

Calendar No. _____

116TH CONGRESS
2^D SESSION

S. 4511

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. MORAN (for himself, Mr. TILLIS, Mr. ROUNDS, Mr. BOOZMAN, Mr. DAINES, Ms. COLLINS, Mr. LANKFORD, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

_____ (legislative day, _____), _____

Reported by Mr. MORAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Veteran Benefits Enhancement and Expansion Act of
4 2020”.

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

Sec. 1. Short title; table of contents.

TITLE I—EDUCATION MATTERS

Sec. 101. Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.

Sec. 102. Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.

Sec. 103. Phase out of All-Volunteer Educational Assistance Program.

Sec. 104. Requirements for in-State tuition.

Sec. 105. 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.

TITLE II—BURIAL MATTERS

Sec. 201. Transportation of deceased veterans to veterans’ cemeteries.

Sec. 202. Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.

Sec. 203. Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.

Sec. 204. Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.

TITLE III—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

Sec. 301. Short title.

Sec. 302. Penalties for representing veterans as agents and attorneys without recognition by Secretary of Veterans Affairs.

Sec. 303. Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.

Sec. 304. Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.

Sec. 305. Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.

Sec. 306. Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.

Sec. 307. Notice regarding fees charged in connection with filing an application for veterans pension.

Sec. 308. Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.

TITLE IV—OTHER MATTERS

Sec. 401. Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.

Sec. 402. Extension of certain housing loan fees.

Sec. 403. Clarification of licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs.

Sec. 404. Medal of Honor special pension for surviving spouses.

Sec. 405. Modernization of service-disabled veterans insurance.

Sec. 406. Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.

Sec. 407. Determination of budgetary effects.

1 **TITLE I—EDUCATION MATTERS**

2 **SEC. 101. EXPANSION OF ELIGIBILITY FOR FRY SCHOLAR-** 3 **SHIP TO CHILDREN AND SPOUSES OF CER-** 4 **TAIN DECEASED MEMBERS OF THE ARMED** 5 **FORCES.**

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

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

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

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

1 “(10) An individual who is the child or spouse
2 of a member of the Selected Reserve who dies on or
3 after September 11, 2001, while a member of the
4 Selected Reserve from a service-connected dis-
5 ability.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Subsection (f) of such section is amended
8 by striking “paragraph (8)” each place it appears
9 and inserting “paragraphs (8), (9), and (10)”.

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

12 (3) In section 3317(a), in the second sentence,
13 by striking “paragraphs (1), (2), (8), and (9)” and
14 inserting “paragraphs (1), (2), (8), (9), (10), and
15 (11)”.

16 (4) Section 3322 of such title is amended—

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

21 (B) in subsection (f), by striking “section
22 3311(b)(8)” and inserting “paragraph (8), (9),
23 or (10) of section 3311 of this title”; and

24 (C) in subsection (h)(2), by striking “ei-
25 ther section 3311(b)(8) or chapter 35” and in-

1 serting “either chapter 35 or paragraph (8),
2 (9), or (10) of section 3311”.

3 (c) **APPLICABILITY DATE.**—The amendments made
4 by this section shall take effect immediately after the
5 amendments made by section 105 of the Harry W.
6 Colmery Veterans Educational Assistance Act of 2017
7 (Public Law 115–48) take effect and shall apply with re-
8 spect to a quarter, semester, or term, as applicable, com-
9 mencing on or after August 1, 2020.

10 **SEC. 102. PERIOD FOR ELECTION TO RECEIVE BENEFITS**
11 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**
12 **SISTANCE PROGRAM OF DEPARTMENT OF**
13 **VETERANS AFFAIRS.**

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

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

23 (2) in subsection (b)(1), by striking “that such
24 individual is entitled to such pay” and inserting
25 “that begin after the date that is 270 days after the

1 date on which the individual initially enters initial
2 training”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect 180 days after the date
5 of enactment of this Act.

6 **SEC. 103. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL**
7 **ASSISTANCE PROGRAM.**

8 Subsection (a)(1)(A) of section 3011 of title 38,
9 United States Code, as amended by section 102, is further
10 amended by striking “after June 30, 1985” and inserting
11 “during the period beginning July 1, 1985, and ending
12 September 30, 2030”.

13 **SEC. 104. REQUIREMENTS FOR IN-STATE TUITION.**

14 (a) **IN GENERAL.**—Section 3679(e) of title 38,
15 United States Code, is amended—

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

19 (2) in paragraph (4)—

20 (A) by striking “It shall” and inserting
21 “(A) It shall”; and

22 (B) by adding at the end the following new
23 subparagraph:

24 “(B) To the extent feasible, the Secretary shall make
25 publicly available on the internet website of the Depart-

1 ment a database explaining any requirements described in
2 subparagraph (A) that are established by a public institu-
3 tion of higher learning for an individual to be charged tui-
4 tion and fees at a rate that is equal to or less than the
5 rate the institution charges for tuition and fees for resi-
6 dents of the State in which the institution is located. The
7 Secretary shall disapprove a course of education provided
8 by such an institution that does not provide the Sec-
9 retary—

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

11 and

12 “(ii) not later than 90 days after the date on
13 which any such requirements change, the updated
14 requirements.”.

15 (b) APPLICATION.—The amendments made by this
16 section shall apply with respect to a quarter, semester, or
17 term, as applicable, commencing on or after August 1,
18 2020.

1 **SEC. 105. EXPANSION OF AUTHORITY FOR CERTAIN QUALI-**
2 **FYING WORK-STUDY ACTIVITIES FOR PUR-**
3 **POSES OF THE EDUCATIONAL ASSISTANCE**
4 **PROGRAMS OF THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS TO INCLUDE OUTREACH**
6 **SERVICES PROVIDED THROUGH CONGRES-**
7 **SIONAL OFFICES.**

8 Section 3485(a)(4) of title 38, United States Code,
9 is amended by adding at the end the following new sub-
10 paragraph:

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

13 “(i) The distribution of information to
14 members of the Armed Forces, veterans, and
15 their dependents about the benefits and services
16 under laws administered by the Secretary and
17 other appropriate governmental and nongovern-
18 mental programs.

19 “(ii) The preparation and processing of pa-
20 pers and other documents, including documents
21 to assist in the preparation and presentation of
22 claims for benefits under laws administered by
23 the Secretary.”.

1 **TITLE II—BURIAL MATTERS**

2 **SEC. 201. TRANSPORTATION OF DECEASED VETERANS TO**
3 **VETERANS' CEMETERIES.**

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

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

11 “(c) **COVERED VETERANS’ CEMETERY DEFINED.**—
12 In this section, the term ‘covered veterans’ cemetery’
13 means a veterans’ cemetery—

14 “(1) in which a deceased veteran described in
15 subsection (b) is eligible to be buried; and

16 “(2) for which the Secretary has made a grant
17 under section 2408 of this title.”.

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

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

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

1 **SEC. 202. 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 and**
25 **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(e) 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 Act shall apply to deaths that occur on or after the
18 date that is 180 days after the date of the enactment of
19 this Act.

20 **SEC. 203. 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 Section 2306(e) of title 38, United States Code, is
25 amended—

1 (1) in paragraph (1)(A), by inserting “, or in
2 a cemetery that is the subject of a grant to a State
3 or a tribal organization under section 2408 of this
4 title,” after “National Cemetery Administration”;
5 and

6 (2) by striking paragraph (2) and inserting the
7 following new paragraph (2):

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

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

17 “(C) The use of outer burial receptacles in a national
18 cemetery administered by the National Park Service shall
19 be in accordance with regulations or procedures approved
20 by the Secretary of the Interior.”.

1 **SEC. 204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
2 **CHILDREN ON CERTAIN HEADSTONES AND**
3 **MARKERS FURNISHED BY THE SECRETARY**
4 **OF VETERANS AFFAIRS.**

5 (a) **IN GENERAL.**—Section 2306 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(j)(1) In addition to any other authority under this
9 section, in the case of an individual whose grave is not
10 in a covered cemetery (as that term is defined in sub-
11 section (f)(2)) and for whom the Secretary has furnished
12 a headstone or marker under subsection (a) or (d), the
13 Secretary, if feasible and upon request, may replace the
14 headstone or marker to add an inscription for the sur-
15 viving spouse or eligible dependent child of such individual
16 following the death of the surviving spouse or eligible de-
17 pendent child.

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

24 (b) **APPLICATION.**—Subsection (j) of section 2306 of
25 title 38, United States Code, as added by subsection (a),

1 shall apply with respect to an individual who dies on or
2 after October 1, 2021.

3 **TITLE III—REPRESENTATION**
4 **AND FINANCIAL EXPLOI-**
5 **TATION MATTERS**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “Financial Refuge for
8 Every Elderly Veteran Act of 2020” or the “FREE Vet-
9 eran Act of 2020”.

10 **SEC. 302. PENALTIES FOR REPRESENTING VETERANS AS**
11 **AGENTS AND ATTORNEYS WITHOUT REC-**
12 **OGNITION BY SECRETARY OF VETERANS AF-**
13 **FAIRS.**

14 (a) PENALTIES.—

15 (1) IN GENERAL.—Section 5905 of title 38,
16 United States Code, is amended to read as follows:

17 **“§ 5905. Penalty for certain acts**

18 **“(a) IN GENERAL.—**Whoever commits any of the fol-
19 **lowing acts shall be fined as provided in title 18, or impris-**
20 **oned for not more than one year, or both:**

21 **“(1) Undertakes or attempts to undertake any**
22 **work in furtherance of the preparation, presentation,**
23 **or prosecution of a claim under a law administered**
24 **by the Secretary—**

1 “(A) without recognition by the Secretary
2 under sections 5902 through 5904 of this title;

3 or

4 “(B) while suspended or excluded under
5 section 5904(b) of this title.

6 “(2) Unlawfully withholds from any claimant or
7 beneficiary any part of a benefit or claim under the
8 laws administered by the Secretary that is allowed
9 and due to the claimant or beneficiary.

10 “(b) SEEKING RECOGNITION.—Subsection (a)(1)(A)
11 shall not be construed to include the seeking of recognition
12 from the Secretary to prepare, present, or prosecute a
13 claim under a law administered by the Secretary.

14 “(c) LEGAL INTERNS, LAW STUDENTS, AND PARA-
15 LEGALS.—Subsection (a)(1)(A) shall not apply to a legal
16 intern, a law student, or a paralegal undertaking or at-
17 tempting to undertake work in furtherance of the prepara-
18 tion, presentation, or prosecution of a claim under a law
19 administered by the Secretary to the degree that such
20 legal intern, law student, or paralegal is doing so—

21 “(1) on behalf of or under the supervision of an
22 attorney recognized by the Secretary under sections
23 5902 through 5904 of this title; and

1 ~~“(2) in a manner that is consistent with the~~
2 ~~Model Rules of Professional Conduct of the Amer-~~
3 ~~ican Bar Association.”.~~

4 ~~(2) EFFECTIVE DATE.—The amendment made~~
5 ~~by subsection (a) shall apply with respect to acts~~
6 ~~committed after the date that is 180 days after the~~
7 ~~date of the enactment of this Act.~~

8 ~~(b) BIENNIAL REVIEWS BY GENERAL COUNSEL OF~~
9 ~~THE DEPARTMENT OF VETERANS AFFAIRS.—Section~~
10 ~~5904 of such title is amended by adding at the end the~~
11 ~~following new subsection:~~

12 ~~“(e) BIENNIAL REVIEWS BY GENERAL COUNSEL.—~~
13 ~~(1) Not less frequently than once every two years, the~~
14 ~~General Counsel of the Department shall submit to Con-~~
15 ~~gress a report on activities under this section.~~

16 ~~“(2) Each report submitted under subparagraph (A)~~
17 ~~shall include, for the period covered by the report, the fol-~~
18 ~~lowing:~~

19 ~~“(A) A discussion of the rates generally charged~~
20 ~~for services covered by this section.~~

21 ~~“(B) A discussion of the requests made by~~
22 ~~claimants under subsection (c)(3)(A).~~

23 ~~“(C) A discussion of the fees reduced under~~
24 ~~such subsection.~~

1 “(D) The number of claims for benefits under
2 laws administered by the Secretary that were pre-
3 pared, presented, or prosecuted by an individual act-
4 ing as an agent or attorney who did so while not rec-
5 ognized under this section.”.

