

## HR 6416

Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

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

**Introduced:** Dec 1, 2016

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**Law:** 114-315 (Enacted Dec 16, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/6416>

### Sponsor

**Name:** Rep. Roe, David P. [R-TN-1]

**Party:** Republican • **State:** TN • **Chamber:** House

### Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Del. Radewagen, Aumua Amata Coleman [R-AS-At Large]	R · AS		Dec 1, 2016
Rep. Abraham, Ralph Lee [R-LA-5]	R · LA		Dec 1, 2016
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Dec 1, 2016
Rep. Bost, Mike [R-IL-12]	R · IL		Dec 1, 2016
Rep. Miller, Jeff [R-FL-1]	R · FL		Dec 1, 2016

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred To	Dec 1, 2016
Budget Committee	House	Referred To	Dec 1, 2016
Veterans' Affairs Committee	House	Referred To	Dec 1, 2016

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
114 HR 6310	Related bill	<b>Nov 15, 2016:</b> Referred to the Subcommittee on Health.
114 S 1731	Related bill	<b>Nov 6, 2015:</b> Referred to the Subcommittee on Health.

## **Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016**

### **TITLE I--DISABILITY COMPENSATION MATTERS**

(Sec. 101) This bill authorizes the Department of Veterans Affairs (VA) to pay burial and funeral expenses, accrued benefits, dependency and indemnity compensation, and non-service connected disability or death pension amounts to a survivor of a veteran who has not filed a formal claim if the record contains sufficient evidence to establish the survivor's entitlement to such benefits.

The date of receipt of an application for such benefits shall be the earlier of: (1) the date on which the survivor notifies the VA of the veteran's death through a death certificate (or other relevant medical evidence establishing the survivor's entitlement) indicating that the death was due to a service-connected or compensable disability or (2) the date on which any other federal agency notifies the VA of the veteran's death.

The VA shall report to Congress on benefits paid pursuant to covered claims.

(Sec. 102) The Board of Veterans' Appeals shall, for purposes of scheduling a veteran's appeal hearing at the earliest possible date, determine whether to provide such hearing: (1) at its principal location or at another VA or federal facility within the regional VA's area, and (2) through the use of video conferencing or by an appellant's personal appearance. The board shall notify the appellant of such decisions. Upon notification, the appellant may request a different location or type of hearing, and the board shall grant such request while ensuring that the hearing is scheduled at the earliest possible date.

(Sec. 103) The VA shall: (1) make available to the public the average length of time to adjudicate an early-filed appeal and a later-filed appeal, and (2) report to congress on whether such publication has had an effect on the number of appeals filed early.

(Sec. 104) The Government Accountability Office shall: (1) complete a review of the Veterans Benefits Administration (VBA) regional offices to help the VBA achieve more consistent performance in processing disability compensation claims, and (2) submit a related report to Congress.

(Sec. 105) The VA shall report to Congress on the criteria and procedures to be used to determine appropriate staffing levels at regional VA offices under the National Work Queue for the distribution of the claims processing workload.

(Sec. 106) The President shall include in his annual budget submission to Congress information on the VBA's capacity to process benefits claims.

(Sec. 107) The VA shall report to Congress on plans to reduce the work item inventory listed in certain Monday Morning Workload Reports.

(Sec. 108) The VA shall submit to Congress three annual reports on the VA's progress in implementing the veterans benefits management system.

(Sec. 109) Licensed, VA-contracted physicians may conduct VA-authorized medical disability examinations at any location in any state, the District of Columbia, or a U.S. commonwealth, territory, or possession, so long as the examination is authorized under the contract.

The bill provides similar provisions for the pilot program authorized under the the Veterans' Benefits Improvement Act of 1996.

(Sec. 110) The VA shall: (1) enter into an agreement with the National Academies of Sciences, Engineering, and Medicine or an appropriate independent organization for an assessment of VA examinations furnished to individuals seeking disability compensation for traumatic brain injuries, and (2) submit a related report to Congress.

