

Calendar No. 200

115TH CONGRESS
1ST SESSION

S. 1598

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Mr. ISAKSON (for himself, Mr. TESTER, Mr. ROUNDS, Mrs. McCASKILL, Mr. TILLIS, Mr. MANCHIN, Mr. HELLER, Ms. KLOBUCHAR, Mr. CORNYN, Mr. FRANKEN, Mr. CRAPO, Mr. DONNELLY, Mr. INHOFE, Ms. DUCKWORTH, Mr. SULLIVAN, Mr. KAINE, Mr. DAINES, Mr. UDALL, Ms. COLLINS, Ms. HEITKAMP, Mr. BLUNT, Mr. PETERS, Mr. RUBIO, Mr. BROWN, Mr. ROBERTS, Mr. HEINRICH, Mr. MORAN, Ms. HIRONO, Mrs. CAPITO, Ms. HASSAN, Mr. BOOZMAN, Mr. CARDIN, Mrs. FISCHER, Mr. NELSON, Ms. STABENOW, Mrs. SHAHEEN, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. WARREN, Mr. CASSIDY, Ms. MURKOWSKI, Mr. KENNEDY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. GRASSLEY, Mr. WARNER, Mr. MARKEY, Mr. MCCAIN, Mr. VAN HOLLEN, Ms. BALDWIN, Mrs. FEINSTEIN, Mr. COONS, Ms. CANTWELL, Mr. COCHRAN, Mr. WICKER, Mr. WHITEHOUSE, Mr. THUNE, Mr. CASEY, Mr. GRAHAM, Mr. STRANGE, Mr. REED, Mr. MERKLEY, Mr. SCHUMER, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

AUGUST 2, 2017

Reported by Mr. ISAKSON, without amendment

A BILL

To amend title 38, United States Code, to make certain

improvements in the laws administered by the Secretary of Veterans Affairs, 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 “Harry W. Colmery Veterans Educational Assistance Act
 6 of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

Sec. 101. Consideration of certain time spent receiving medical care from Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance.

Sec. 102. Educational assistance under Post-9/11 Educational Assistance Program for members of the Armed Forces awarded the Purple Heart.

Sec. 103. Inclusion of Fry Scholarship recipients and Purple Heart recipients in Yellow Ribbon G.I. Education Enhancement Program.

Sec. 104. Inclusion of certain members of the Armed Forces serving on active duty in Yellow Ribbon G.I. Education Enhancement Program.

Sec. 105. Consolidation of certain eligibility tiers under Post-9/11 Educational Assistance Program of the Department of Veterans Affairs.

Sec. 106. Eligibility for Post-9/11 Educational Assistance for certain members of reserve components of Armed Forces who lost entitlement to educational assistance under Reserve Educational Assistance Program.

Sec. 107. Calculation of monthly housing stipend under Post-9/11 Educational Assistance Program based on location of campus where classes are attended.

Sec. 108. Charge to entitlement for certain licensure and certification tests and national tests under Department of Veterans Affairs Post-9/11 Educational Assistance Program.

Sec. 109. Restoration of entitlement to educational assistance and other relief for veterans affected by school closure or disapproval.

Sec. 110. Additional authorized transfer of unused Post-9/11 Educational Assistance benefits to dependents upon death of originally designated dependent.

Sec. 111. Edith Nourse Rogers STEM Scholarship.

- Sec. 112. Honoring the national service of members of the Armed Forces by elimination of time limitation for use of entitlement.
- Sec. 113. Monthly stipend for certain members of the reserve components of the Armed Forces receiving Post-9/11 Educational Assistance.
- Sec. 114. Annual reports to Congress on information on student progress submitted by educational institutions.
- Sec. 115. Improvement of information technology of the veterans benefits administration of the Department of Veterans Affairs.
- Sec. 116. Department of Veterans Affairs high technology pilot program.

TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

- Sec. 201. Work-study allowance.
- Sec. 202. Duration of educational assistance under Survivors' and Dependents' Educational Assistance Program.
- Sec. 203. Olin E. Teague increase in amounts of educational assistance payable under Survivors' and Dependents' Educational Assistance Program.

TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

- Sec. 301. State approving agency funding.
- Sec. 302. Authorization for use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.
- Sec. 303. Provision of information on priority enrollment for veterans in certain courses of education.
- Sec. 304. Limitation on use of reporting fees payable to educational institutions and sponsors of programs of apprenticeship.
- Sec. 305. Training for school certifying officials.
- Sec. 306. Extension of authority for Advisory Committee on Education.
- Sec. 307. Department of Veterans Affairs provision of on-campus educational and vocational counseling for veterans.
- Sec. 308. Provision of information regarding veteran entitlement to educational assistance.
- Sec. 309. Treatment, for purposes of educational assistance administered by the Secretary of Veterans Affairs, of educational courses that begin seven or fewer days after the first day of an academic term.
- Sec. 310. Inclusion of risk-based reviews in State approving agency oversight activities.
- Sec. 311. Comptroller General study of State approving agency performance.

TITLE IV—RESERVE COMPONENT BENEFITS

- Sec. 401. Eligibility of reserve component members for Post-9/11 Educational Assistance.
- Sec. 402. Time limitation for training and rehabilitation for veterans with service-connected disabilities.

TITLE V—OTHER MATTERS

- Sec. 501. Repeal inapplicability of modification of basic allowance for housing to benefits under laws administered by Secretary of Veterans Affairs.

Sec. 502. Reconsideration of previously denied claims for disability compensation for veterans who allege full-body exposure to nitrogen mustard gas, sulfur mustard gas, or Lewisite during World War II.

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 38, United States Code.

**7 TITLE I—POST-9/11 EDU-
8 CATIONAL ASSISTANCE PRO-
9 GRAM**

**10 SEC. 101. CONSIDERATION OF CERTAIN TIME SPENT RE-
11 CEIVING MEDICAL CARE FROM SECRETARY
12 OF DEFENSE AS ACTIVE DUTY FOR PUR-
13 POSES OF ELIGIBILITY FOR POST-9/11 EDU-
14 CATIONAL ASSISTANCE.**

15 (a) IN GENERAL.—Section 3301(1)(B) is amended
16 by inserting “12301(h),” after “12301(g),”.

17 (b) RETROACTIVE APPLICATION.—The amendment
18 made by subsection (a) shall apply with respect to service
19 in the Armed Forces occurring on or after September 11,
20 2001.

21 (c) APPLICATION WITH RESPECT TO USE OF ENTI-
22 TLEMENT.—An individual who is entitled to educational
23 assistance by reason of the amendment made by sub-

1 section (a) may use such entitlement to pursue a course
2 of education beginning on or after August 1, 2018.

3 **SEC. 102. EDUCATIONAL ASSISTANCE UNDER POST-9/11**
4 **EDUCATIONAL ASSISTANCE PROGRAM FOR**
5 **MEMBERS OF THE ARMED FORCES AWARDED**
6 **THE PURPLE HEART.**

7 (a) ELIGIBILITY.—Section 3311(b) is amended by
8 adding at the end the following new paragraph:

9 “(10) An individual who is awarded the Purple
10 Heart for service in the Armed Forces occurring on
11 or after September 11, 2001, and continues to serve
12 on active duty in the Armed Forces or is discharged
13 or released from active duty as described in sub-
14 section (c).”.

15 (b) AMOUNT OF ASSISTANCE.—Section 3313(c)(1) is
16 amended by striking “or (9)” and inserting “(9), or (10)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on August 1, 2018.

19 **SEC. 103. INCLUSION OF FRY SCHOLARSHIP RECIPIENTS**
20 **AND PURPLE HEART RECIPIENTS IN YELLOW**
21 **RIBBON G.I. EDUCATION ENHANCEMENT**
22 **PROGRAM.**

23 (a) IN GENERAL.—Section 3317(a) is amended, in
24 the second sentence, by striking “paragraphs (1) and (2)”
25 and inserting “paragraphs (1), (2), (9), and (10)”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall take effect on August 1, 2018.

3 **SEC. 104. INCLUSION OF CERTAIN MEMBERS OF THE**
 4 **ARMED FORCES SERVING ON ACTIVE DUTY**
 5 **IN YELLOW RIBBON G.I. EDUCATION EN-**
 6 **HANCEMENT PROGRAM.**

7 (a) IN GENERAL.—Section 3317(a) is amended, in
 8 the first sentence, by striking “section 3313(c)(1)(A)” and
 9 inserting “subsection (c)(1)(A) or (e)(2)(A) of section
 10 3313 of this title”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall take effect on August 1, 2022.

