

116TH CONGRESS  
2D 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.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

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

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## 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Veteran Benefits Enhancement and Expansion Act of  
6 2020”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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.

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  
21 Selected Reserve from a service-connected dis-  
22 ability.”.

23           (b) CONFORMING AMENDMENTS.—

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

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

11               (A) in subsection (e), by striking both  
 12               “sections 3311(b)(8) and 3319” and inserting  
 13               “section 3319 and paragraph (8), (9), or (10)  
 14               of section 3311 of this title”;

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

18               (C) in subsection (h)(2), by striking “ei-  
 19               ther section 3311(b)(8) or chapter 35” and in-  
 20               serting “either chapter 35 or paragraph (8),  
 21               (9), or (10) of section 3311”.

22          (c) APPLICABILITY DATE.—The amendments made  
 23          by this section shall take effect immediately after the  
 24          amendments made by section 105 of the Harry W.  
 25          Colmery Veterans Educational Assistance Act of 2017

1 (Public Law 115–48) take effect and shall apply with re-  
 2 spect to a quarter, semester, or term, as applicable, com-  
 3 mencing on or after August 1, 2020.

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

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

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

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

22 (b) EFFECTIVE DATE.—The amendments made by  
 23 subsection (a) shall take effect 180 days after the date  
 24 of 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,  
 4 United States Code, as amended by section 102, is further  
 5 amended by striking “after June 30, 1985” and inserting  
 6 “during the period beginning July 1, 1985, and ending  
 7 September 30, 2030”.

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

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

11 (1) in paragraph (2)(A), by striking “less than  
 12 three years before the date of enrollment in the  
 13 course 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 Depart-  
 21 ment a database explaining any requirements described in  
 22 subparagraph (A) that are established by a public institu-  
 23 tion of higher learning for an individual to be charged tui-  
 24 tion and fees at a rate that is equal to or less than the  
 25 rate the institution charges for tuition and fees for resi-  
 26 dents of the State in which the institution is located. The

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

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

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

9 (b) APPLICATION.—The amendments made by this  
 10 section shall apply with respect to a quarter, semester, or  
 11 term, as applicable, commencing on or after August 1,  
 12 2020.

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

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

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

“(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and nongovernmental programs.

“(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.”.

## **TITLE II—BURIAL MATTERS**

### **SEC. 201. TRANSPORTATION OF DECEASED VETERANS TO VETERANS' CEMETERIES.**

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

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

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



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

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

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

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

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

12 **SEC. 202. INCREASE IN CERTAIN FUNERAL BENEFITS**  
13 **UNDER LAWS ADMINISTERED BY THE SEC-**  
14 **RETARY OF VETERANS AFFAIRS.**

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

18 (1) By transferring subsection (b) of section  
19 2302 to the end of section 2303 and redesignating  
20 such subsection as subsection (d).

21 (2) By striking section 2302.

22 (3) In section 2303—

23 (A) in the section heading, by striking  
24 “**Death in Department facility**” and in-

serting **“Death from non-service-connected disability”**; and

(B) in subsection (a)—

(i) in paragraph (1), by striking “a veteran dies in a facility described in paragraph (2)” and inserting “a veteran described in paragraph (2) dies”;

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

“(2) A veteran described in this paragraph is a deceased veteran who is not covered by section 2307 and who meets any of the following criteria:

“(A) The deceased veteran dies in—

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

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

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

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

1 “(III) nursing home care for which  
2 payments are made under section 1741 of  
3 this title.

4 “(B) At the time of death, the deceased veteran  
5 (including a person who died during a period deemed  
6 to be active military, naval, or air service under sec-  
7 tion 106(c) of this title) is in receipt of compensa-  
8 tion under chapter 11 of this title (or but for the re-  
9 ceipt of retirement pay would have been entitled to  
10 such compensation) or was in receipt of pension  
11 under chapter 15 of this title.