(Sec. 111) The VA shall report to Congress: (1) regarding VA policies with respect to processing reasonably raised unrelated claims, and (2) annually for five years regarding complete and incomplete claims for VA disability compensation.

## TITLE II--UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

(Sec. 201) The bill: (1) extends the temporary expansion of the Court of Appeals for Veterans Claims until January 1, 2021, and (2) requires the chief judge to report to Congress on such temporary expansions by June 30, 2020.

(Sec. 202) A regular active service judge or a retired judge shall be treated as an employee for government life insurance purposes.

The court may pay for judges age 65 and older any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999.

(Sec. 203) Regular service judges, retired recall-eligible judges, and certain retired but not recall-eligible judges may purchase in three-month increments up to an additional year of service credit for each year of federal judicial service completed.

(Sec. 204) The bill modifies provisions regarding the chief judge, including by requiring the chief judge to have at least three years remaining as a court judge in regular active service. Such changes shall apply on or after January 20, 2020.

## TITLE III--BURIAL BENEFITS AND OTHER MATTERS

(Sec. 301) The VA may, in lieu of furnishing a headstone or marker to a deceased individual, furnish a medallion or other device to signify the deceased individual's veteran status, to be attached to a headstone or marker furnished at private expense. For the purposes of such provision a "deceased individual" is an individual who: (1) served in the Armed Forces on or after April 6, 1917; and (2) is eligible for a headstone or marker or who would be eligible but for his or her date of death.

The VA shall furnish at a private cemetery, upon request, a headstone, marker, or medallion that signifies the status of an eligible veteran who served in the Armed Forces on or after April 6, 1917, as a Medal of Honor recipient.

If the VA furnished a headstone, marker, or medallion for a deceased veteran that does not signify his or her status as a Medal of Honor recipient, the VA shall, upon request, replace that headstone, marker, or medallion with one that signifies the deceased's status as a Medal of Honor recipient.

(Sec. 302) The bill authorizes award of the Presidential Memorial Certificate to certain deceased members of the reserve components of the Armed Forces, the Air or Army National Guard, and the Reserve Officers' Training Corps.

(Sec. 303) The VA shall report to Congress regarding the interring of veterans' unclaimed remains in national cemeteries under the control of the National Cemetery Administration.

(Sec. 304) The VA shall conduct a study on the feasibility and the need for Saturday and Sunday interments in veterans cemeteries.

(Sec. 305) 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.

#### TITLE IV--EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION

(Sec. 401) Any member of the Armed Forces who died between September 11, 2001, and December 31, 2005, is deemed to have died on January 1, 2006, in order to make that member's surviving spouse eligible for the Marine Gunnery Sergeant John David Fry scholarship. (Under current law, surviving spouses of service members who die in the line of duty after September 11, 2001, are eligible for such assistance until the earlier of the date they remarry or the date that is 15 years after the military spouse's death.)

A surviving spouse of a member of the Armed Forces who died between September 11, 2001, and December 31, 2005, who elected before enactment of this bill to receive educational benefits under the Survivors and Dependents Educational Assistance program or the Marine Gunnery Sergeant John David Fry program may revoke such choice. (Such an election is currently irrevocable.)

(Sec. 402) A veteran may pursue a course of education and training as part of a rehabilitation program only if the course is approved according to VA vocational rehabilitation requirements.

(Sec. 403) The VA may prioritize vocational rehabilitation services based on need and upon consideration of disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and other appropriate factors.

(Sec. 404) An educational institution that received a payment on behalf of an individual entitled to Post-9/11 educational assistance shall submit to the VA information regarding such individual's academic progress.

(Sec. 405) Individuals may elect to convert their educational assistance to the Post-9/11 veterans' educational assistance program if, as of August 1, 2009, they met specified conditions with respect to their entitlements and elections under the all-volunteer force educational assistance program or certain other educational programs for professional military, selected reserve, or reserve component members.

Post-9/11 program eligibility shall be conditioned on an individual's meeting program requirements as of the date of election.

The bill prescribes transitional rules with respect to the transfer or revocation of entitlements from a previous assistance program after an election to convert to the Post-9/11 program.