6 **SEC. 303. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**
7 **TATION OF VETERANS RECEIVING PENSION**
8 **FROM THE DEPARTMENT OF VETERANS AF-**
9 **FAIRS.**

10 (a) DEVELOPMENT OF METHOD FOR SOLICITATION
11 AND COLLECTION OF INFORMATION.—Not later than one
12 year after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall develop a method for sys-
14 tematically soliciting and collecting information on com-
15 plaints received, referrals made, and actions taken by the
16 pension management centers of the Department of Vet-
17 erans Affairs and any other relevant components of the
18 Department, in cases of potential financial exploitation of
19 individuals receiving pension under chapter 15 of title 38,
20 United States Code.

21 (b) PLAN TO ASSESS AND ADDRESS FINANCIAL EX-
22 PLOITATION OF VETERANS.—

23 (1) IN GENERAL.—The Secretary shall develop
24 and periodically update a plan—

1 (A) to regularly assess the information so-
2 solicited and collected under subsection (a) to
3 identify trends of potential financial exploitation
4 of the individuals described in subsection (a)
5 across the Department; and

6 (B) to outline actions that the Department
7 can take to improve education and training to
8 address those trends.

9 (2) SUBMISSION OF PLAN.—Not later than one
10 year after the date of the enactment of this Act, and
11 not less frequently than once every two years there-
12 after, the Secretary shall submit the plan most re-
13 cently developed or updated under paragraph (1)
14 to—

15 (A) the Comptroller General of the United
16 States; and

17 (B) the Committee on Veterans' Affairs
18 and the Special Committee on Aging of the
19 Senate and the Committee on Veterans' Affairs
20 of the House of Representatives.

21 **SEC. 304. OVERPAYMENTS OF PENSION TO VETERANS RE-**
22 **CEIVING PENSION FROM THE DEPARTMENT**
23 **OF VETERANS AFFAIRS.**

24 (a) GUIDANCE AND TRAINING FOR CLAIMS PROC-
25 ESSORS.—As the Secretary considers necessary, but not

1 less frequently than once every three years, the Under Sec-
2 retary for Benefits of the Department of Veterans Affairs
3 shall update guidance and training curriculum for the
4 processors of claims for pension under chapter 15 of title
5 38, United States Code, regarding the evaluation of ques-
6 tionable medical expenses on applications for pension, in-
7 cluding by updating such guidance with respect to what
8 constitutes a questionable medical expense and by includ-
9 ing examples of such expenses.

10 (b) IDENTIFICATION AND TRACKING.—The Under
11 Secretary shall develop a method for identifying and track-
12 ing the number of individuals who have received overpay-
13 ments of pension under chapter 15 of title 38, United
14 States Code.

15 (c) ANNUAL REPORT.—Not later than one year after
16 the date of the enactment of this Act, and not later than
17 October 31 of each fiscal year beginning thereafter, the
18 Under Secretary shall submit to Congress a report that
19 includes, for the period covered by the report—

20 (1) the number of individuals who received
21 overpayments of pension under chapter 15 of title
22 38, United States Code; and

23 (2) the reason for each overpayment.

1 **SEC. 305. EVALUATION OF ADDITIONAL ACTIONS FOR**
2 **VERIFYING DIRECT DEPOSIT INFORMATION**
3 **PROVIDED BY VETERANS ON APPLICATIONS**
4 **FOR VETERANS PENSION.**

5 (a) **IN GENERAL.**—The Under Secretary for Benefits
6 of the Department of Veterans Affairs shall—

7 (1) conduct an evaluation of the feasibility and
8 advisability of requiring the processors of claims for
9 pension under chapter 15 of title 38, United States
10 Code, to take additional actions to verify that the di-
11 rect deposit information provided by an individual on
12 an application for pension is for the appropriate re-
13 cipient; and

14 (2) identify such legislative or administrative
15 actions as the Under Secretary considers appropriate
16 to ensure that payments of pension are provided to
17 the correct recipients.

18 (b) **SUBMISSION TO CONGRESS.**—

19 (1) **IN GENERAL.**—Not later than 240 days
20 after the date of the enactment of this Act, the
21 Under Secretary shall submit to Congress a report
22 on the evaluation and identification under subsection
23 (a).

24 (2) **CONTENTS.**—The report required by para-
25 graph (1) shall include the following:

1 (A) The findings of the Under Secretary
2 with respect to the evaluation conducted under
3 subsection (a)(1).

4 (B) The actions identified under subsection
5 (a)(2).

6 (C) A plan for implementing any adminis-
7 trative actions identified under subsection
8 (a)(2).

9 (D) A rationale for not implementing any
10 actions evaluated under paragraph (1) of sub-
11 section (a) but not identified under paragraph
12 (2) of such subsection.

13 **SEC. 306. ANNUAL REPORT ON EFFORTS OF DEPARTMENT**
14 **OF VETERANS AFFAIRS TO ADDRESS THE FI-**
15 **NANCIAL EXPLOITATION OF VETERANS RE-**
16 **CEIVING PENSION.**

17 (a) IN GENERAL.—Not less frequently than once
18 each year, the Secretary of Veterans Affairs shall submit
19 to the Committee on Veterans' Affairs of the Senate and
20 the Committee on Veterans' Affairs of the House of Rep-
21 resentatives a report on efforts to address the financial
22 exploitation of individuals receiving pension under chapter
23 15 of title 38, United States Code.

1 (b) ~~CONTENTS.~~—Each report required by subsection
2 (a) shall include, for the period covered by the report, the
3 following:

4 (1) The number of individuals who received
5 pension under chapter 15 of title 38, United States
6 Code, who have been referred by any component of
7 the Department of Veterans Affairs to the Office of
8 Inspector General of the Department as likely or
9 proven victims of financial exploitation.

10 (2) The number of referrals and reports relat-
11 ing to the financial exploitation of such individuals
12 made by the Department of Veterans Affairs to—

13 (A) the Consumer Sentinel Network of the
14 Federal Trade Commission; and

15 (B) the Department of Justice.

16 (3) A description of the actions taken as a re-
17 sult of such referrals and reports against—

18 (A) individuals recognized by the Secretary
19 as agents or attorneys under section 5904 of
20 title 38, United States Code; and

21 (B) individuals not so recognized.

1 **SEC. 307. NOTICE REGARDING FEES CHARGED IN CONNEC-**
2 **TION WITH FILING AN APPLICATION FOR**
3 **VETERANS PENSION.**

4 The Under Secretary for Benefits of the Department
5 of Veterans Affairs shall ensure that every paper or elec-
6 tronic document relating to the receipt of pension under
7 chapter 15 of title 38, United States Code, that is avail-
8 able to individuals who apply for such pension, including
9 educational forms about or applications for such pension,
10 includes a notice that the Department does not charge any
11 fee in connection with the filing of an application for such
12 pension.

13 **SEC. 308. OUTREACH PLAN FOR EDUCATING VULNERABLE**
14 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**
15 **PLOITATION RELATING TO THE RECEIPT OF**
16 **PENSION.**

17 (a) **DEVELOPMENT OF PLAN.**—The Under Secretary
18 for Benefits of the Department of Veterans Affairs shall
19 develop, in collaboration with veterans service organiza-
20 tions, an outreach plan for educating vulnerable individ-
21 uals about potential financial exploitation relating to the
22 receipt of pension under chapter 15 of title 38, United
23 States Code.

24 (b) **SUBMISSION TO CONGRESS.**—Not later than 180
25 days after the date of the enactment of this Act, the Under
26 Secretary shall submit to the Committee on Veterans' Af-

1 fairs and the Special Committee on Aging of the Senate
2 and the Committee on Veterans' Affairs of the House of
3 Representatives the plan developed under subsection (a).

4 (c) VETERANS SERVICE ORGANIZATION DEFINED.—

5 In this section, the term “veterans service organization”
6 means an organization recognized by the Secretary of Vet-
7 erans Affairs for the representation of veterans under sec-
8 tion 5902 of title 38, United States Code.

9 **TITLE IV—OTHER MATTERS**

10 **SEC. 401. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-** 11 **SERVE COMPONENTS OF THE ARMED** 12 **FORCES FOR HOME LOANS FROM THE SEC-** 13 **RETARY OF VETERANS AFFAIRS.**

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

18 “(7) The term ‘veteran’ also includes, for pur-
19 poses of home loans, an individual who performed
20 active service (as that term is defined in section 101
21 of title 10) for a period—

22 “(A) of not less than 90 cumulative days;

23 and

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

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

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

6 **SEC. 402. EXTENSION OF CERTAIN HOUSING LOAN FEES.**

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

10 **SEC. 403. CLARIFICATION OF LICENSURE REQUIREMENTS**

11 **FOR CONTRACTOR MEDICAL PROFES-**
12 **SIONALS TO PERFORM MEDICAL DISABILITY**
13 **EXAMINATIONS FOR THE DEPARTMENT OF**
14 **VETERANS AFFAIRS.**

15 Subsection (e) of section 504 of the Veterans’ Bene-
16 fits Improvements Act of 1996 (Public Law 104–275; 38
17 U.S.C. 5101 note) is amended to read as follows:

18 “(e) LICENSURE OF CONTRACT HEALTH CARE PRO-
19 FESSIONALS.—

20 “(1) IN GENERAL.—Notwithstanding any law
21 regarding the licensure of health care professionals,
22 a health care professional described in paragraph (2)
23 may conduct an examination pursuant to a contract
24 entered into under subsection (a) at any location in
25 any State, the District of Columbia, or a Common-

1 wealth, territory, or possession of the United States,
2 so long as the examination is within the scope of the
3 authorized duties under such contract.

4 “(2) HEALTH CARE PROFESSIONAL DE-
5 SCRIBED.—A health care professional described in
6 this paragraph is a physician, physician assistant,
7 nurse practitioner, audiologist, or psychologist,
8 who—

9 “(A) has a current unrestricted license to
10 practice the health care profession of the physi-
11 cian, physician assistant, nurse practitioner, au-
12 diologist, or psychologist, as the case may be;

13 “(B) is not barred from practicing such
14 health care profession in any State, the District
15 of Columbia, or a Commonwealth, territory, or
16 possession of the United States; and

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

20 **SEC. 404. MEDAL OF HONOR SPECIAL PENSION FOR SUR-**
21 **VIVING SPOUSES.**

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

1 (b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

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

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

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

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

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

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

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

22 “(C) No special pension shall be paid to a surviving
23 spouse of a person under this section if such surviving
24 spouse is eligible for or receiving benefits under section
25 1311 or 1318 of this title.”

1 ~~(2) CONFORMING AMENDMENTS.—~~

2 ~~(A) IN GENERAL.—Such section is amend-~~
3 ~~ed—~~

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

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

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

19 ~~“(E) Section 1562(a)(2), relating to Medal of~~
20 ~~Honor special pension.”.~~

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

1 **SEC. 405. MODERNIZATION OF SERVICE-DISABLED VET-**
2 **ERANS INSURANCE.**

3 (a) ESTABLISHMENT OF MODERNIZED PROGRAM.—

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

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

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

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

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

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

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

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

25 “(ii) based on such claim, and after the
26 veteran attained such age, the Secretary first

1 determines that the veteran has a service-con-
2 nected disability; and

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

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

9 “(i) \$10,000.

10 “(ii) \$20,000.

11 “(iii) \$30,000.

12 “(iv) \$40,000.

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

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

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

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

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

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

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

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

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

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

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

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

1 expiration of four years from the end of such cal-
2 endar month; except that where such average mar-
3 ket yield is not a multiple of one-eighth of 1 per cen-
4 tum, the rate of interest of such obligation shall be
5 the multiple of one-eighth of 1 per centum nearest
6 such market yield.