12 “(C) The Secretary determines—

13 “(i) the deceased veteran (including a per-  
14 son who died during a period deemed to be ac-  
15 tive military, naval, or air service under section  
16 106(c) of this title) has no next of kin or other  
17 person claiming the body of the deceased vet-  
18 eran; and

19 “(ii) that there are not available sufficient  
20 resources to cover burial and funeral ex-  
21 penses.”;

22 (iii) in subsection (b)—

23 (I) in the matter preceding para-  
24 graph (1), by striking “section 2302  
25 of this title and”; and

1 (II) in paragraph (2), by striking  
 2 “under section 2302 of this title or”;  
 3 and  
 4 (iv) in subsection (d), as added by  
 5 paragraph (1) of this subsection, by strik-  
 6 ing “Except as” and inserting “With re-  
 7 spect to a deceased veteran described in  
 8 subparagraph (B) or (C) of subsection  
 9 (a)(2), except as”.

10 (b) CONFORMING AMENDMENTS.—

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

13 (A) In section 2304, by striking “Applica-  
 14 tions for payments under section 2302 of this  
 15 title” and inserting “Applications for payments  
 16 under section 2303 of this title regarding vet-  
 17 erans described in subparagraph (B) or (C) of  
 18 subsection (a)(2) of such section”.

19 (B) In section 2307, by striking “sections  
 20 2302 and 2303(a)(1) and (b)(2) of this title”  
 21 and inserting “subsections (a)(1) and (b)(2) of  
 22 section 2303 of this title”.

23 (C) In section 2308—

24 (i) in subsection (a), by striking “pur-  
 25 suant to section 2302 or 2307 of this

1 title,” and inserting “pursuant to section  
 2 2303 of this title regarding veterans de-  
 3 scribed in subparagraph (B) or (C) of sub-  
 4 section (a)(2) of such section, or pursuant  
 5 to section 2307 of this title,”; and

6 (ii) in subsection (b)(3)—

7 (I) by striking “section 2302”

8 and inserting “section 2303”; and

9 (II) by striking “subsection

10 (a)(2)(A)” and inserting “subsection

11 (a)(2)(C)”.

12 (D) In section 113(c)(1), by striking  
 13 “2302,”.

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

16 (2) EMERGENCY MEDICAL CARE.—Section 11  
 17 of the Military Selective Service Act (50 U.S.C.  
 18 3810) is amended by striking “section 2302(a) of  
 19 title 38” and inserting “section 2303 of title 38,  
 20 United States Code, regarding veterans described in  
 21 subparagraph (B) or (C) of subsection (a)(2) of such  
 22 section”.

23 (c) CLERICAL AMENDMENT.—The table of sections  
 24 at the beginning of chapter 23 of such title is amended

1 by striking the items relating to sections 2302 and 2303  
 2 and inserting the following new item:

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

3 (d) **EFFECTIVE DATE.**—The amendments made by  
 4 this Act shall apply to deaths that occur on or after the  
 5 date that is 180 days after the date of the enactment of  
 6 this Act.

7 **SEC. 203. OUTER BURIAL RECEPTACLES FOR EACH NEW**  
 8 **GRAVE IN CEMETERIES THAT ARE THE SUB-**  
 9 **JECTS OF CERTAIN GRANTS MADE BY THE**  
 10 **SECRETARY OF VETERANS AFFAIRS.**

11 Section 2306(e) of title 38, United States Code, is  
 12 amended—

13 (1) in paragraph (1)(A), by inserting “, or in  
 14 a cemetery that is the subject of a grant to a State  
 15 or a tribal organization under section 2408 of this  
 16 title,” after “National Cemetery Administration”;  
 17 and

18 (2) by striking paragraph (2) and inserting the  
 19 following new paragraph (2):

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

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

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

8 **SEC. 204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**  
 9 **CHILDREN ON CERTAIN HEADSTONES AND**  
 10 **MARKERS FURNISHED BY THE SECRETARY**  
 11 **OF VETERANS AFFAIRS.**

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

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

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

7       (b) APPLICATION.—Subsection (j) of section 2306 of  
 8 title 38, United States Code, as added by subsection (a),  
 9 shall apply with respect to an individual who dies on or  
 10 after October 1, 2021.