13 **SEC. 105. CONSOLIDATION OF CERTAIN ELIGIBILITY TIERS**
 14 **UNDER POST-9/11 EDUCATIONAL ASSISTANCE**
 15 **PROGRAM OF THE DEPARTMENT OF VET-**
 16 **ERANS AFFAIRS.**

17 (a) ENTITLEMENT.—Section 3311(b), as amended by
 18 section 102, is further amended—

19 (1) in paragraph (6)(A), by striking “12
 20 months” and inserting “6 months”;

21 (2) by striking paragraph (7); and

22 (3) by redesignating paragraphs (8), (9), and
 23 (10) as paragraphs (7), (8), and (9), respectively.

24 (b) AMOUNT OF EDUCATIONAL ASSISTANCE.—Sec-
 25 tion 3313(c) is amended by striking paragraph (7).

1 (c) CONFORMING AMENDMENTS.—Chapter 33 is fur-
 2 ther amended as follows:

3 (1) In section 3311(f), by striking “paragraph
 4 (9)” each place it appears and inserting “paragraph
 5 (8)”.

6 (2) In section 3313, as amended by section
 7 102—

8 (A) in subsection (c)(1), by striking “(9),
 9 or (10)” and inserting “(8), or (9)”;

10 (B) in subsection (d), by striking “para-
 11 graphs (2) through (7)” each place it appears
 12 and inserting “paragraphs (2) through (6)”;

13 (C) in subsection (e)(2)(C)—

14 (i) by striking “paragraphs (3)
 15 through (8)” and inserting “paragraphs
 16 (3) through (7)”; and

17 (ii) by striking “paragraphs (2)
 18 through (7)” and inserting “paragraphs
 19 (2) through (6)”;

20 (D) in subsection (f)(2)(A)(ii), by striking
 21 “paragraphs (2) through (7)” and inserting
 22 “paragraphs (2) through (6)”;

23 (E) in subsection (g)(3)—

24 (i) in subparagraph (A)(iv)—

1 (I) by striking “paragraphs (3)
 2 through (8)” and inserting “para-
 3 graphs (3) through (7)”; and

4 (II) by striking “paragraphs (2)
 5 through (7)” and inserting “para-
 6 graphs (2) through (6)”; and

7 (ii) in subparagraph (B)(iii)—

8 (I) by striking “paragraphs (3)
 9 through (8)” and inserting “para-
 10 graphs (3) through (7)”; and

11 (II) by striking “paragraphs (2)
 12 through (7)” and inserting “para-
 13 graphs (2) through (6)”; and

14 (iii) in subparagraph (C)(ii)—

15 (I) in subclause (I), by striking
 16 “(9)” and inserting “(8)”; and

17 (II) in subclause (II)—

18 (aa) by striking “paragraphs
 19 (3) through (8)” and inserting
 20 “paragraphs (3) through (7)”;
 21 and

22 (bb) by striking “paragraphs
 23 (2) through (7)” and inserting
 24 “paragraphs (2) through (6)”;
 25 and

1 (iv) in subparagraph (D)(ii)—

2 (I) in subclause (I), by striking

3 “(9)” and inserting “(8)”; and

4 (II) in subclause (II)—

5 (aa) by striking “paragraphs

6 (3) through (8)” and inserting

7 “paragraphs (3) through (7)”;

8 and

9 (bb) by striking “paragraphs

10 (2) through (7)” and inserting

11 “paragraphs (2) through (6)”;

12 and

13 (F) in subsection (h), by striking “para-

14 graphs (2) through (7)” and inserting “para-

15 graphs (2) through (6)”.

16 (3) In section 3316—

17 (A) in subsection (a)(1), by striking “para-

18 graphs (2) through (7)” and inserting “para-

19 graphs (2) through (6)”;

20 (B) in subsection (b)(1), by striking “para-

21 graphs (2) through (7)” and inserting “para-

22 graphs (2) through (6)”.

23 (4) In section 3317(a), in the second sentence,

24 as amended by section 103, by striking “paragraphs

1 (1), (2), (9), and (10)” and inserting “paragraphs
2 (1), (2), (8), and (9)”.

3 (5) In section 3321(b)(4), as amended by sec-
4 tion 112, by striking “section 3311(b)(9)” and in-
5 serting “section 3311(b)(8)”.

6 (6) In section 3322—

7 (A) in subsection (e), by striking
8 “3311(b)(9)” and inserting “3311(b)(8)”;

9 (B) in subsection (f), by striking
10 “3311(b)(9)” and inserting “3311(b)(8)”;

11 (C) in subsection (h)(2), by striking
12 “3311(b)(9)” and inserting “3311(b)(8)”.