7 “(6)(A) Administrative support financed by the ap-
8 propriations for ‘General Operating Expenses, Depart-
9 ment of Veterans Affairs’ and ‘Information Technology
10 Systems, Department of Veterans Affairs’ for the insur-
11 ance program under paragraph (1) shall be paid from pre-
12 miums credited to the fund under paragraph (5).

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

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

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

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

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

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

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

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

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

15 “(B) The Secretary—

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

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

20 “(II) may adjust such rate during such
21 year based on program performance, except
22 that the interest rate may not be less than zero
23 percent;

24 “(ii) for the second and each subsequent year
25 of the program, shall calculate such interest at an

1 annual rate equal to the rate of return on the revolving
2 fund under subsection (a)(5) for the calendar
3 year preceding the year of the veteran's death, except
4 that the interest rate may not be less than zero
5 percent; and

6 ~~“(iii) on an annual basis, shall publish on the~~
7 ~~internet website of the Department the average interest~~
8 ~~rate calculated under clause (ii) for the preceding~~
9 ~~calendar year.~~

10 ~~“(d) PREMIUMS.—(1) The Secretary shall establish~~
11 ~~a schedule of basic premium rates by age per \$10,000 of~~
12 ~~insurance under subsection (a)(1) consistent with basic~~
13 ~~premium rates generally charged for guaranteed accept-~~
14 ~~ance life insurance policies by private life insurance com-~~
15 ~~panies.~~

16 ~~“(2) The Secretary may adjust such schedule after~~
17 ~~the first policy year in a manner consistent with the gen-~~
18 ~~eral practice of guaranteed acceptance life insurance poli-~~
19 ~~cies issued by private life insurance companies.~~

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

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

4 “(2) If a veteran enrolled in the insurance program
5 under subsection (a)(1) does not designate a beneficiary
6 under paragraph (1) before the veteran dies, or if a des-
7 ignated beneficiary predeceases the veteran, the Secretary
8 shall determine the beneficiary in the following order:

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

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

12 “(C) The parents of the veteran or the sur-
13 vivors of the parents.

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

16 “(E) Other next of kin of the veteran entitled
17 under the laws of domicile of the veteran at the time
18 of the death of the veteran.

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

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

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

10 “(2) If the deceased veteran did not designate a bene-
11 ficiary under subsection (e)(1), or if the designated bene-
12 ficiary predeceased the veteran, a beneficiary described in
13 subsection (e)(2) may file a claim for payment under sub-
14 section (g) during the two-year period beginning on the
15 date of the death of the veteran.

16 “(3) If, on the date that is two years after the date
17 of the death of the veteran, no claim for payment has been
18 filed by any beneficiary pursuant to paragraph (1) or (2),
19 and the Secretary has not received notice that any such
20 claim will be so filed during the subsequent one-year pe-
21 riod, the Secretary may make the payment to a claimant
22 whom the Secretary determines to be equitably entitled to
23 such payment.

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

1 “(A) in paragraph (1)(A), the Secretary shall
2 pay the designated beneficiary not later than 90
3 days after the designated beneficiary files a complete
4 and acceptable claim for payment;

5 “(B) in paragraph (1)(B) or (2), the Secretary
6 shall make any payment not later than one year
7 after the end of the period described in the applica-
8 ble such paragraph, if the Secretary receives a com-
9 plete and acceptable claim for payment in accord-
10 ance with the applicable such paragraph; or

11 “(C) in paragraph (3), the Secretary shall make
12 any payment not later than one year after the end
13 of the period described in such paragraph.

14 “(2) In a case where the Secretary has not made an
15 insurance payment under this section during the applica-
16 ble period specified in paragraph (1) by reason of a bene-
17 ficiary not yet having filed a claim, or the Secretary not
18 yet making a determination under subsection (f)(3), the
19 Secretary may make the payment after such applicable pe-
20 riod.

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

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

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

6 (2) ~~CLERICAL AMENDMENT.~~—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 1922A
9 the following new item:

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

10 (b) ~~SUNSET OF PREVIOUS PROGRAM AND TRANSI-~~
11 ~~TION.~~—

12 (1) ~~S-DVI.~~—Section 1922 of such title is
13 amended by adding at the end the following new
14 subsection:

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

18 “(2)(A) During the period beginning January 1,
19 2023, and ending December 31, 2025, a veteran who is
20 insured under this section may elect to instead be insured
21 under section 1922B of this title based on the age of the
22 veteran at the time of such election.

23 “(B)(i) A veteran who elects under subparagraph (A)
24 to be insured under section 1922B of this title shall be

1 subject to the two-year waiting period specified in sub-
2 section (e) of such section.

3 “(ii) If the veteran dies during such period, the Sec-
4 retary shall pay the beneficiary under this section, and,
5 if applicable, under section 1922A, plus the amount of
6 premiums paid by the veteran under such section 1922B,
7 plus interest.

8 “(3) Except as provided by paragraph (2)(B), a vet-
9 eran may not be insured under this section and section
10 1922B simultaneously.”

11 (2) SUPPLEMENTAL S-DVI.—Section 1922A(b)
12 of such title is amended by adding after the period
13 the following: “The Secretary may not accept any
14 such application after December 31, 2022. Except
15 as provided by section 1922(d)(2)(B), a veteran may
16 not have supplemental insurance under this section
17 and be insured under section 1922B simulta-
18 neously.”

19 (e) CONFORMING AMENDMENTS.—Chapter 19 of
20 such title is amended—

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

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

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

“1922. Legacy service disabled veterans’ insurance.

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

8 **SEC. 406. PUBLICATION AND ACCEPTANCE OF DISABILITY**
9 **BENEFIT QUESTIONNAIRE FORMS OF DE-**
10 **PARTMENT OF VETERANS AFFAIRS.**

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

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

15 (2) by inserting after subsection (e) the fol-
16 lowing new subsection (d):

17 “(d)(1) The Secretary shall publish in a central loca-
18 tion on the internet website of the Department disability
19 benefit questionnaire forms of the Department for the
20 submittal of evidence from non-Department medical pro-
21 viders regarding a disability of a claimant.

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

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

3 “(i) the claimant provided to the non-De-
4 partment medical provider the previous version
5 of the form before the date on which the up-
6 dated version of the form was made available;
7 and

8 “(ii) the claimant files the previous version
9 of the form during the one-year period following
10 the date the form was completed by the non-
11 Department medical provider;

12 “(B) request from the claimant any other infor-
13 mation that the updated version of the form re-
14 quires; and

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

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

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

1 Congress a report on the findings of the Inspector General
2 with respect to the use of the forms published under sec-
3 tion 5101(d)(1) of such title, as added by subsection (a).

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

9 (d) ALTERNATE PROCESS.—

10 (1) ASSESSMENT AND REPORT.—Subject to
11 paragraph (2), not later than 180 days after the
12 date of the enactment of this act, the Secretary
13 shall—

14 (A) assess the feasibility and advisability of
15 replacing disability benefit questionnaire forms
16 that are used by non-Department medical pro-
17 viders to submit to the Secretary evidence re-
18 garding a disability of a claimant for benefits
19 under laws administered by the Secretary, with
20 another consistent process that considers evi-
21 dence equally, whether provided by a Depart-
22 ment or a non-Department medical provider;
23 and

24 (B) submit to Congress—

1 (i) a report on the findings of the Sec-
2 retary with respect to the assessment con-
3 ducted under subparagraph (A); and

4 (ii) a plan to replace the disability
5 benefit questionnaire forms as described in
6 subparagraph (A).

7 (2) REQUIREMENTS.—The Secretary may only
8 determine under paragraph (1)(A) that replacing the
9 forms described in such paragraph is feasibility and
10 advisable if the Secretary certifies that—

11 (A) it is in the best interest of veterans to
12 do so;

13 (B) the replacement process would include
14 all the medical information needed to adjudicate
15 a claim for benefits under laws administered by
16 the Secretary; and

17 (C) the new process will ensure that all
18 medical information provided will be considered
19 equally, whether it is provided by a Department
20 medical provider or a non-Department medical
21 provider.

22 (3) IMPLEMENTATION.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), if the Secretary determines under
25 paragraph (1)(A) that replacing the forms as

1 described in such paragraph is feasible and ad-
2 visable, the Secretary shall, not later than two
3 years after the date on which the Secretary
4 submits the report under paragraph (1)(B)(i),
5 replace the forms as described in paragraph
6 (1)(A).

7 (B) REPORTS BY INSPECTOR GENERAL OF
8 THE DEPARTMENT OF VETERANS AFFAIRS.—If
9 the Secretary replaces the forms under sub-
10 paragraph (A), the Inspector General of the
11 Department of Veterans Affairs shall, not fre-
12 quently than once each year, submit to Con-
13 gress an report on the process that replaced
14 forms that ascertains whether the process prop-
15 erly protects veterans.

16 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion or section 5101(d) of such title, as added by sub-
18 section (a), may be construed to require the Secretary to
19 develop any new information technology system or other-
20 wise require the Secretary to make any significant changes
21 to the internet website of the Department.

22 **SEC. 407. DETERMINATION OF BUDGETARY EFFECTS.**

23 The budgetary effects of this Act, for the purpose of
24 complying with the Statutory Pay-As-You-Go Act of 2010,
25 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
 2 Act, submitted for printing in the Congressional Record
 3 by the Chairman of the Senate Budget Committee, pro-
 4 vided that such statement has been submitted prior to the
 5 vote on passage.

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

7 (a) *SHORT TITLE.*—This Act may be cited as the “Vet-
 8 eran Benefits Enhancement and Expansion Act of 2020”.

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

Sec. 1. Short title; table of contents.

TITLE I—EDUCATION MATTERS

Sec. 101. Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.

Sec. 102. Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.

Sec. 103. Phase out of All-Volunteer Educational Assistance Program.

Sec. 104. Requirements for in-State tuition.

Sec. 105. 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. 106. Restoration of entitlement to rehabilitation programs for veterans affected by school closure or disapproval.

Sec. 107. Technical correction to clarify eligibility for participation in Yellow Ribbon Program of Department of Veterans Affairs.

TITLE II—BURIAL MATTERS

Sec. 201. Transportation of deceased veterans to veterans’ cemeteries.

Sec. 202. Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.

Sec. 203. Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.

Sec. 204. Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.

Sec. 205. Aid to counties for establishment, expansion, and improvement of veterans’ cemeteries.

Sec. 206. Increase in maximum amount of grants to States, counties, and tribal organizations for operating and maintaining veterans’ cemeteries.

Sec. 207. Provision of urns for remains of certain veterans whose cremated remains are not interred in certain cemeteries.

*TITLE III—REPRESENTATION AND FINANCIAL EXPLOITATION
MATTERS*

Sec. 301. Short title.

Sec. 302. Penalties for representing veterans as agents and attorneys without recognition by Secretary of Veterans Affairs.

Sec. 303. Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.

Sec. 304. Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.

Sec. 305. Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.

Sec. 306. Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.

Sec. 307. Notice regarding fees charged in connection with filing an application for veterans pension.

Sec. 308. Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.

TITLE IV—OTHER MATTERS

Sec. 401. Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.

Sec. 402. Reducing loan fees for certain veterans affected by major disasters.

Sec. 403. Extension of certain housing loan fees.

Sec. 404. Collection of overpayments of specially adapted housing assistance.

Sec. 405. Revision of definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs.

Sec. 406. Matters relating to Department of Veterans Affairs medical disability examinations.

Sec. 407. Medal of Honor special pension for surviving spouses.

Sec. 408. Modernization of service-disabled veterans insurance.

Sec. 409. Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.

Sec. 410. Preference for offerors employing veterans.

Sec. 411. Elimination of period of eligibility for training and rehabilitation for certain veterans with service-connected disabilities.

Sec. 412. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.

Sec. 413. Clarification of delivery of notice of termination of leases of premises and motor vehicles for purposes of relief under Servicemembers Civil Relief Act.

Sec. 414. Technical correction regarding extension of lease protections for servicemembers under stop movement orders in response to local, national, or global emergency.

Sec. 415. Termination of contracts for telephone, multichannel video programming, or internet access service by certain individuals under Servicemembers Civil Relief Act.

Sec. 416. Extension of certain employment and reemployment rights to members of the National Guard who perform State active duty.