# 11 **TITLE        III—REPRESENTATION** 12 **AND        FINANCIAL        EXPLOI-** 13 **TATION MATTERS**

## 14 **SEC. 301. SHORT TITLE.**

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

## 18 **SEC. 302. PENALTIES FOR REPRESENTING VETERANS AS** 19 **AGENTS AND ATTORNEYS WITHOUT REC-** 20 **OGNITION BY SECRETARY OF VETERANS AF-** 21 **FAIRS.**

22       (a) PENALTIES.—

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



1 **“§ 5905. Penalty for certain acts**

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

5 “(1) Undertakes or attempts to undertake any  
6 work in furtherance of the preparation, presentation,  
7 or prosecution of a claim under a law administered  
8 by the Secretary—

9 “(A) without recognition by the Secretary  
10 under sections 5902 through 5904 of this title;  
11 or

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

14 “(2) Unlawfully withholds from any claimant or  
15 beneficiary any part of a benefit or claim under the  
16 laws administered by the Secretary that is allowed  
17 and due to the claimant or beneficiary.

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

22 “(c) LEGAL INTERNS, LAW STUDENTS, AND PARA-  
23 LEGALS.—Subsection (a)(1)(A) shall not apply to a legal  
24 intern, a law student, or a paralegal undertaking or at-  
25 tempting to undertake work in furtherance of the prepara-  
26 tion, presentation, or prosecution of a claim under a law

1 administered by the Secretary to the degree that such  
 2 legal intern, law student, or paralegal is doing so—

3 “(1) on behalf of or under the supervision of an  
 4 attorney recognized by the Secretary under sections  
 5 5902 through 5904 of this title; and

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

9 (2) EFFECTIVE DATE.—The amendment made  
 10 by subsection (a) shall apply with respect to acts  
 11 committed after the date that is 180 days after the  
 12 date of the enactment of this Act.

13 (b) BIENNIAL REVIEWS BY GENERAL COUNSEL OF  
 14 THE DEPARTMENT OF VETERANS AFFAIRS.—Section  
 15 5904 of such title is amended by adding at the end the  
 16 following new subsection:

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

21 “(2) Each report submitted under subparagraph (A)  
 22 shall include, for the period covered by the report, the fol-  
 23 lowing:

24 “(A) A discussion of the rates generally charged  
 25 for services covered by this section.

1 “(B) A discussion of the requests made by  
2 claimants under subsection (c)(3)(A).

3 “(C) A discussion of the fees reduced under  
4 such subsection.

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

10 **SEC. 303. PLAN TO ADDRESS THE FINANCIAL EXPLOI-**  
11 **TATION OF VETERANS RECEIVING PENSION**  
12 **FROM THE DEPARTMENT OF VETERANS AF-**  
13 **FAIRS.**

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

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

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

5           (A) to regularly assess the information so-  
6   licited and collected under subsection (a) to  
7   identify trends of potential financial exploitation  
8   of the individuals described in subsection (a)  
9   across the Department; and

10          (B) to outline actions that the Department  
11   can take to improve education and training to  
12   address those trends.

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

19          (A) the Comptroller General of the United  
20   States; and

21          (B) the Committee on Veterans' Affairs  
22   and the Special Committee on Aging of the  
23   Senate and the Committee on Veterans' Affairs  
24   of the House of Representatives.