13 (7) In section 3679(c)(2)(B), by striking
14 “3311(b)(9)” and inserting “3311(b)(8)”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on August 1, 2020.

17 **SEC. 106. ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-**
18 **SISTANCE FOR CERTAIN MEMBERS OF RE-**
19 **SERVE COMPONENTS OF ARMED FORCES**
20 **WHO LOST ENTITLEMENT TO EDUCATIONAL**
21 **ASSISTANCE UNDER RESERVE EDUCATIONAL**
22 **ASSISTANCE PROGRAM.**

23 (a) ELECTION.—Section 16167 of title 10, United
24 States Code, is amended by adding at the end the fol-
25 lowing new subsection:

1 “(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-
2 SISTANCE.—A member who loses eligibility for benefits
3 under this chapter pursuant to subsection (b) shall be al-
4 lowed to elect (in such form and manner as the Secretary
5 of Veterans Affairs may prescribe) to have such service
6 previously credited toward this chapter credited towards
7 establishing eligibility for educational assistance under
8 chapter 33 of title 38, notwithstanding the provisions of
9 section 16163(e) of this title or section 3322(h)(1) of title
10 38.”.

11 (b) QUALIFICATION OF SERVICE.—Section 3301(1)
12 of title 38, United States Code, shall be construed to in-
13 clude, in the case of a member of a reserve component
14 of the Armed Forces who, before November 25, 2015, es-
15 tablished eligibility for educational assistance under chap-
16 ter 1607 of title 10, United States Code, pursuant to sec-
17 tion 16163(a)(1) of such title, but lost eligibility for such
18 educational assistance pursuant to section 16167(b) of
19 such title, service on active duty (as defined in section 101
20 of such title) that satisfies the requirements of section
21 16163(a)(1) of such title.

22 (c) ENTITLEMENT.—Section 3311(b)(6) of title 38,
23 United States Code, shall be construed to include an indi-
24 vidual who, before November 25, 2015, established eligi-
25 bility for educational assistance under chapter 1607 of

1 title 10, United States Code, pursuant to section 16163(b)
 2 of such title, but lost such eligibility pursuant to section
 3 16167(b) of such title.

4 (d) DURATION.—Notwithstanding section 3312 of
 5 title 38, United States Code, an individual who establishes
 6 eligibility for educational assistance under chapter 33 of
 7 such title by crediting towards such chapter service pre-
 8 viously credited towards chapter 1607 of title 10, United
 9 States Code, is only entitled to a number of months of
 10 educational assistance under section 3313 of title 38,
 11 United States Code, equal to the number of months of
 12 entitlement remaining under chapter 1607 of title 10,
 13 United States Code, at the time of conversion to chapter
 14 33 of title 38, United States Code.

15 **SEC. 107. CALCULATION OF MONTHLY HOUSING STIPEND**
 16 **UNDER POST-9/11 EDUCATIONAL ASSISTANCE**
 17 **PROGRAM BASED ON LOCATION OF CAMPUS**
 18 **WHERE CLASSES ARE ATTENDED.**

19 (a) IN GENERAL.—Section 3313(c)(1)(B)(i)(I) is
 20 amended by striking “the institution of higher learning at
 21 which the individual is enrolled” and inserting “the cam-
 22 pus of the institution of higher learning where the indi-
 23 vidual physically participates in a majority of classes”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to initial enrollment
 3 in a program of education on or after August 1, 2018.

4 **SEC. 108. CHARGE TO ENTITLEMENT FOR CERTAIN LICEN-**
 5 **SURE AND CERTIFICATION TESTS AND NA-**
 6 **TIONAL TESTS UNDER DEPARTMENT OF VET-**
 7 **ERANS AFFAIRS POST-9/11 EDUCATIONAL AS-**
 8 **SISTANCE PROGRAM.**

9 (a) LICENSURE AND CERTIFICATION TESTS.—Sub-
 10 section (c) of section 3315 is amended—

11 (1) by striking “shall be determined at the rate
 12 of one month (rounded to the nearest whole month)”
 13 and inserting “shall be pro-rated based on the actual
 14 amount of the fee charged for the test relative to the
 15 rate for one month”; and

16 (2) by striking “for each amount paid that
 17 equals” and inserting “payable”.