Sec. 417. Repayment of misused benefits.

Sec. 418. Study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities.

Sec. 419. Determination of budgetary effects.

1 **TITLE I—EDUCATION MATTERS**

2 **SEC. 101. EXPANSION OF ELIGIBILITY FOR FRY SCHOLAR-** 3 **SHIP TO CHILDREN AND SPOUSES OF CER-** 4 **TAIN DECEASED MEMBERS OF THE ARMED** 5 **FORCES.**

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

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

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

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

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

22 **(b) CONFORMING AMENDMENTS.—**

1 (1) *Subsection (f) of such section is amended by*
2 *striking “paragraph (8)” each place it appears and*
3 *inserting “paragraphs (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, by*
7 *striking “paragraphs (1), (2), (8), and (9)” and in-*
8 *serting “paragraphs (1), (2), (8), (9), (10), and (11)”.*

9 (4) *Section 3322 of such title is amended—*

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

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

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

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

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

3 **SEC. 102. PERIOD FOR ELECTION TO RECEIVE BENEFITS**
4 **UNDER ALL-VOLUNTEER EDUCATIONAL AS-**
5 **SISTANCE PROGRAM OF DEPARTMENT OF**
6 **VETERANS AFFAIRS.**

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

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

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

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

1 **SEC. 103. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL**
2 **ASSISTANCE PROGRAM.**

3 *Subsection (a)(1)(A) of section 3011 of title 38, United*
4 *States Code, as amended by section 102, is further amended*
5 *by striking “after June 30, 1985” and inserting “during*
6 *the period beginning July 1, 1985, and ending September*
7 *30, 2030”.*

8 **SEC. 104. REQUIREMENTS FOR IN-STATE TUITION.**

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

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

14 *(2) in paragraph (4)—*

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

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

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

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

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

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

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

11 **SEC. 105. EXPANSION OF AUTHORITY FOR CERTAIN QUALI-**
12 **FYING WORK-STUDY ACTIVITIES FOR PUR-**
13 **POSES OF THE EDUCATIONAL ASSISTANCE**
14 **PROGRAMS OF THE DEPARTMENT OF VET-**
15 **ERANS AFFAIRS TO INCLUDE OUTREACH**
16 **SERVICES PROVIDED THROUGH CONGRES-**
17 **SIONAL OFFICES.**

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

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

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

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

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

8 **SEC. 107. TECHNICAL CORRECTION TO CLARIFY ELIGI-**
9 **BILITY FOR PARTICIPATION IN YELLOW RIB-**
10 **BON PROGRAM OF DEPARTMENT OF VET-**
11 **ERANS AFFAIRS.**

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

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

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

20 **TITLE II—BURIAL MATTERS**

21 **SEC. 201. TRANSPORTATION OF DECEASED VETERANS TO**
22 **VETERANS’ CEMETERIES.**

23 (a) *IN GENERAL.*—Subsection (a) of section 2308 of
24 *title 38, United States Code, is amended by striking “in*

1 *a national cemetery” and inserting “in a national cemetery*
2 *or a covered veterans’ cemetery”.*

3 *(b) COVERED VETERANS’ CEMETERY DEFINED.—Sec-*
4 *tion 2308 of such title is amended by adding at the end*
5 *the following new subsection:*

6 *“(c) COVERED VETERANS’ CEMETERY DEFINED.—In*
7 *this section, the term ‘covered veterans’ cemetery’ means a*
8 *veterans’ cemetery—*

9 *“(1) in which a deceased veteran described in*
10 *subsection (b) is eligible to be buried;*

11 *“(2) that—*

12 *“(A) is owned by a State; or*

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

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

17 *(c) CONFORMING AMENDMENT.—Section 2308 of such*
18 *title is amended in the section heading by adding at the*
19 *end the following: “**or a covered veterans’ ceme-***
20 ***tery”.***

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

“2308. Transportation of deceased veteran to a national cemetery or a covered vet-
erans’ cemetery.”.

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

4 **SEC. 202. INCREASE IN CERTAIN FUNERAL BENEFITS**
5 **UNDER LAWS ADMINISTERED BY THE SEC-**
6 **RETARY OF VETERANS AFFAIRS.**

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

10 (1) *By transferring subsection (b) of section 2302*
11 *to the end of section 2303 and redesignating such sub-*
12 *section as subsection (d).*

13 (2) *By striking section 2302.*

14 (3) *In section 2303—*

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

19 (B) *in subsection (a)—*

20 (i) *in paragraph (1), by striking “a*
21 *veteran dies in a facility described in para-*
22 *graph (2)” and inserting “a veteran de-*
23 *scribed in paragraph (2) dies”;*

24 (ii) *by striking paragraph (2) and in-*
25 *serting the following new paragraph (2):*

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

4 “(A) *The deceased veteran dies in—*

5 “(i) *a facility of the Department (as defined*
6 *in section 1701(3) of this title) to which the de-*
7 *ceased veteran was properly admitted for hos-*
8 *pital, nursing home, or domiciliary care under*
9 *section 1710 or 1711(a) of this title; or*

10 “(ii) *an institution at which the deceased*
11 *veteran was, at the time of death, receiving—*

12 “(I) *hospital care in accordance with*
13 *sections 1703A, 8111, and 8153 of this title;*

14 “(II) *nursing home care under section*
15 *1720 of this title; or*

16 “(III) *nursing home care for which*
17 *payments are made under section 1741 of*
18 *this title.*

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

1 *compensation) or was in receipt of pension under*
2 *chapter 15 of this title.*

3 “(C) *The Secretary determines—*

4 “(i) *the deceased veteran (including a per-*
5 *son who died during a period deemed to be ac-*
6 *tive military, naval, or air service under section*
7 *106(c) of this title) has no next of kin or other*
8 *person claiming the body of the deceased veteran;*
9 *and*

10 “(ii) *that there are not available sufficient*
11 *resources to cover burial and funeral expenses.”;*

12 “(iii) *in subsection (b)—*

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

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

19 “(iv) *in subsection (d), as added by*
20 *paragraph (1) of this subsection, by striking*
21 *“Except as” and inserting “With respect to*
22 *a deceased veteran described in subpara-*
23 *graph (B) or (C) of subsection (a)(2), except*
24 *as”.*

25 (b) *CONFORMING AMENDMENTS.—*

1 (1) *TITLE 38.—Such title is amended as follows:*

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

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

12 (C) *In section 2308—*

13 (i) *in subsection (a), by striking “pur-*
14 *suant to section 2302 or 2307 of this title,”*
15 *and inserting “pursuant to section 2303 of*
16 *this title regarding veterans described in*
17 *subparagraph (B) or (C) of subsection*
18 *(a)(2) of such section, or pursuant to section*
19 *2307 of this title,”; and*

20 (ii) *in subsection (b)(3)—*

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

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

1 (1) *in paragraph (1)(A), by inserting “, or in a*
2 *cemetery that is the subject of a grant to a State or*
3 *a tribal organization under section 2408 of this title,”*
4 *after “National Cemetery Administration”; and*

5 (2) *by striking paragraph (2) and inserting the*
6 *following new paragraph (2):*

7 “(2)(A) *The use of outer burial receptacles in a ceme-*
8 *tery under the control of the National Cemetery Adminis-*
9 *tration or in a cemetery that is the subject of a grant to*
10 *a State or a tribal organization under section 2408 of this*
11 *title shall be in accordance with regulations or procedures*
12 *approved by the Secretary of Veterans Affairs.*

13 “(B) *The use of outer burial receptacles in Arlington*
14 *National Cemetery shall be in accordance with regulations*
15 *or procedures approved by the Secretary of the Army.*

16 “(C) *The use of outer burial receptacles in a national*
17 *cemetery administered by the National Park Service shall*
18 *be in accordance with regulations or procedures approved*
19 *by the Secretary of the Interior.”.*

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

1 **SEC. 204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
2 **CHILDREN ON CERTAIN HEADSTONES AND**
3 **MARKERS FURNISHED BY THE SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 (a) *IN GENERAL.*—Section 2306 of title 38, United
6 States Code, is amended by adding at the end the following
7 new subsection:

8 “(j)(1) *In addition to any other authority under this*
9 *section, in the case of an individual whose grave is not in*
10 *a covered cemetery (as that term is defined in subsection*
11 *(f)(2)) and for whom the Secretary has furnished a head-*
12 *stone or marker under subsection (a) or (d), the Secretary,*
13 *if feasible and upon request, may replace the headstone or*
14 *marker to add an inscription for the surviving spouse or*
15 *eligible dependent child of such individual following the*
16 *death of the surviving spouse or eligible dependent child.*

17 “(2) *If the spouse or eligible dependent child of an in-*
18 *dividual referred to in paragraph (1) predeceases the indi-*
19 *vidual, the Secretary may, if feasible and upon request, in-*
20 *clude an inscription for the spouse or dependent child on*
21 *the headstone or marker furnished for the individual under*
22 *subsection (a) or (d).”.*

23 (b) *APPLICATION.*—Subsection (j) of section 2306 of
24 title 38, United States Code, as added by subsection (a),
25 shall apply with respect to an individual who dies on or
26 after October 1, 2019.

1 **SEC. 205. AID TO COUNTIES FOR ESTABLISHMENT, EXPAN-**
2 **SION, AND IMPROVEMENT OF VETERANS'**
3 **CEMETERIES.**

4 (a) *IN GENERAL.*—Section 2408 of title 38, United
5 States Code, is amended—

6 (1) by inserting “or county” after “State” each
7 place it appears; and

8 (2) in subsection (a), by adding at the end the
9 following new paragraph:

10 “(3)(A) *The Secretary may make a grant to a county*
11 *under this section only if—*

12 “(i)(I) *the State in which the county is located*
13 *does not have a veterans’ cemetery owned by the*
14 *State; or*

15 “(II) *the State in which the county is located did*
16 *not apply for a grant under this section during the*
17 *previous year; and*

18 “(ii) *the county demonstrates in the application*
19 *under paragraph (2), to the satisfaction of the Sec-*
20 *retary, that the county has the resources necessary to*
21 *operate and maintain the veterans’ cemetery owned*
22 *by the county.*

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

1 “(C) *The Secretary shall prescribe regulations to carry*
2 *out this paragraph.*”.

3 (b) *CLERICAL AMENDMENTS.*—

4 (1) *SECTION HEADING.*—*The heading of such sec-*
5 *tion is amended by inserting “, **counties, and***
6 ***tribal organizations**” after “**States**”.*

7 (2) *TABLE OF SECTIONS.*—*The table of sections*
8 *at the beginning of chapter 24 of such title is amend-*
9 *ed by striking the item relating to section 2408 and*
10 *inserting the following new item:*

 “2408. *Aid to States, counties, and tribal organizations for establishment, expan-*
 sion, and improvement of veterans’ cemeteries.”.

11 (c) *EFFECTIVE DATE.*—*The amendments made by this*
12 *section shall take on effect on the date that is two years*
13 *after the date of the enactment of this Act.*

14 **SEC. 206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO**
15 **STATES, COUNTIES, AND TRIBAL ORGANIZA-**
16 **TIONS FOR OPERATING AND MAINTAINING**
17 **VETERANS’ CEMETERIES.**

18 *Section 2408(e)(2) of title 38, United States Code, is*
19 *amended by striking “\$5,000,000” and inserting*
20 *“\$10,000,000”.*

1 **SEC. 207. PROVISION OF URNS FOR REMAINS OF CERTAIN**
2 **VETERANS WHOSE CREMATED REMAINS ARE**
3 **NOT INTERRED IN CERTAIN CEMETERIES.**

4 (a) *IN GENERAL.*—Section 2306 of title 38, United
5 States Code, as amended by section 204, is further amend-
6 ed—

7 (1) *by redesignating subsections (h), (i), and (j)*
8 *as subsections (i) and (j), and (k), respectively; and*

9 (2) *by inserting after subsection (g) the following*
10 *new subsection (h):*

11 “(h)(1) *In lieu of furnishing a headstone or marker*
12 *under this section to a deceased individual described in*
13 *paragraph (3), the Secretary shall furnish, upon request*
14 *and at the expense of the United States—*

15 “(A) *an urn made of any material to signify the*
16 *individual’s status as a veteran, in which the remains*
17 *of such individual may be placed at private expense;*
18 *or*

19 “(B) *a commemorative plaque signifying the in-*
20 *dividual’s status as a veteran.*

21 “(2) *If the Secretary provides an urn or commemora-*
22 *tive plaque for a veteran under paragraph (1), the Sec-*
23 *retary may not provide for such veteran—*

24 “(A) *a headstone or marker under this section;*
25 *or*

1 “(B) any burial benefit under section 2402 of
2 this title.