1 **SEC. 304. OVERPAYMENTS OF PENSION TO VETERANS RE-**  
2 **CEIVING PENSION FROM THE DEPARTMENT**  
3 **OF VETERANS AFFAIRS.**

4 (a) GUIDANCE AND TRAINING FOR CLAIMS PROC-  
5 ESSORS.—As the Secretary considers necessary, but not  
6 less frequently than once every three years, the Under Sec-  
7 retary for Benefits of the Department of Veterans Affairs  
8 shall update guidance and training curriculum for the  
9 processors of claims for pension under chapter 15 of title  
10 38, United States Code, regarding the evaluation of ques-  
11 tionable medical expenses on applications for pension, in-  
12 cluding by updating such guidance with respect to what  
13 constitutes a questionable medical expense and by includ-  
14 ing examples of such expenses.

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

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

1           (1) the number of individuals who received  
2           overpayments of pension under chapter 15 of title  
3           38, United States Code; and

4           (2) the reason for each overpayment.

5 **SEC. 305. EVALUATION OF ADDITIONAL ACTIONS FOR**  
6 **VERIFYING DIRECT DEPOSIT INFORMATION**  
7 **PROVIDED BY VETERANS ON APPLICATIONS**  
8 **FOR VETERANS PENSION.**

9           (a) IN GENERAL.—The Under Secretary for Benefits  
10 of the Department of Veterans Affairs shall—

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

18           (2) identify such legislative or administrative  
19           actions as the Under Secretary considers appropriate  
20           to ensure that payments of pension are provided to  
21           the correct recipients.

22           (b) SUBMISSION TO CONGRESS.—

23           (1) IN GENERAL.—Not later than 240 days  
24           after the date of the enactment of this Act, the  
25           Under Secretary shall submit to Congress a report

1 on the evaluation and identification under subsection  
2 (a).

3 (2) CONTENTS.—The report required by para-  
4 graph (1) shall include the following:

5 (A) The findings of the Under Secretary  
6 with respect to the evaluation conducted under  
7 subsection (a)(1).

8 (B) The actions identified under subsection  
9 (a)(2).

10 (C) A plan for implementing any adminis-  
11 trative actions identified under subsection  
12 (a)(2).

13 (D) A rationale for not implementing any  
14 actions evaluated under paragraph (1) of sub-  
15 section (a) but not identified under paragraph  
16 (2) of such subsection.

17 **SEC. 306. ANNUAL REPORT ON EFFORTS OF DEPARTMENT**  
18 **OF VETERANS AFFAIRS TO ADDRESS THE FI-**  
19 **NANCIAL EXPLOITATION OF VETERANS RE-**  
20 **CEIVING PENSION.**

21 (a) IN GENERAL.—Not less frequently than once  
22 each year, the Secretary of Veterans Affairs shall submit  
23 to the Committee on Veterans' Affairs of the Senate and  
24 the Committee on Veterans' Affairs of the House of Rep-  
25 resentatives a report on efforts to address the financial

1 exploitation of individuals receiving pension under chapter  
2 15 of title 38, United States Code.

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

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

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

15 (A) the Consumer Sentinel Network of the  
16 Federal Trade Commission; and

17 (B) the Department of Justice.

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

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

23 (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 (c) 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 “(c) 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 acceptance  
14       life insurance policies by private life insurance companies.  
15

16       “(2) The Secretary may adjust such schedule after  
17       the first policy year in a manner consistent with the general  
18       practice of guaranteed acceptance life insurance policies  
19       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 Secretary  
22       may not otherwise waive premiums for such insurance  
23       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 (c) 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 (c) 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 (c) 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

described in such paragraph is feasible and advisable, the Secretary shall, not later than two years after the date on which the Secretary submits the report under paragraph (1)(B)(i), replace the forms as described in paragraph (1)(A).

(B) REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.—If the Secretary replaces the forms under subparagraph (A), the Inspector General of the Department of Veterans Affairs shall, not frequently than once each year, submit to Congress an report on the process that replaced forms that ascertains whether the process properly protects veterans.

(e) RULE OF CONSTRUCTION.—Nothing in this section or section 5101(d) of such title, as added by subsection (a), may be construed to require the Secretary to develop any new information technology system or otherwise require the Secretary to make any significant changes to the internet website of the Department.

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

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, 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.