18 (b) NATIONAL TESTS.—Section 3315A is amended—

19 (1) in subsection (a), by adding at the end the
 20 following new paragraph:

21 “(3) A national test that evaluates prior learn-
 22 ing and knowledge and provides an opportunity for
 23 course credit at an institution of higher learning as
 24 so described.”; and

25 (2) in subsection (c)—

1 (A) by striking “shall be determined at the
 2 rate of one month (rounded to the nearest
 3 whole month)” and inserting “shall be pro-
 4 rated based on the actual amount of the fee
 5 charged for the test relative to the rate for one
 6 month”; and

7 (B) by striking “for each amount paid that
 8 equals” and inserting “payable”.

9 (c) TESTS INCLUDED.—Section 3452(b) is amended
 10 in the last sentence—

11 (1) by striking “and national tests providing”
 12 and inserting “, national tests providing”; and

13 (2) by inserting before the period at the end the
 14 following: “, and national tests that evaluate prior
 15 learning and knowledge and provides an opportunity
 16 for course credit at an institution of higher learn-
 17 ing”.

18 (d) EFFECTIVE DATE.—The amendments made by
 19 this Act shall apply to a test taken on or after August
 20 1, 2018.

21 **SEC. 109. RESTORATION OF ENTITLEMENT TO EDU-**
 22 **CATIONAL ASSISTANCE AND OTHER RELIEF**
 23 **FOR VETERANS AFFECTED BY SCHOOL CLO-**
 24 **SURE OR DISAPPROVAL.**

25 (a) SCHOOL CLOSURE OR DISAPPROVAL.—

1 (1) RESTORATION OF ENTITLEMENT.—Chapter
 2 36 is amended by adding at the end the following
 3 new section:

4 **“§ 3699. Effects of closure or disapproval of edu-**
 5 **cational institution**

6 “(a) CLOSURE OR DISAPPROVAL.—Any payment of
 7 educational assistance described in subsection (b) shall
 8 not—

9 “(1) be charged against any entitlement to edu-
 10 cational assistance of the individual concerned; or

11 “(2) be counted against the aggregate period
 12 for which section 3695 of this title limits the receipt
 13 of educational assistance by such individual.

14 “(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-
 15 ject to subsection (c), the payment of educational assist-
 16 ance described in this paragraph is the payment of such
 17 assistance to an individual for pursuit of a course or pro-
 18 gram of education at an educational institution under
 19 chapter 30, 32, 33, or 35 of this title, or chapter 1606
 20 or 1607 of title 10, if the Secretary determines that the
 21 individual—

22 “(1) was unable to complete such course or pro-
 23 gram as a result of—

24 “(A) the closure of the educational institu-
 25 tion; or

1 “(B) the disapproval of the course or a
2 course that is a necessary part of that program
3 under this chapter by reason of—

4 “(i) a provision of law enacted after
5 the date on which the individual enrolls at
6 such institution affecting the approval or
7 disapproval of courses under this chapter;
8 or

9 “(ii) after the date on which the indi-
10 vidual enrolls at such institution, the Sec-
11 retary prescribing or modifying regulations
12 or policies of the Department affecting
13 such approval or disapproval; and

14 “(2) did not receive credit or lost training time,
15 toward completion of the program of education being
16 so pursued.

17 “(c) PERIOD NOT CHARGED.—The period for which,
18 by reason of this subsection, educational assistance is not
19 charged against entitlement or counted toward the appli-
20 cable aggregate period under section 3695 of this title
21 shall not exceed the aggregate of—

22 “(1) the portion of the period of enrollment in
23 the course from which the individual did not receive
24 credit or with respect to which the individual lost

1 training time, as determined under subsection
2 (b)(2); and

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

5 “(d) CONTINUING PURSUIT OF DISAPPROVED
6 COURSES.—(1) The Secretary may treat a course of edu-
7 cation that is disapproved under this chapter as being ap-
8 proved under this chapter with respect to an individual
9 described in paragraph (2) if the Secretary determines,
10 on a case-by-case basis, that—

11 “(A) such disapproval is the result of an action
12 described in clause (i) or (ii) of subsection (b)(1)(B);
13 and

14 “(B) continuing pursuing such course is in the
15 best interest of the individual.

16 “(2) An individual described in this paragraph is an
17 individual who is pursuing a course of education at an
18 educational institution under chapter 30, 32, 33, or 35
19 of this title, or chapter 1606 or 1607 of title 10, as of
20 the date on which the course is disapproved under this
21 chapter.