3 “(3) A deceased individual described in this paragraph
4 is an individual—

5 “(A) who served in the Armed Forces on or after
6 April 6, 1917;

7 “(B) who is eligible for a headstone or marker
8 furnished under subsection (d) (or would be so eligible
9 but for the date of the death of the individual); and

10 “(C) whose remains were cremated and not in-
11 terred in a national cemetery, a State veterans’ ceme-
12 tery, a tribal cemetery, or a private cemetery.”.

13 (b) *EFFECTIVE DATE.*—The amendments made by this
14 section shall take on effect on the date that is two years
15 after the date of the enactment of this Act.

16 **TITLE III—REPRESENTATION**
17 **AND FINANCIAL EXPLOI-**
18 **TATION MATTERS**

19 **SEC. 301. SHORT TITLE.**

20 This title may be cited as the “Financial Refuge for
21 Every Elderly Veteran Act of 2020” or the “FREE Veteran
22 Act of 2020”.

1 **SEC. 302. PENALTIES FOR REPRESENTING VETERANS AS**
2 **AGENTS AND ATTORNEYS WITHOUT REC-**
3 **OGNITION BY SECRETARY OF VETERANS AF-**
4 **FAIRS.**

5 (a) *PENALTIES.*—

6 (1) *IN GENERAL.*—Section 5905 of title 38,
7 *United States Code, is amended to read as follows:*

8 **“§ 5905. Penalty for certain acts**

9 “(a) *IN GENERAL.*—Whoever commits any of the fol-
10 *lowing acts shall be fined as provided in title 18, or impris-*
11 *oned for not more than one year, or both:*

12 “(1) *Undertakes or attempts to undertake any*
13 *work in furtherance of the preparation, presentation,*
14 *or prosecution of a claim under a law administered*
15 *by the Secretary—*

16 “(A) *without recognition by the Secretary*
17 *under sections 5902 through 5904 of this title; or*

18 “(B) *while suspended or excluded under sec-*
19 *tion 5904(b) of this title.*

20 “(2) *Unlawfully withholds from any claimant or*
21 *beneficiary any part of a benefit or claim under the*
22 *laws administered by the Secretary that is allowed*
23 *and due to the claimant or beneficiary.*

24 “(b) *SEEKING RECOGNITION.*—Subsection (a)(1)(A)
25 *shall not be construed to include the seeking of recognition*

1 *from the Secretary to prepare, present, or prosecute a claim*
2 *under a law administered by the Secretary.*

3 “(c) *LEGAL INTERNS, LAW STUDENTS, AND PARA-*
4 *LEGALS.—Subsection (a)(1)(A) shall not apply to a legal*
5 *intern, a law student, or a paralegal undertaking or at-*
6 *tempting to undertake work in furtherance of the prepara-*
7 *tion, presentation, or prosecution of a claim under a law*
8 *administered by the Secretary to the degree that such legal*
9 *intern, law student, or paralegal is doing so—*

10 “(1) *on behalf of or under the supervision of an*
11 *attorney recognized by the Secretary under sections*
12 *5902 through 5904 of this title; and*

13 “(2) *in a manner that is consistent with the*
14 *Model Rules of Professional Conduct of the American*
15 *Bar Association.”.*

16 “(2) *EFFECTIVE DATE.—The amendment made by*
17 *subsection (a) shall apply with respect to acts com-*
18 *mitted after the date that is 180 days after the date*
19 *of the enactment of this Act.*

20 “(b) *BIENNIAL REPORTS BY GENERAL COUNSEL.—*

21 “(1) *IN GENERAL.—Not later than two years after*
22 *the date of the enactment of this Act and not less fre-*
23 *quently than once every two years thereafter until the*
24 *date that is seven years after the date of the enact-*
25 *ment of this Act, the General Counsel of the Depart-*

1 *ment shall submit to Congress a report on activities*
2 *that are carried out by persons in violation of section*
3 *5905(a) of title 38, United States Code, as amended*
4 *by subsection (a)(1).*

5 (2) *CONTENTS.—Each report submitted under*
6 *paragraph (1) shall include, for the period covered by*
7 *the report, the following:*

8 (A) *A discussion of the rates generally*
9 *charged for services provided by persons in viola-*
10 *tion of section 5905(a) of title 38, United States*
11 *Code.*

12 (B) *The number of claims for benefits under*
13 *laws administered by the Secretary of Veterans*
14 *Affairs that were prepared, presented, or pros-*
15 *ecuted by a person acting as an agent or attor-*
16 *ney in violation of such section.*

17 **SEC. 303. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**
18 **TATION OF VETERANS RECEIVING PENSION**
19 **FROM THE DEPARTMENT OF VETERANS AF-**
20 **FAIRS.**

21 (a) *DEVELOPMENT OF METHOD FOR SOLICITATION*
22 *AND COLLECTION OF INFORMATION.—Not later than one*
23 *year after the date of the enactment of this Act, the Sec-*
24 *retary of Veterans Affairs shall develop a method for system-*
25 *atically soliciting and collecting information on complaints*

1 *received, referrals made, and actions taken by the pension*
2 *management centers of the Department of Veterans Affairs*
3 *and any other relevant components of the Department, in*
4 *cases of potential financial exploitation of individuals re-*
5 *ceiving pension under chapter 15 of title 38, United States*
6 *Code.*

7 (b) *PLAN TO ASSESS AND ADDRESS FINANCIAL EX-*
8 *PLOITATION OF VETERANS.—*

9 (1) *IN GENERAL.—The Secretary shall develop*
10 *and periodically update a plan—*

11 (A) *to regularly assess the information so-*
12 *solicited and collected under subsection (a) to iden-*
13 *tify trends of potential financial exploitation of*
14 *the individuals described in subsection (a) across*
15 *the Department; and*

16 (B) *to outline actions that the Department*
17 *can take to improve education and training to*
18 *address those trends.*

19 (2) *SUBMISSION OF PLAN.—Not later than one*
20 *year after the date of the enactment of this Act and*
21 *not less frequently than once every two years there-*
22 *after until the date that is six years after the date of*
23 *the enactment of this Act, the Secretary shall submit*
24 *the plan most recently developed or updated under*
25 *paragraph (1) to—*

1 (A) the Comptroller General of the United
2 States; and

3 (B) the Committee on Veterans' Affairs and
4 the Special Committee on Aging of the Senate
5 and the Committee on Veterans' Affairs of the
6 House of Representatives.

7 **SEC. 304. OVERPAYMENTS OF PENSION TO VETERANS RE-**
8 **CEIVING PENSION FROM THE DEPARTMENT**
9 **OF VETERANS AFFAIRS.**

10 (a) *GUIDANCE AND TRAINING FOR CLAIMS PROC-*
11 *ESSORS.*—As the Secretary of Veterans Affairs considers
12 necessary, but not less frequently than once every three
13 years until the date that is 10 years after the date of the
14 enactment of this Act, the Under Secretary for Benefits of
15 the Department of Veterans Affairs shall update guidance
16 and training curriculum for the processors of claims for
17 pension under chapter 15 of title 38, United States Code,
18 regarding the evaluation of questionable medical expenses
19 on applications for pension, including by updating such
20 guidance with respect to what constitutes a questionable
21 medical expense and by including examples of such ex-
22 penses.

23 (b) *IDENTIFICATION AND TRACKING.*—The Under Sec-
24 retary shall develop a method for identifying and tracking

1 *the number of individuals who have received overpayments*
2 *of pension under chapter 15 of title 38, United States Code.*

3 (c) *ANNUAL REPORT.*—*Not later than one year after*
4 *the date of the enactment of this Act and not later than*
5 *October 31 of each fiscal year beginning thereafter until the*
6 *date that is three years after the date of the enactment of*
7 *this Act, the Under Secretary shall submit to Congress a*
8 *report that includes, for the period covered by the report,*
9 *the following:*

10 (1) *The number of individuals who received over-*
11 *payments of pension under chapter 15 of title 38,*
12 *United States Code.*

13 (2) *The reason for each overpayment described in*
14 *paragraph (1).*

15 (3) *The number of veterans who had to repay*
16 *overpayments described in paragraph (1).*

17 (4) *The number of veterans for whom the Sec-*
18 *retary waived a requirement to repay an overpay-*
19 *ment described in paragraph (1).*

20 (5) *The total dollar amount of overpayments de-*
21 *scribed in paragraph (1).*

22 (6) *The total dollar amount of repayments of vet-*
23 *erans for overpayments described in paragraph (1).*

24 (7) *The average dollar amount of repayments de-*
25 *scribed in paragraph (6).*

1 **SEC. 305. EVALUATION OF ADDITIONAL ACTIONS FOR**
2 **VERIFYING DIRECT DEPOSIT INFORMATION**
3 **PROVIDED BY VETERANS ON APPLICATIONS**
4 **FOR VETERANS PENSION.**

5 (a) *IN GENERAL.—The Under Secretary for Benefits*
6 *of the Department of Veterans Affairs shall—*

7 (1) *conduct an evaluation of the feasibility and*
8 *advisability of requiring the processors of claims for*
9 *pension under chapter 15 of title 38, United States*
10 *Code, to take additional actions to verify that the di-*
11 *rect deposit information provided by an individual*
12 *on an application for pension is for the appropriate*
13 *recipient; and*

14 (2) *identify such legislative or administrative ac-*
15 *tions as the Under Secretary considers appropriate to*
16 *ensure that payments of pension are provided to the*
17 *correct recipients.*

18 (b) *SUBMISSION TO CONGRESS.—*

19 (1) *IN GENERAL.—Not later than 240 days after*
20 *the date of the enactment of this Act, the Under Sec-*
21 *retary shall submit to Congress a report on the eval-*
22 *uation and identification under subsection (a).*

23 (2) *CONTENTS.—The report required by para-*
24 *graph (1) shall include the following:*

1 (A) *The findings of the Under Secretary*
2 *with respect to the evaluation conducted under*
3 *subsection (a)(1).*

4 (B) *The actions identified under subsection*
5 *(a)(2).*

6 (C) *A plan for implementing any adminis-*
7 *trative actions identified under subsection (a)(2).*

8 (D) *A rationale for not implementing any*
9 *actions evaluated under paragraph (1) of sub-*
10 *section (a) but not identified under paragraph*
11 *(2) of such subsection.*

12 **SEC. 306. ANNUAL REPORT ON EFFORTS OF DEPARTMENT**
13 **OF VETERANS AFFAIRS TO ADDRESS THE FI-**
14 **NANCIAL EXPLOITATION OF VETERANS RE-**
15 **CEIVING PENSION.**

16 (a) *IN GENERAL.*—*Not later than one year after the*
17 *date of the enactment of this Act and not less frequently*
18 *than once each year thereafter until the date that is four*
19 *years after the date of the enactment of this Act, the Sec-*
20 *retary of Veterans Affairs shall submit to the Committee*
21 *on Veterans' Affairs of the Senate and the Committee on*
22 *Veterans' Affairs of the House of Representatives a report*
23 *on efforts to address the financial exploitation of individ-*
24 *uals receiving pension under chapter 15 of title 38, United*
25 *States Code.*

1 (b) *CONTENTS.*—Each report required by subsection
2 (a) shall include, for the period covered by the report, the
3 following:

4 (1) *The number of individuals who received pen-*
5 *sion under chapter 15 of title 38, United States Code,*
6 *who have been referred by any component of the De-*
7 *partment of Veterans Affairs to the Office of Inspector*
8 *General of the Department as likely or proven victims*
9 *of financial exploitation.*

