

## S 1203

### 21st Century Veterans Benefits Delivery and Other Improvements Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** May 6, 2015

**Current Status:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.

**Latest Action:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs. (Dec 3, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/1203>

## Sponsor

**Name:** Sen. Heller, Dean [R-NV]

**Party:** Republican • **State:** NV • **Chamber:** Senate

## Cosponsors (10 total)

| Cosponsor                         | Party / State | Role | Date Joined  |
|-----------------------------------|---------------|------|--------------|
| Sen. Casey, Robert P., Jr. [D-PA] | D · PA        |      | May 6, 2015  |
| Sen. Collins, Susan M. [R-ME]     | R · ME        |      | May 6, 2015  |
| Sen. Heinrich, Martin [D-NM]      | D · NM        |      | May 6, 2015  |
| Sen. Manchin, Joe, III [D-WV]     | D · WV        |      | May 6, 2015  |
| Sen. Moran, Jerry [R-KS]          | R · KS        |      | May 6, 2015  |
| Sen. Tester, Jon [D-MT]           | D · MT        |      | May 6, 2015  |
| Sen. Toomey, Patrick [R-PA]       | R · PA        |      | May 6, 2015  |
| Sen. Vitter, David [R-LA]         | R · LA        |      | May 6, 2015  |
| Sen. Cochran, Thad [R-MS]         | R · MS        |      | Jun 24, 2015 |
| Sen. Coons, Christopher A. [D-DE] | D · DE        |      | Jul 7, 2015  |

## Committee Activity

| Committee                         | Chamber | Activity    | Date         |
|-----------------------------------|---------|-------------|--------------|
| Armed Services Committee          | House   | Referred to | Nov 23, 2015 |
| Budget Committee                  | House   | Referred To | Nov 17, 2015 |
| Education and Workforce Committee | House   | Referred To | Nov 17, 2015 |
| Veterans' Affairs Committee       | Senate  | Reported By | Oct 19, 2015 |
| Veterans' Affairs Committee       | House   | Referred to | Dec 3, 2015  |

## Subjects & Policy Tags

### Policy Area:

Armed Forces and National Security

## Related Bills

| Bill        | Relationship | Last Action  |
|-------------|--------------|--|
| 114 HR 1338 | Related bill | <b>Nov 17, 2015:</b> Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. |
| 114 HR 1313 | Related bill | <b>May 19, 2015:</b> Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. |
| 114 S 695   | Related bill | <b>Mar 10, 2015:</b> Read twice and referred to the Committee on Veterans' Affairs.                            |

## **21st Century Veterans Benefits Delivery and Other Improvements Act**

### **TITLE I--HEALTH CARE MATTERS**

#### **Subtitle A--Expansion and Improvement of Health Care Benefits**

(Sec. 101) This bill includes in the Department of Veterans Affairs (VA) preventive health services each immunization on the recommended adult immunization schedule.

(Sec. 102) The VA shall provide chiropractic care and services at not fewer than two medical centers or clinics in each Veterans Integrated Service Network within two years, and at not fewer than 50% of all medical centers in each Veterans Integrated Service Network within three years.

Chiropractic services are included as part of VA medical, rehabilitative, and preventive services.

#### **Subtitle B--Health Care Administration**

(Sec. 111) The VA shall work with institutions of higher education to develop partnerships for the establishment or expansion of programs of advanced degrees in prosthetics and orthotics in order to enhance the availability of high quality prosthetic and orthotic care for veterans.

The bill authorizes FY2017 appropriations, which shall remain available through FY2019.

(Sec. 112) The VA shall report to Congress on increasing public access to scientific publications and digital data from VA-funded research.

(Sec. 113) The VA shall: (1) revive for three years the intermediate care technician pilot program that was carried out between January 2013 and February 2014, (2) select at least 72 intermediate care technicians to participate in the program, and (3) give priority to facilities with the longest appointment wait times.

(Sec. 114) Upon request, DOD shall transfer to the VA any credentialing data regarding DOD health care providers the VA hires.