Certain assistance shall remain available to individuals under their previous program if it is not available under the Post-9/11 program.

After January 1, 2017, if an individual submits an election that the VA determines is against the individual's interests, the VA may make an alternative election on the individual's behalf. Such an individual may, during a specified period, modify or revoke the VA's alternative selection.

(Sec. 406) The period for certain qualifying work-study activities for individuals receiving VA educational assistance is

extended through June 30, 2022.

(Sec. 407) The bill permits centralized reporting of veterans enrollment by a group, district, or consortium of separately accredited educational institutions located in the same state.

(Sec. 408) Specified education programs are deemed to be approved for veterans' education benefit purposes if a state approving agency determines that they qualify. A state approving agency, or the VA acting in the role of a state approving agency, may approve other accredited programs for such purposes.

(Sec. 409) The bill revises licensure or certification program requirements necessary for VA approval.

(Sec. 410) State approving agencies may continue to establish additional criteria for the approval of nonaccredited courses, but the VA must, in consultation with the state approving agency, determine that such criteria are necessary and treat public, private, and proprietary for-profit educational institutions equitably.

(Sec. 411) The VA shall conduct an annual compliance survey of educational institutions and training establishments offering one or more courses approved for the enrollment of eligible veterans or persons if at least 20 such veterans or persons are enrolled in any such course. (Currently, an annual compliance survey of each institution offering such courses must be conducted if at least 300 beneficiaries are enrolled or if any such course does not lead to a standard college degree.) Each educational institution and training establishment shall be surveyed at least once every two years.

(Sec. 412) The rates of the reporting fees that are paid to educational institutions for each educational assistance beneficiary are revised for the periods ending: (1) September 25, 2017, and (2) September 25, 2026.

(Sec. 413) The bill revises the requirements of the composition of the Veterans Advisory Committee on Education.

(Sec. 414) The VA shall contract with a non-government entity for a survey of individuals who have used or are using their educational assistance to pursue a program of education or training.

(Sec. 415) VA counselors who provide specified educational or vocational counseling services shall provide a requesting veteran or member of the Armed Forces with information about the articulation agreements (agreements governing the transferability of credits toward meeting specific degree or program requirements) of each institution of higher learning in which the individual is interested.

The VA shall provide a veteran who is certified as eligible for VA educational assistance with information on education counseling services and articulation agreements.

(Sec. 416) 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. 418) The VA shall evaluate programs that assist veterans in transitioning to civilian life.

## TITLE V--SMALL BUSINESS AND EMPLOYMENT 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, for purposes of eligibility for VA service-disabled small business contracting goals and preferences, be treated as that veteran 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 Department of Labor shall contract with a non-government entity to conduct a five-year study of veterans' job counseling, training, and placement services.

(Sec. 503) The VA may not place an employee on administrative leave or any other type of paid non-duty status for more than a total of 14 days during any 365-day period. The VA may waive this prohibition if it gives Congress a detailed explanation of the reasons for such placement and the reasons for extending such placement.

(Sec. 504) Each state Director for Veterans' Employment and Training shall coordinate activities with the state departments of labor and of veterans affairs.

## TITLE VI--HEALTH CARE MATTERS

### Subtitle A--Medical Care

(Sec. 601) The bill provides advanced appropriations for the VA Medical Community Care account.

(Sec. 602) The bill includes in VA preventive health services immunizations against infectious diseases, including each immunization on the recommended adult immunization schedule established by the Advisory Committee on Immunization Practices. Nothing in this bill may be construed to require a veteran to receive an immunization that the veteran does not want.

(Sec. 603) The bill increases, from third to first, the priority for enrollment in the VA health care system given to medal of honor recipients, regardless of the date on which the medal is awarded.

Makes medal of honor recipients eligible for VA: (1) hospital, nursing home, and domiciliary care; (2) extended care services for non-service-connected disabilities, with no copayment; and (3) medications, with no copayment.

