
8 Officer of the Department to carry out the require-
9 ments of section 902 of title 31, United States Code.

10 **SEC. 7103. CHIEF FINANCIAL OFFICER ATTESTATION.**

11 Concurrent with the submittal to Congress of the
12 President's budget request under section 1105 of title 31,
13 United States Code, for fiscal year 2022 and each of the
14 next three subsequent fiscal years, the Chief Financial Of-
15 ficer of the Department of Veterans affairs shall submit
16 to the appropriate congressional committees each of the
17 following:

18 (1) A certification of the responsibility of the
19 Chief Financial Officer for internal financial controls
20 of the Department.

21 (2) An attestation that the Chief Financial Of-
22 ficer has collaborated sufficiently with the subordi-
23 nate chief financial officers of the Department to be
24 confident in the financial projections included the
25 budget request and supporting materials.

1 **SEC. 7104. CHIEF FINANCIAL OFFICER RESPONSIBILITY**
2 **FOR SUBORDINATE CHIEF FINANCIAL OFFI-**
3 **CERS.**

4 (a) **IN GENERAL.**—In accordance with the respon-
5 sibilities of the Chief Financial Officer of the Department
6 of Veterans Affairs for the recruitment, selection, and
7 training of personnel to carry out agency financial man-
8 agement functions pursuant to section 902(a)(5)(C) of
9 title 31, United States Code, the Chief Financial Officer
10 or the designee of the Chief Financial Officer within the
11 Office of Management of the Department shall—

12 (1) participate in the interview and selection
13 panels of all subordinate chief financial officers; and

14 (2) give input into the performance plans and
15 performance evaluations of all subordinate chief fi-
16 nancial officers.

17 (b) **TERMINATION.**—The requirements under sub-
18 section (a) shall terminate on the date that is five years
19 after the date of the enactment of this Act.

1 **Subtitle C—Servicemembers Civil**
2 **Relief**

3 **SEC. 7201. CLARIFICATION OF DELIVERY OF NOTICE OF**
4 **TERMINATION OF LEASES OF PREMISES AND**
5 **MOTOR VEHICLES FOR PURPOSES OF RELIEF**
6 **UNDER SERVICEMEMBERS CIVIL RELIEF**
7 **ACT.**

8 (a) IN GENERAL.—Section 305(c)(2) of the
9 Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2))
10 is amended—

11 (1) in subparagraph (B), by striking “or” at
12 the end;

13 (2) in subparagraph (C), by striking the period
14 and inserting “; or”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(D) by electronic means, including—

18 “(i) the direct delivery of material to
19 an electronic address designated by the les-
20 sor (or the lessor’s grantee) or the lessor’s
21 agent (or the agent’s grantee);

22 “(ii) the posting of material to a
23 website or other internet or electronic-
24 based information repository to which ac-
25 cess has been granted to the lessee, the les-

1 sor (or the lessor’s grantee), or the lessor’s
2 agent (or the agent’s grantee); and

3 “(iii) other electronic means reason-
4 ably calculated to ensure actual receipt of
5 the material by the lessor (or the lessor’s
6 grantee) or the lessor’s agent (or the
7 agent’s grantee).”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall apply to delivery of notice of lease ter-
10 minations on or after the date the enactment of this Act.

11 **SEC. 7202. TECHNICAL CORRECTION REGARDING EXTEN-**
12 **SION OF LEASE PROTECTIONS FOR**
13 **SERVICEMEMBERS UNDER STOP MOVEMENT**
14 **ORDERS IN RESPONSE TO LOCAL, NATIONAL,**
15 **OR GLOBAL EMERGENCY.**

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

19 (1) in paragraph (1)(C)(ii), by striking “Sec-
20 retary of Defense” and inserting “Secretary con-
21 cerned”; and

22 (2) in paragraph (2)(C)(ii), by striking “Sec-
23 retary of Defense” and inserting “Secretary con-
24 cerned”.

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