(Sec. 115) The VA shall ensure that VA hospitals with emergency departments provide appropriate examination and stabilizing treatment for emergency medical conditions and women in labor.

A person who has not been stabilized may not be transferred unless:

- the individual, after being informed of the obligations of the hospital on the risks of transfer, requests in writing transfer to another medical facility;
- a VA physician, or a qualified medical person in the absence of a physician, has certified that the medical benefits at another medical facility outweigh the transfer risks; and
- the transfer to such facility is appropriate.

#### **Subtitle C--Improvement of Medical Workforce**

(Sec. 121) Education and training of marriage and family therapists and licensed professional mental health counselors

shall be included in VA health personnel education and training programs.

(Sec. 122) Doctoral degrees shall be included in VA qualifications for licensed mental health counselors.

(Sec. 123) The VA shall submit a medical workforce report to Congress.

## TITLE II--COMPENSATION AND OTHER BENEFITS MATTERS

### Subtitle A--Benefits Claims Submission

(Sec. 201) The bill expresses the sense of Congress that DOD should establish a process by which a veterans service organization representative may be present at any portion of the transition assistance program with respect to the submittal of compensation claims to the VA for service connected disability/death or dependency/indemnity compensation for service-connected death compensation.

DOD shall report to Congress regarding veterans service organization participation in this transition program.

(Sec. 202) The VA shall make available to the public and report to Congress on the average length of time to adjudicate timely and untimely appeals.

(Sec. 203) A hearing before the Board of Veterans' Appeals will be conducted as the Board considers appropriate, either in person or through picture and voice conferencing. Upon appellant request the hearing will be held as the appellant considers appropriate, either in person or through picture and voice conferencing.

### Subtitle B--Practices of Regional Offices Relating to Benefits Claims

(Sec. 211) The Government Accountability Office shall complete a review of the Veterans Benefits Administration (VBA) regional offices to help the VBA achieve more consistent performance in processing disability compensation claims.

(Sec. 212) The President shall include in his annual budget submission to Congress information on the VBA's capacity to process benefits claims.

(Sec. 213) The VA shall report to Congress on the criteria and procedures the VA will use to determine appropriate staffing levels at regional office once the VA transitions to the National Work Queue for distribution of the claims processing workload.

(Sec. 214) The VA shall submit to Congress three annual reports on the VA's progress in implementing the veterans benefits management system.

(Sec. 215) The VA shall detail to Congress plans to reduce the work item inventory listed in certain Monday Morning Workload Reports.

(Sec. 216) The bill expresses the sense of Congress that the VA should include in its Monday Morning Workload Report information regarding the workload of fully-developed claims at each regional office and enhanced information regarding pending appeals.

### Subtitle C--Other Benefits Matters

(Sec. 221) The Veterans' Benefits Improvement Act of 1996 is amended to permit licensed, VA-contracted physicians to conduct medical disability examinations for applicant benefits at any location in any state, the District of Columbia, or a

U.S. Commonwealth, territory, or possession, as long as the examination is authorized under the contract.

(Sec. 222) The VA and the National Guard Bureau shall jointly develop and implement procedures to improve the timely provision to the VA of claims information.

(Sec. 223) The VA shall review the process for determining whether Filipinos who claim to have served in support of the U.S. Armed Forces in World War II meet the service requirements for payments from the Filipino Veterans Equity Compensation Fund.

Any new payment process shall ensure that individuals who engaged in any disqualifying conduct during service, including collaboration with the enemy or criminal conduct, are not treated as covered individuals.

(Sec. 224) The bill expresses the sense of Congress that the VA should report to Congress regarding claims based on post-traumatic stress disorder alleged to have been incurred or aggravated by military sexual trauma.

### TITLE III--EDUCATION MATTERS

(Sec. 301) The authorities under which a Reservist may regain lost payments and lost entitlement for educational programs when ordered to active duty shall include disaster service and service for a pre-planned mission in support of a combatant command.

(Sec. 302) Educational institutions shall report annually to the VA on the academic progress of students for whom it receives Post-9/11 educational assistance payments.