(Sec. 604) A veteran seeking VA hospital care or medical services shall provide the VA with the following information about other health plan coverage: (1) the name of the covering entity; (2) if coverage is under the name of another person, the name of such person; and (3) the health-plan contract identification number and group code. The VA may not deny services to an individual solely due to the fact that the individual fails to provide such information.

(Sec. 605) The VA shall: (1) establish standards and procedures to ensure that an eligible veteran may access VA mental health care in a manner that fully accommodates the veteran's obligation to not improperly disclose classified information; (2) consult with the Department of Defense (DOD) to ensure that such standards and procedures are consistent with DOD policies on classified information; and (3) disseminate guidance to Veterans Health Administration employees about such standards and procedures and about how to best engage eligible veterans with respect to classified information.

(Sec. 606) VA hospitals with emergency departments must provide persons requesting treatment with: (1) appropriate medical screening to determine if an emergency exists, and (2) stabilizing treatment or a transfer to another facility for emergency medical conditions and for women in labor. A person with an emergency condition who has not been stabilized may not be transferred unless: (1) the individual, after being informed of the obligations of the hospital on the risks of transfer, requests transfer to another medical facility in writing; (2) a VA physician or qualified medical person has certified that the medical benefits at another medical facility outweigh the transfer risks; and (3) the transfer to such facility is appropriate.

## Subtitle B--Veterans Health Administration

(Sec. 611) The Readjustment Counseling Service's annual report is changed from a calendar year to a fiscal year period.

(Sec. 612) The VA shall submit an annual report through 2022 regarding the furnishing and administration of VA hospital care, medical services, and nursing home care.

(Sec. 613) Doctoral degrees shall be included in VA qualifications for licensed mental health counselors.

(Sec. 614) This bill authorizes the VA, upon the advanced written request of a covered physician, to modify the hours of employment for a full-time VA physician to be more than or less than 80 hours in a biweekly pay period.

A physician with an irregular work schedule must account for at least 2,080 employment hours (through work or use of leave or paid time off) in a calendar year.

(Sec. 615) The bill repeals the requirement that the VA institute compensation panels to determine market pay for physicians and dentists.

(Sec. 616) The bill makes all student participants in the VA employee incentive scholarship program liable for the amount that was paid to them or on their behalf in the event of failure to maintain VA employment. (Currently, such provisions applies to part-time students.)

(Sec. 617) The VA shall increase the number of graduate medical education residency positions over 10 years (currently 5 years). The annual reporting requirement is extended through 2024.

(Sec. 618) The VA shall report to Congress on increasing public access to scientific publications and digital data from research funded by the VA.

(Sec. 619) The VA may carry out the following major medical facility projects, with each project not to exceed a specified amount: (1) seismic, life safety, and utilities upgrades and expansion of clinical services in Reno, Nevada; and (2) seismic corrections to the mental health and community living center in Long Beach, California.

## Subtitle C--Toxic Exposure

(Sec. 632) The VA shall enter into an agreement with the National Academy of Medicine, or an independent alternate organization with similar expertise, to assess the scientific research regarding the descendants of individuals and veterans with toxic exposure. The academy shall report to Congress and the VA regarding such assessment and a determination whether further research should be conducted. The VA shall submit a certification regarding the feasibility of conducting further research regarding health conditions of descendants of veterans with toxic exposure.

(Sec. 633) Unless the VA certifies that such assessment indicates that it is not feasible to conduct further research, the VA shall: (1) establish an advisory board to advise the VA on the selection and activities of research entities and (2) such entities on conducting research, and (2) enter into an agreement with non-VA research entities to conduct research on health conditions of descendants of veterans with toxic exposure while serving as members of the Armed Forces.

## TITLE VII--HOMELESSNESS MATTERS

### Subtitle A--Access of Homeless Veterans to Benefits

(Sec. 701) The bill includes as a "homeless veteran," for purposes of VA benefits, a veteran or a veteran's family member fleeing domestic violence, sexual assault, stalking, or other dangerous or life-threatening conditions in their current housing situation.