10 (2) *The number of referrals and reports relating*
11 *to the financial exploitation of such individuals made*
12 *by the Department of Veterans Affairs to—*

13 (A) *the Consumer Sentinel Network of the*
14 *Federal Trade Commission; and*

15 (B) *the Department of Justice.*

16 (3) *A description of the actions taken as a result*
17 *of such referrals and reports against—*

18 (A) *individuals recognized by the Secretary*
19 *as agents or attorneys under section 5904 of title*
20 *38, United States Code; and*

21 (B) *individuals not so recognized.*

1 **SEC. 307. NOTICE REGARDING FEES CHARGED IN CONNEC-**
2 **TION WITH FILING AN APPLICATION FOR VET-**
3 **ERANS PENSION.**

4 *The Under Secretary for Benefits of the Department*
5 *of Veterans Affairs shall ensure that every paper or elec-*
6 *tronic document relating to the receipt of pension under*
7 *chapter 15 of title 38, United States Code, that is available*
8 *to individuals who apply for such pension, including edu-*
9 *cational forms about or applications for such pension, in-*
10 *cludes a notice that the Department does not charge any*
11 *fee in connection with the filing of an application for such*
12 *pension.*

13 **SEC. 308. OUTREACH PLAN FOR EDUCATING VULNERABLE**
14 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**
15 **PLOITATION RELATING TO THE RECEIPT OF**
16 **PENSION.**

17 (a) *DEVELOPMENT OF PLAN.*—*The Under Secretary*
18 *for Benefits of the Department of Veterans Affairs shall de-*
19 *velop, in collaboration with veterans service organizations,*
20 *an outreach plan for educating vulnerable individuals*
21 *about potential financial exploitation relating to the receipt*
22 *of pension under chapter 15 of title 38, United States Code.*

23 (b) *SUBMISSION TO CONGRESS.*—*Not later than 180*
24 *days after the date of the enactment of this Act, the Under*
25 *Secretary shall submit to the Committee on Veterans' Af-*
26 *airs and the Special Committee on Aging of the Senate*

1 *and the Committee on Veterans' Affairs of the House of Rep-*
2 *resentatives the plan developed under subsection (a).*

3 *(c) VETERANS SERVICE ORGANIZATION DEFINED.—In*
4 *this section, the term “veterans service organization” means*
5 *an organization recognized by the Secretary of Veterans Af-*
6 *fairs for the representation of veterans under section 5902*
7 *of title 38, United States Code.*

8 **TITLE IV—OTHER MATTERS**

9 **SEC. 401. ELIGIBILITY OF CERTAIN MEMBERS OF THE RE-** 10 **SERVE COMPONENTS OF THE ARMED FORCES** 11 **FOR HOME LOANS FROM THE SECRETARY OF** 12 **VETERANS AFFAIRS.**

13 *(a) EXPANSION OF DEFINITION OF VETERAN FOR PUR-*
14 *POSES OF HOME LOANS.—Section 3701(b) of title 38,*
15 *United States Code, is amended by adding at the end the*
16 *following new paragraph:*

17 *“(7) The term ‘veteran’ also includes, for pur-*
18 *poses of home loans, an individual who performed*
19 *full-time National Guard duty (as that term is de-*
20 *finied in section 101 of title 10) for a period—*

21 *“(A) of not less than 90 cumulative days;*

22 *and*

23 *“(B) that includes 30 consecutive days.”.*

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

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

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

11 **SEC. 402. REDUCING LOAN FEES FOR CERTAIN VETERANS**
12 **AFFECTED BY MAJOR DISASTERS.**

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

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

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

22 “(ii) If a veteran has obtained a loan guaranteed
23 under section 3710 or made under section 3711 of this
24 title and the dwelling securing such loan was substan-
25 tially damaged or destroyed by a major disaster de-

1 *clared by the President under section 401 of the Rob-*
2 *ert T. Stafford Disaster Relief and Emergency Assist-*
3 *ance Act (42 U.S.C. 5170), the Secretary shall treat*
4 *as an initial loan, as defined in clause (i), the next*
5 *loan the Secretary guarantees or makes to such vet-*
6 *eran under section 3710 or 3711, respectively, if—*

7 *“(I) such loan is guaranteed or made before*
8 *the date that is three years after the date on*
9 *which the dwelling was substantially damaged or*
10 *destroyed; and*

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

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

18 **SEC. 403. EXTENSION OF CERTAIN HOUSING LOAN FEES.**

19 *Section 3729(b)(2) of title 38, United States Code, is*
20 *amended by striking “October 1, 2029” each place it ap-*
21 *pears and inserting “October 1, 2030”.*

22 **SEC. 404. COLLECTION OF OVERPAYMENTS OF SPECIALLY**
23 **ADAPTED HOUSING ASSISTANCE.**

24 *Section 2102 of title 38, United States Code, is amend-*
25 *ed by adding at the end the following new subsection:*

1 “(g)(1) Whenever the Secretary finds that an overpay-
2 ment has been made to, or on behalf of, a person described
3 in paragraph (2), the Secretary shall determine—

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

5 “(B) who is liable to the United States for such
6 overpayment.

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

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

10 “(i) under this chapter; or

11 “(ii) under chapter 31 of this title who is
12 pursuing a rehabilitation program under such
13 chapter in acquiring adaptations to a residence.

14 “(B) An owner or seller of real estate used, or in-
15 tended to be used, in connection with assistance under
16 this chapter.

17 “(C) A builder, contractor, supplier,
18 tradesperson, corporation, trust, partnership, or other
19 person, who provided services or goods relating to as-
20 sistance under this chapter.

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

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

4 “(3)(A) Any overpayment referred to in this subsection
5 may be recovered in the same manner as any other debt
6 due the United States.

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

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

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

16 “(5) The Secretary shall waive recovery under this sub-
17 section of any overpayment to a person described in para-
18 graph (2)(A), or a dependent or survivor of such person,
19 that arises from administrative error described in para-
20 graph (7)(A).

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

1 “(7) *The Secretary shall prescribe in regulations what*
2 *constitutes an overpayment for the purposes of this sub-*
3 *section, which, at a minimum, shall include—*

4 “(A) *administrative error that results in an in-*
5 *dividual receiving assistance to which that individual*
6 *is not entitled;*

7 “(B) *the failure of any person described in para-*
8 *graph (2) to—*

9 “(i) *perform or allow to be performed any*
10 *act relating to assistance under this chapter; or*

11 “(ii) *compensate any party performing*
12 *services or supplying goods relating to assistance*
13 *under this chapter; and*

14 “(C) *any disbursement of funds relating to as-*
15 *sistance under this chapter, that, in the sole discretion*
16 *of the Secretary, constitutes a misuse of such assist-*
17 *ance.*

18 “(8) *Prior to collecting an overpayment under this*
19 *subsection, the Secretary shall provide to the person whom*
20 *the Secretary has determined liable for such overpayment—*

21 “(A) *notice of the finding by the Secretary of*
22 *such overpayment;*

23 “(B) *a reasonable opportunity for such person to*
24 *remedy the circumstances that effectuated the over-*
25 *payment; and*

1 “(C) a reasonable opportunity for such person to
2 present evidence to the Secretary that an overpayment
3 was not made.

4 “(9) For the purposes of section 511 of this title, a
5 decision to collect an overpayment from a person other than
6 a person described in paragraph (2)(A), or a dependent or
7 survivor of such person, may not be treated as a decision
8 that affects the provision of benefits.”.

9 **SEC. 405. REVISION OF DEFINITION OF VIETNAM ERA FOR**
10 **PURPOSES OF THE LAWS ADMINISTERED BY**
11 **THE SECRETARY OF VETERANS AFFAIRS.**

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

15 **SEC. 406. MATTERS RELATING TO DEPARTMENT OF VET-**
16 **ERANS AFFAIRS MEDICAL DISABILITY EXAMI-**
17 **NATIONS.**

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

24 (1) *IN GENERAL.—*Subsection (c) of section 504
25 of the Veterans’ Benefits Improvements Act of 1996

1 *(Public Law 104–275; 38 U.S.C. 5101 note) is*
2 *amended to read as follows:*

3 “(c) *LICENSURE OF CONTRACT HEALTH CARE PRO-*
4 *FESSIONALS.—*

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

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

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

22 “(B) *is not barred from practicing such*
23 *health care profession in any State, the District*
24 *of Columbia, or a Commonwealth, territory, or*
25 *possession of the United States; and*

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

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

10 (3) *SUNSET.*—On the date that is three years
11 after the date of the enactment of this Act, subsection
12 (c) of such section shall read as it read on the day
13 before the date of the enactment of this Act.

14 (b) *TEMPORARY HALT ON ELIMINATION OF MEDICAL*
15 *EXAMINER POSITIONS IN DEPARTMENT OF VETERANS AF-*
16 *FAIRS.*—The Secretary of Veterans Affairs shall imme-
17 diately suspend the efforts of the Secretary in effect on the
18 day before the date of the enactment of this Act to eliminate
19 medical examiner positions in the Department of Veterans
20 Affairs until the number of individuals awaiting a medical
21 examination with respect to medical disability of the indi-
22 viduals for benefits under laws administered by the Sec-
23 retary that are carried out through the Under Secretary for
24 Benefits is equal to or less than the number of such individ-

1 *uals who were awaiting such a medical examination with*
2 *respect to such purposes on March 1, 2020.*

3 *(c) REPORT ON PROVISION OF MEDICAL EXAMINA-*
4 *TIONS.—*

5 *(1) IN GENERAL.—Not later than 180 days after*
6 *the date of the enactment of this Act, the Secretary*
7 *shall submit to the appropriate Committees of Con-*
8 *gress a report on the provision of medical examina-*
9 *tions described in subsection (b) by the Department.*

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

12 *(A) How the Secretary will increase the ca-*
13 *capacity, efficiency, and timeliness of medical ex-*
14 *aminers of the Veterans Health Administration*
15 *with respect to completing medical examinations*
16 *described in subsection (a).*

17 *(B) The total number of full-time equivalent*
18 *employees among all medical and health care*
19 *professions needed for the increases described in*
20 *subparagraph (A).*

21 *(C) An assessment regarding the importance*
22 *of retaining a critical knowledge base within the*
23 *Department for performing medical examina-*
24 *tions for veterans filing claims for compensation*
25 *under chapters 11 and 13 of title 38, United*

1 *States Code, including with respect to military*
2 *sexual trauma, post-traumatic stress disorder,*
3 *traumatic brain injury, and toxic exposure.*

4 (3) *COLLABORATION.*—*The Secretary shall col-*
5 *laborate with the veterans community and stake-*
6 *holders in the preparation of the report required by*
7 *paragraph (1).*

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

11 (A) *the Committee on Veterans’ Affairs and*
12 *the Committee on Appropriations of the Senate;*
13 *and*

14 (B) *the Committee on Veterans’ Affairs and*
15 *the Committee on Appropriations of the House of*
16 *Representatives.*

17 (d) *COMPTROLLER GENERAL OF THE UNITED STATES*
18 *REVIEW.*—

19 (1) *REVIEW REQUIRED.*—*Not later than 360*
20 *days after the date of the enactment of this Act, the*
21 *Comptroller General of the United States shall com-*
22 *mence a review of the implementation of the pilot*
23 *program authorized under subsection (a) of section*
24 *504 of the Veterans’ Benefits Improvements Act of*
25 *1996 (Public Law 104–275; 38 U.S.C. 5101 note).*

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

3 (A) *An assessment of the use of subsection*
4 *(c) of section 504 of such Act, as amended by*
5 *subsection (a)(1) of this section.*

6 (B) *Efforts to retain and recruit medical*
7 *examiners as employees of the Department.*

8 (C) *Use of telehealth for medical examina-*
9 *tions described in subsection (b) that are admin-*
10 *istered by the Department.*