(Sec. 303) The VA shall include in its annual report to Congress regarding the Post-9/11 educational assistance program the highest level of education attained by each individual who transfers a portion of his or her benefits to an eligible dependent.

(Sec. 304) The VA shall report annually to Congress on the education levels attained by separating members of the Armed Forces.

### TITLE IV--EMPLOYMENT AND TRANSITION MATTERS

(Sec. 401) Each Department of Labor veterans employment and training program shall coordinate activities with its respective state departments of labor and of veterans affairs.

(Sec. 403) Labor shall review: (1) the challenges faced by employers seeking to hire veterans, and (2) information-sharing among federal entities that serve veterans and separating members of the Armed Forces.

(Sec. 404) DOD shall review the Transition GPS Program Core Curriculum.

(Sec. 405) Pre-separation counseling shall not be given to a service member discharged before completion of 180 continuous days on active duty.

### TITLE V--VETERAN SMALL BUSINESS MATTERS

(Sec. 501) The surviving spouse of a service-disabled veteran who acquires the ownership interest in a small business of the deceased veteran shall be treated as that veteran for purposes of eligibility for VA service-disabled small business contracting goals and preferences. The period of such treatment shall be for: (1) 10 years after the veteran's death if the

veteran was either 100% disabled or died from a service-connected disability, or (2) 3 years after death if the veteran was less than 100% disabled and did not die from a service-connected disability.

(Sec. 502) The surviving spouse or dependent child of a service member who owns at least 51% of a small business and dies in the line of duty shall maintain the status of the small business as one owned or controlled by a veteran for up to 10 years following the member's death.

That status ends before the 10-year period, however, if: (1) the surviving spouse remarries, or (2) the surviving spouse or dependent child relinquishes an ownership interest in the small business and no longer owns at least 51% of it.

## TITLE VI--BURIAL MATTERS

(Sec. 601) The VA shall study matters relating to the interment of veterans' unclaimed remains in national cemeteries under the control of the National Cemetery Administration, including:

- the scope of the issues relating to veterans' unclaimed remains, including the estimated number of such remains;
- the effectiveness of VA procedures for working with persons or entities having custody of unclaimed remains to facilitate their interment in such cemeteries;
- state and local laws that affect the Secretary's ability to inter unclaimed veterans' remains in those cemeteries; and
- recommendations for appropriate legislative or administrative action.

## TITLE VII--OTHER MATTERS

(Sec. 701) Any person entitled to retired pay for non-regular (reserve) service, or who but for age would be so entitled, shall be honored as a veteran but not be entitled to any benefit by reason of such recognition.

(Sec. 702) The VA shall report to Congress on: (1) the extent to which Laotian military forces provided combat support to the U.S. Armed Forces between February 28, 1961, and May 15, 1975, (2) whether the current classification by the DOD Civilian/Military Service Review Board of service by Hmong individuals is appropriate, and (3) any legislative recommendations.

(Sec. 703) Certain reporting fees paid to educational institutions shall be reduced for the 10-year period beginning on September 26, 2015.

## Actions Timeline

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- **Dec 3, 2015:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
- **Nov 23, 2015:** Referred to the Subcommittee on Military Personnel.
- **Nov 16, 2015:** Received in the House.
- **Nov 16, 2015:** Referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Nov 12, 2015:** Message on Senate action sent to the House.
- **Nov 10, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S7939-7954)
- **Nov 10, 2015:** The committee substitute as amended agreed to by Unanimous Consent. (text of committee substitute as amended: CR S7939-7954)
- **Nov 10, 2015:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Nov 10, 2015:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Oct 19, 2015:** Committee on Veterans' Affairs. Reported by Senator Isakson with an amendment in the nature of a substitute and an amendment to the title. With written report No. 114-153.
- **Oct 19, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 267.
- **Jul 22, 2015:** Committee on Veterans' Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 13, 2015:** Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 114-182.
- **May 6, 2015:** Introduced in Senate
- **May 6, 2015:** Read twice and referred to the Committee on Veterans' Affairs.