A "veteran" is defined, for purposes of certain VA benefits, as a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released therefrom, except for a person who: (1) received a dishonorable discharge, or (2) was discharged or dismissed by reason of a general court-martial. (Such benefits include outreach, rehabilitative services, vocational counseling and training, transitional housing assistance, supportive services for very low-income veteran families in permanent housing, and health care for homeless veterans with special needs.)

(Sec. 702) The bill exempts homeless veterans from being disqualified from receiving such benefits as a result of a discharge or dismissal from the Armed Forces under conditions other than honorable, except for discharge by reason of a general court-martial.

(Sec. 703) The bill eliminates the minimum continuous active duty service requirement for homeless veterans to receive such benefits.

(Sec. 704) The VA shall conduct related training and education for appropriate VA and grant recipient personnel.

#### Subtitle B--Other Homelessness Matters

(Sec. 711) The per diem payment is increased for transitional housing assistance for homeless veterans who are placed in housing that will become permanent upon the termination of such assistance to a maximum of 150% of the per diem rate authorized for veterans receiving domiciliary care in state homes.

(Sec. 712) The VA shall carry out a grant program to improve the retention of housing by veterans who were previously homeless and are transitioning to permanent housing and veterans who are at risk of becoming homeless.

(Sec. 713) The VA shall establish and operate the National Center on Homelessness Among Veterans, which shall: (1) carry out research on veteran homelessness; (2) assess the effectiveness of VA homelessness programs; (3) identify and disseminate best practices with regard to housing stabilization, income support, employment assistance, and community partnerships; (4) integrate evidence-based and best practices, policies, and programs into VA programs; and (5) serve as a resource center.

(Sec. 714) The VA shall (1) assess the capacity of programs for which entities receive grants or per diem payments to assist homeless veterans, and (2) ensure that such programs are effectively serving homeless veterans.

(Sec. 715) The VA shall report to Congress regarding VA outreach to educate realtors, landlords, property management companies, and developers about veterans housing needs and the benefits of having veterans as tenants.

#### TITLE VIII--OTHER MATTERS

(Sec. 801) The VA shall: (1) use industry standards, standard designs, and best practices in carrying out medical facility construction; and (2) ensure that VA employees with responsibilities relating to infrastructure construction or alteration of medical facilities receive ongoing professional training and development.

The VA shall contract with an appropriate non-VA entity for a forensic audit of: (1) any major medical facility or super



construction project if expenditures exceed the initial budget request by more than 25%, and (2) the medical center construction project in Aurora, Colorado.

The VA shall provide Congress with quarterly reports on super construction projects. "Super construction project" means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than \$100 million.

### **Actions Timeline**

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- **Dec 16, 2016:** Signed by President.
- **Dec 16, 2016:** Became Public Law No: 114-315.
- **Dec 14, 2016:** Presented to President.
- **Dec 12, 2016:** Message on Senate action sent to the House.
- **Dec 10, 2016:** Passed/agreed to in Senate: Passed Senate without amendment by Voice Vote.(consideration: CR S7109-7121)
- **Dec 10, 2016:** Passed Senate without amendment by Voice Vote. (consideration: CR S7109-7121)
- **Dec 7, 2016:** Received in the Senate, read twice.
- **Dec 6, 2016:** Mr. Roe (TN) moved to suspend the rules and pass the bill.
- **Dec 6, 2016:** Considered under suspension of the rules. (consideration: CR H7221-7241)
- **Dec 6, 2016:** DEBATE - The House proceeded with forty minutes of debate on H.R. 6416.
- **Dec 6, 2016:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 6, 2016:** Considered as unfinished business. (consideration: CR H7251)
- **Dec 6, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 419 - 0 (Roll no. 606).(text: CR H7221-7237)
- **Dec 6, 2016:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 419 - 0 (Roll no. 606). (text: CR H7221-7237)
- **Dec 6, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 1, 2016:** Introduced in House
- **Dec 1, 2016:** Referred to the Committee on Veterans' Affairs, and in addition to the Committees on the Budget, and Armed Services, 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.