11 (e) *REPORT ON RECOMMENDATIONS OF COMPTROLLER*
12 *GENERAL OF THE UNITED STATES.*—*Not later than 60*
13 *days after the date of the enactment of this Act, the Sec-*
14 *retary shall submit to the Committee on Veterans' Affairs*
15 *of the Senate and the Committee on Veterans' Affairs of*
16 *the House of Representatives a report on how the Secretary*
17 *will implement the recommendations of the Comptroller*
18 *General of the United States regarding—*

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

23 (2) *ensuring such providers receive such train-*
24 *ing.*

1 (f) *HOLDING UNDERPERFORMING CONTRACT MEDICAL*
2 *EXAMINERS ACCOUNTABLE.*—*The Secretary shall take such*
3 *actions as may be necessary to hold accountable the pro-*
4 *viders of medical examinations pursuant to contracts under*
5 *section 504 of the Veterans’ Benefits Improvements Act of*
6 *1996 (Public Law 104–275; 38 U.S.C. 5101 note) who are*
7 *underperforming in the meeting of the needs of veterans*
8 *through the performance of medical examinations pursuant*
9 *to such contracts.*

10 **SEC. 407. MEDAL OF HONOR SPECIAL PENSION FOR SUR-**
11 **VIVING SPOUSES.**

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

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

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

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

20 (B) *by adding at the end the following new*
21 *paragraph:*

22 “(2)(A) *Except as provided in subparagraphs (B) and*
23 *(C), the Secretary shall pay special pension under this sec-*
24 *tion to the surviving spouse of a person whose name has*
25 *been entered on the Army, Navy, Air Force, and Coast*

1 *Guard Medal of Honor Roll and a copy of whose certificate*
2 *has been delivered to the Secretary under section 1134a(d)*
3 *of title 10.*

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

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

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

12 “(C) *No special pension shall be paid to a surviving*
13 *spouse of a person under this section if such surviving*
14 *spouse is receiving benefits under section 1311 or 1318 of*
15 *this title.”.*

16 (2) *CONFORMING AMENDMENTS.—*

17 (A) *IN GENERAL.—Such section is amend-*
18 *ed—*

19 (i) *in subsection (d), by inserting “or*
20 *married to more than one person who has*
21 *been awarded a medal of honor,” after*
22 *“honor;”; and*

23 (ii) *in subsection (f)(1), by striking*
24 *“this section” and inserting “paragraph (1)*
25 *of subsection (a), or under paragraph (2) of*

1 *such subsection in the case of a posthumous*
2 *entry on the Army, Navy, Air Force, and*
3 *Coast Guard Medal of Honor Roll.”.*

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

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

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

15 **SEC. 408. MODERNIZATION OF SERVICE-DISABLED VET-**
16 **ERANS INSURANCE.**

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

18 *(1) IN GENERAL.—Chapter 19 of title 38, United*
19 *States Code, is amended by inserting after section*
20 *1922A the following new section:*

21 **“§ 1922B. Service-disabled veterans insurance**

22 *“(a) INSURANCE.—(1) Beginning January 1, 2023,*
23 *the Secretary shall carry out a service-disabled veterans in-*
24 *surance program under which a veteran is granted insur-*

1 *ance by the United States against the death of such indi-*
2 *vidual occurring while such insurance is in force.*

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

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

7 *“(A) the veteran submits the application for such*
8 *insurance before the veteran attains 81 years of age;*
9 *or*

10 *“(B) with respect to a veteran who has attained*
11 *81 years of age—*

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

15 *“(ii) based on such claim, and after the vet-*
16 *eran attained such age, the Secretary first deter-*
17 *mines that the veteran has a service-connected*
18 *disability; and*

19 *“(iii) the veteran submits the application*
20 *for such insurance during the two-year period*
21 *following the date of such determination.*

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

25 *“(i) \$10,000.*

1 “(i) \$20,000.

2 “(iii) \$30,000.

3 “(iv) \$40,000.

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

6 “(B) *The Secretary may establish a maximum amount*
7 *to be insured under paragraph (1) that is greater than*
8 *\$40,000 if the Secretary—*

9 “(i) *determines that such maximum amount and*
10 *the premiums for such amount—*

11 “(I) *are administratively and actuarially*
12 *sound for the insurance program under para-*
13 *graph (1); and*

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

16 “(ii) *publishes in the Federal Register, and sub-*
17 *mits to the Committee on Veterans’ Affairs of the Sen-*
18 *ate and the Committee on Veterans’ Affairs of the*
19 *House of Representatives, such maximum amount*
20 *and determination.*

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

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

3 “(B)(i) The Secretary of the Treasury may invest in
4 and sell and retire special interest-bearing obligations of the
5 United States for the account of the revolving fund under
6 subparagraph (A).

7 “(ii) Such obligations issued for that purpose shall—
8 “(I) have maturities fixed with due regard for
9 the needs of the fund; and

10 “(II) bear interest at a rate equal to the average
11 market yield (computed by the Secretary of the Treas-
12 ury on the basis of market quotations as of the end
13 of the calendar month preceding the date of issue) on
14 all marketable interest-bearing obligations of the
15 United States then forming a part of the public debt
16 which are not due or callable until after the expira-
17 tion of four years from the end of such calendar
18 month; except that where such average market yield
19 is not a multiple of one-eighth of 1 per centum, the
20 rate of interest of such obligation shall be the multiple
21 of one-eighth of 1 per centum nearest such market
22 yield.

23 “(6)(A) Administrative support financed by the appro-
24 priations for ‘General Operating Expenses, Department of
25 Veterans Affairs’ and ‘Information Technology Systems,

1 *Department of Veterans Affairs' for the insurance program*
2 *under paragraph (1) shall be paid from premiums credited*
3 *to the fund under paragraph (5).*

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

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

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

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

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

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

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

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

24 *“(3)(A) If a veteran dies during the two-year period*
25 *described in paragraph (2), the Secretary shall pay to the*

1 beneficiary of the veteran the amount of premiums paid by
2 the veteran under this section, plus interest.

3 “(B) The Secretary—

4 “(i) for the initial year of the insurance program
5 under subsection (a)(1)—

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

8 “(II) may adjust such rate during such
9 year based on program experience, except that
10 the interest rate may not be less than zero per-
11 cent;

12 “(ii) for the second and each subsequent year of
13 the program, shall calculate such interest at an an-
14 nual rate equal to the rate of return on the revolving
15 fund under subsection (a)(5) for the calendar year
16 preceding the year of the veteran’s death, except that
17 the interest rate may not be less than zero percent;
18 and

19 “(iii) on an annual basis, shall publish on the
20 internet website of the Department the average inter-
21 est rate calculated under clause (ii) for the preceding
22 calendar year.

23 “(d) PREMIUMS.—(1) The Secretary shall establish a
24 schedule of basic premium rates by age per \$10,000 of in-
25 surance under subsection (a)(1) consistent with basic pre-

1 *mium rates generally charged for guaranteed acceptance life*
2 *insurance policies by private life insurance companies.*

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

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

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

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

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

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

22 “(C) *The parents of the veteran or the survivors*
23 *of the parents.*

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

1 “(E) Other next of kin of the veteran entitled
2 under the laws of domicile of the veteran at the time
3 of the death of the veteran.

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

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

10 “(B) if the designated beneficiary does not file a
11 claim for the payment during the period described in
12 paragraph (1), or if payment to the designated bene-
13 ficiary within that period is prohibited by Federal
14 statute or regulation, a beneficiary described in sub-
15 section (e)(2) may file a claim for such payment dur-
16 ing the one-year period following the period described
17 in subparagraph (A) as if the designated beneficiary
18 had predeceased the veteran.

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

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

9 “(g) PAYMENTS.—(1) In a case described in subsection
10 (f)—

11 “(A) in paragraph (1)(A), the Secretary shall
12 pay the designated beneficiary not later than 90 days
13 after the designated beneficiary files a complete and
14 valid claim for payment;

15 “(B) in paragraph (1)(B) or (2), the Secretary
16 shall make any payment not later than one year after
17 the end of the period described in the applicable such
18 paragraph, if the Secretary receives a complete and
19 valid claim for payment in accordance with the ap-
20 plicable such paragraph; or

21 “(C) in paragraph (3), the Secretary shall make
22 any payment not later than one year after the end of
23 the period described in such paragraph, if the Sec-
24 retary receives a complete and valid claim for pay-
25 ment.

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

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

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

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

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

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

19 (b) *SUNSET OF PREVIOUS PROGRAM AND TRANSI-*
20 *TION.—*

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

1 “(d)(1) *The Secretary may not accept any application*
2 *by a veteran to be insured under this section after December*
3 *31, 2022.*

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

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

13 “(ii) *If the veteran dies during such period, the Sec-*
14 *retary shall pay the beneficiary under this section, and, if*
15 *applicable, under section 1922A, plus the amount of pre-*
16 *miums paid by the veteran under such section 1922B, plus*
17 *interest.*

18 “(3) *Except as provided by paragraph (2)(B), a vet-*
19 *eran may not be insured under this section and section*
20 *1922B simultaneously.”.*

21 (2) *SUPPLEMENTAL S–DVI.—Section 1922A(b) of*
22 *such title is amended by adding after the period the*
23 *following: “The Secretary may not accept any such*
24 *application after December 31, 2022. Except as pro-*
25 *vided by section 1922(d)(2)(B), a veteran may not*

1 *have supplemental insurance under this section and*
2 *be insured under section 1922B simultaneously.”.*

3 (c) *CONFORMING AMENDMENTS.—Chapter 19 of such*
4 *title is amended—*

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

8 (2) *in the section heading of section 1922A, by*
9 *striking “Supplemental” and inserting “Legacy*
10 *supplemental”;* and

11 (3) *in the table of sections at the beginning of*
12 *such chapter by striking the items relating to sections*
13 *1922 and 1922A and inserting the following new*
14 *items:*

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

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

15 **SEC. 409. PUBLICATION AND ACCEPTANCE OF DISABILITY**

16 **BENEFIT QUESTIONNAIRE FORMS OF DE-**
17 **PARTMENT OF VETERANS AFFAIRS.**

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

20 (1) *by redesignating subsection (d) as subsection*
21 *(e); and*

22 (2) *by inserting after subsection (c) the following*
23 *new subsection (d):*

1 “(d)(1) *The Secretary shall publish in a central loca-*
2 *tion on the internet website of the Department disability*
3 *benefit questionnaire forms of the Department for the sub-*
4 *mittal of evidence from non-Department medical providers*
5 *regarding a disability of a claimant.*

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

9 “(A) *accept the previous version of the form filed*
10 *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 updated*
14 *version of the form was made available; and*

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

19 “(B) *request from the claimant any other infor-*
20 *mation that the updated version of the form requires;*
21 *and*

22 “(C) *apply the laws and regulations required to*
23 *adjudicate the claim as if the claimant filed the up-*
24 *dated version of the form.*

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

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

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

17 **(d) ALTERNATE PROCESS.**—

18 **(1) ASSESSMENT AND REPORT.**—*Subject to para-*
19 *graph (2), not later than 180 days after the date of*
20 *the enactment of this act, the Secretary shall—*

21 **(A)** *assess the feasibility and advisability of*
22 *replacing disability benefit questionnaire forms*
23 *that are used by non-Department medical pro-*
24 *viders to submit to the Secretary evidence re-*
25 *garding a disability of a claimant for benefits*

1 *under laws administered by the Secretary, with*
2 *another consistent process that considers evidence*
3 *equally, whether provided by a Department or a*
4 *non-Department medical provider; and*

5 *(B) submit to Congress—*

6 *(i) a report on the findings of the Sec-*
7 *retary with respect to the assessment con-*
8 *ducted under subparagraph (A); and*

9 *(ii) a plan to replace the disability*
10 *benefit questionnaire forms as described in*
11 *subparagraph (A).*

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

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

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

22 *(C) the new process will ensure that all*
23 *medical information provided will be considered*
24 *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 subparagraph*
5 *(B), if the Secretary determines under para-*
6 *graph (1)(A) that replacing the forms as de-*
7 *scribed in such paragraph is feasible and advis-*
8 *able, the Secretary shall, not later than two*
9 *years after the date on which the Secretary sub-*
10 *mits the report under paragraph (1)(B)(i), re-*
11 *place the forms as described in paragraph*
12 *(1)(A).*

13 (B) *REPORTS BY INSPECTOR GENERAL OF*
14 *THE DEPARTMENT OF VETERANS AFFAIRS.*—*If*
15 *the Secretary replaces the forms under subpara-*
16 *graph (A), the Inspector General of the Depart-*
17 *ment of Veterans Affairs shall, not less frequently*
18 *than once each year, submit to Congress a report*
19 *on the process that replaced forms that ascertains*
20 *whether the process properly protects veterans.*

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

1 *Secretary to make any significant changes to the internet*
2 *website of the Department.*

3 **SEC. 410. PREFERENCE FOR OFFERORS EMPLOYING VET-**
4 **ERANS.**

5 *(a) IN GENERAL.—Subchapter II of chapter 81 of title*
6 *38, United States Code, is amended by adding after section*
7 *8128 the following new section:*

8 **“§ 8129. Preference for offerors employing veterans**

9 *“(a) PREFERENCE.—(1) In awarding a contract for*
10 *the procurement of goods or services, the Secretary may give*
11 *a preference to offerors that employ veterans on a full-time*
12 *basis.*

13 *“(2) The Secretary shall determine such preference*
14 *based on the percentage of the full-time employees of the*
15 *offeror who are veterans.*

16 *“(b) ENFORCEMENT PENALTIES FOR MISREPRESENTA-*
17 *TION.—(1) Any offeror that is determined by the Secretary*
18 *to have willfully and intentionally misrepresented the vet-*
19 *eran status of the employees of the offeror for purposes of*
20 *subsection (a) may be debarred from contracting with the*
21 *Department for a period of not less than five years.*

22 *“(2) If the Secretary carries out a debarment under*
23 *paragraph (1), the Secretary shall—*

24 *“(A) commence debarment action against the of-*
25 *feror by not later than 30 days after determining that*

1 *the offeror willfully and intentionally misrepresented*
2 *the veteran status of the employees of the offeror as*
3 *described in paragraph (1); and*

4 “(B) complete debarment actions against such of-
5 feror by not later than 90 days after such determina-
6 tion.

7 “(3) The debarment of an offeror under paragraph (1)
8 includes the debarment of all principals in the offeror for
9 a period of not less than five years.”.

10 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
11 *the beginning of chapter 81 of such title is amended by in-*
12 *serting after the item relating to section 8128 the following*
13 *new item:*

 “8129. *Preference for offerors employing veterans.*”.

14 **SEC. 411. ELIMINATION OF PERIOD OF ELIGIBILITY FOR**
15 **TRAINING AND REHABILITATION FOR CER-**
16 **TAIN VETERANS WITH SERVICE-CONNECTED**
17 **DISABILITIES.**

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

20 (1) *in subsection (a), by striking “or (e)” and*
21 *inserting “(e), or (g)”;* and

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

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

4 (b) *CLERICAL AMENDMENT.*—The table of sections at
5 the beginning of chapter 31 of such title is amended by
6 striking the item relating to section 3103.

7 (c) *CONFORMING AMENDMENT.*—Section 6(c) of the
8 Student Veteran Coronavirus Response Act of 2020 (134
9 Stat. 633; Public Law 116–140) is amended by striking
10 paragraph (1).

11 **SEC. 412. CLARIFICATION OF TERMINATION OF LEASES OF**
12 **PREMISES AND MOTOR VEHICLES OF**
13 **SERVICEMEMBERS WHO INCUR CATA-**
14 **STROPHIC INJURY OR ILLNESS OR DIE WHILE**
15 **IN MILITARY SERVICE.**

16 (a) *CATASTROPHIC INJURIES AND ILLNESSES.*—Para-
17 graph (4) of section 305(a) of the Servicemembers Civil Re-
18 lief Act (50 U.S.C. 3955(a)), as added by section 545 of
19 the National Defense Authorization Act for Fiscal Year
20 2020 (Public Law 116–92), is amended to read as follows:

21 “(4) *CATASTROPHIC INJURY OR ILLNESS OF LES-*
22 *SEE.*—

23 “(A) *TERMINATION.*—If the lessee on a lease
24 described in subsection (b) incurs a catastrophic
25 injury or illness during a period of military

1 *service or while performing covered service, dur-*
2 *ing the one-year period beginning on the date on*
3 *which the lessee incurs such injury or illness—*

4 “(i) *the lessee may terminate the lease;*
5 *or*

6 “(ii) *in the case of a lessee who lacks*
7 *the mental capacity to contract or to man-*
8 *age his or her own affairs (including dis-*
9 *bursement of funds without limitation) due*
10 *to such injury or illness, the spouse or de-*
11 *pendent of the lessee may terminate the*
12 *lease.*

13 “(B) *DEFINITIONS.—In this paragraph:*

14 “(i) *CATASTROPHIC INJURY OR ILL-*
15 *NESS.—The term ‘catastrophic injury or ill-*
16 *ness’ has the meaning given that term in*
17 *section 439(g) of title 37, United States*
18 *Code.*

19 “(ii) *COVERED SERVICE.—The term*
20 *‘covered service’ means full-time National*
21 *Guard duty, active Guard and Reserve*
22 *duty, or inactive-duty training (as such*
23 *terms are defined in section 101(d) of title*
24 *10, United States Code).’.*

1 (b) *DEATHS*.—*Paragraph (3) of such section is amend-*
2 *ed by striking “The spouse of the lessee” and inserting “The*
3 *spouse or dependent of the lessee”.*

4 **SEC. 413. CLARIFICATION OF DELIVERY OF NOTICE OF TER-**
5 **MINATION OF LEASES OF PREMISES AND**
6 **MOTOR VEHICLES FOR PURPOSES OF RELIEF**
7 **UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

8 (a) *IN GENERAL*.—*Section 305(c)(2) of the*
9 *Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2)) is*
10 *amended—*

11 (1) *in subparagraph (B), by striking “or” at the*
12 *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-based*
24 *information repository to which access has*
25 *been granted to the lessee, the lessor (or the*

1 lessor’s grantee), or the lessor’s agent (or the
2 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 agent’s
7 grantee).”.

8 (b) *EFFECTIVE DATE.*—The amendments made by sub-
9 section (a) shall apply to delivery of notice of lease termi-
10 nations on or after the date the enactment of this Act.

11 **SEC. 414. 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.*

4 **SEC. 415. TERMINATION OF CONTRACTS FOR TELEPHONE,**
5 **MULTICHANNEL VIDEO PROGRAMMING, OR**
6 **INTERNET ACCESS SERVICE BY CERTAIN IN-**
7 **DIVIDUALS UNDER SERVICEMEMBERS CIVIL**
8 **RELIEF ACT.**

9 *Section 305A(a) of the Servicemembers Civil Relief Act*
10 *(50 U.S.C. 3956(a)) is amended by adding at the end the*
11 *following new paragraph:*

12 “(4) *ADDITIONAL INDIVIDUALS COVERED.*—*For*
13 *purposes of this section, the following individuals*
14 *shall be treated as a servicemember covered by para-*
15 *graph (1):*

16 “(A) *A spouse or dependent of a service-*
17 *member who dies while in military service or a*
18 *spouse or dependent of a member of a reserve*
19 *component of the Armed Forces who dies while*
20 *performing duty described in subparagraph (C).*

21 “(B) *A spouse or dependent of a service-*
22 *member who incurs a catastrophic injury or ill-*
23 *ness (as that term is defined in section 439(g) of*
24 *title 37, United States Code), if the servicemem-*
25 *ber incurs the catastrophic injury or illness*

1 *while in military service or performing duty de-*
2 *scribed in subparagraph (C).*

3 “(C) *A member of a reserve component of*
4 *the Armed Forces performing military service or*
5 *performing full-time National Guard duty, ac-*
6 *tive Guard and Reserve duty, or inactive-duty*
7 *training (as such terms are defined in section*
8 *101(d) of title 10, United States Code).”.*

9 **SEC. 416. EXTENSION OF CERTAIN EMPLOYMENT AND RE-**
10 **EMPLOYMENT RIGHTS TO MEMBERS OF THE**
11 **NATIONAL GUARD WHO PERFORM STATE AC-**
12 **TIVE DUTY.**

13 *Section 4303 of title 38, United States Code, is amend-*
14 *ed—*

15 (1) *in paragraph (13), by inserting “State active*
16 *duty for a period of 14 days or more, State active*
17 *duty in response to a national emergency declared by*
18 *the President under the National Emergencies Act (50*
19 *U.S.C. 1601 et seq.), State active duty in response to*
20 *a major disaster declared by the President under sec-*
21 *tion 401 of the Robert T. Stafford Disaster Relief and*
22 *Emergency Assistance Act (42 U.S.C. 5170),” after*
23 *“full-time National Guard duty,”;*

24 (2) *by redesignating paragraph (15) as para-*
25 *graph (16); and*

1 (3) by inserting after paragraph (14) the fol-
2 lowing new paragraph (15):

3 “(15) The term ‘State active duty’ means train-
4 ing or other duty, other than inactive duty, performed
5 by a member of the National Guard of a State—

6 “(A) not under section 502 of title 32 or
7 under title 10;

8 “(B) in service to the Governor of a State;
9 and

10 “(C) for which the member is not entitled to
11 pay from the Federal Government.”.

12 **SEC. 417. REPAYMENT OF MISUSED BENEFITS.**

13 (a) *IN GENERAL.*—Section 6107(b) of title 38, United
14 States Code, is amended—

15 (1) in paragraph (1), by striking “In any case
16 in which a fiduciary described in paragraph (2)” and
17 inserting “In any case not covered by subsection (a)
18 in which a fiduciary”;

19 (2) by striking paragraph (2); and

20 (3) by redesignating paragraph (3) as para-
21 graph (2).

22 (b) *APPLICATION.*—The amendments made by sub-
23 section (a) shall apply with respect to any determination
24 by the Secretary of Veterans Affairs made on or after the

1 *date of the enactment of this Act regarding the misuse of*
2 *benefits by a fiduciary.*

3 **SEC. 418. STUDY REGARDING THE ACCESSIBILITY OF**
4 **WEBSITES OF THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS TO INDIVIDUALS WITH DIS-**
6 **ABILITIES.**

7 (a) *STUDY.*—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Veterans Af-
9 fairs shall conduct a study of all websites of the Department
10 of Veterans Affairs to determine whether such websites are
11 accessible to individuals with disabilities in accordance
12 with section 508 of the Rehabilitation Act of 1973 (29
13 U.S.C. 794d).

14 (b) *REPORT.*—

15 (1) *IN GENERAL.*—Not later than 90 days after
16 completing the study under subsection (a), the Sec-
17 retary shall submit to Congress a report on such
18 study.

19 (2) *ELEMENTS.*—The report required by para-
20 graph (1) shall include the following:

21 (A) *A list of each website described in sub-*
22 *section (a) that is not accessible to individuals*
23 *with disabilities in accordance with section 508*
24 *of the Rehabilitation Act of 1973 (29 U.S.C.*
25 *794d).*

1 (B) For each website identified in the list
2 under paragraph (1)—

3 (i) a description of the barriers to
4 bringing such website into compliance with
5 the requirements of section 508 of the Reha-
6 bilitation Act of 1973 (29 U.S.C. 794d), in-
7 cluding barriers relating to staffing; and

8 (ii) the plan of the Secretary to bring
9 such website into compliance with the re-
10 quirements of such section.

11 (c) *WEBSITE DEFINED.*—In this section, the term
12 “website” includes the following:

13 (1) A file attached to a website.

14 (2) A web-based application.

15 (3) A kiosk at a medical facility of the Depart-
16 ment of Veterans Affairs, the use of which is required
17 to check in for scheduled appointments.

18 **SEC. 419. DETERMINATION OF BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement titled
22 “Budgetary Effects of PAYGO Legislation” for this Act,
23 submitted for printing in the Congressional Record by the
24 Chairman of the Senate Budget Committee, provided that

1 *such statement has been submitted prior to the vote on pas-*
2 *sage.*