22 “(e) NOTICE OF CLOSURES.—Not later than five
23 business days after the date on which the Secretary re-
24 ceives notice that an educational institution will close or
25 is closed, the Secretary shall provide to each individual

1 who is enrolled in a course or program or education at
 2 such educational institution using entitlement to edu-
 3 cational assistance under chapter 30, 32, 33, or 35 of this
 4 title, or chapter 1606 or 1607 of title 10, notice of—

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

7 “(2) the effect of such closure on the individ-
 8 ual’s entitlement to educational assistance pursuant
 9 to this section.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of such chapter is amended
 12 by inserting after the item relating to section 3698
 13 the following new item:

“3699. Effects of closure or disapproval of educational institution.”.

14 (b) MONTHLY HOUSING STIPEND.—

15 (1) IN GENERAL.—Subsection (a) section 3680
 16 is amended—

17 (A) by striking the matter after paragraph

18 (3)(B);

19 (B) in paragraph (3), by redesignating
 20 subparagraphs (A) and (B) as clauses (i) and
 21 (ii), respectively;

22 (C) by redesignating paragraphs (1)
 23 through (3) as subparagraphs (A) through (C),
 24 respectively;

1 (D) in the matter preceding subparagraph
2 (A), as redesignated, in the first sentence, by
3 striking “Payment of” and inserting “(1) Ex-
4 cept as provided in paragraph (2), payment of”;
5 and

6 (E) by adding at the end the following new
7 paragraph (2):

8 “(2) Notwithstanding paragraph (1), the Secretary
9 may, pursuant to such regulations as the Secretary shall
10 prescribe, continue to pay allowances to eligible veterans
11 and eligible persons enrolled in courses set forth in para-
12 graph (1)(A)—

13 “(A) during periods when educational institu-
14 tions are temporarily closed under an established
15 policy based on an Executive order of the President
16 or due to an emergency situation, except that the
17 total number of weeks for which allowances may
18 continue to be so payable in any 12-month period
19 may not exceed four weeks; or

20 “(B) solely for the purpose of awarding a
21 monthly housing stipend described in section 3313
22 of this title, during periods following a permanent
23 closure of an educational institution, or following the
24 disapproval of a course of study described in section
25 3699(b)(1)(B) of this title, except that payment of

1 such a stipend may only be continued until the ear-
 2 lier of—

3 “(i) the date of the end of the term, quar-
 4 ter, or semester during which the closure or dis-
 5 approval occurred; and

6 “(ii) the date that is 120 days after the
 7 date of the closure or disapproval.”.

8 (2) CONFORMING AMENDMENT.—Paragraph
 9 (1)(C)(ii) of such subsection, as redesignated, is
 10 amended by striking “described in subclause (A) of
 11 this clause” and inserting “described in clause (i)”.

12 (c) APPLICABILITY.—

13 (1) SCHOOL CLOSURE OR DISAPPROVAL.—

14 (A) IN GENERAL.—The amendments made
 15 by subsection (a) shall take effect on the date
 16 that is 90 days after the date of the enactment
 17 of this Act, and shall apply with respect to
 18 courses and programs of education discontinued
 19 as described in section 3699 of title 38, United
 20 States Code, as added by subsection (a)(1),
 21 after January 1, 2015.

22 (B) SPECIAL APPLICATION.—With respect
 23 to courses and programs of education discon-
 24 tinued as described in section 3699 of title 38,
 25 United States Code, as added by subsection

1 (a)(1), during the period beginning January 1,
2 2015, and ending on the date of the enactment
3 of this Act, an individual who does not transfer
4 credits from such program of education shall be
5 deemed to be an individual who did not receive
6 such credits, as described in subsection (b)(2)
7 of such section, except that the period for which
8 the individual's entitlement is not charged shall
9 be the entire period of the individual's enroll-
10 ment in the program of education. In carrying
11 out this paragraph, the Secretary of Veterans
12 Affairs, in consultation with the Secretary of
13 Education, shall establish procedures to deter-
14 mine whether the individual transferred credits
15 to a comparable course or program of edu-
16 cation.

17 (2) MONTHLY HOUSING STIPEND.—The amend-
18 ments made by subsection (b) shall take effect on
19 August 1, 2018, and shall apply with respect to
20 courses and programs of education discontinued as
21 described in section 3699 of title 38, United States
22 Code, as added by such subsection, on or after the
23 date of the enactment of this Act.

1 **SEC. 110. ADDITIONAL AUTHORIZED TRANSFER OF UNUSED**
2 **POST-9/11 EDUCATIONAL ASSISTANCE BENE-**
3 **FITS TO DEPENDENTS UPON DEATH OF**
4 **ORIGINALLY DESIGNATED DEPENDENT.**

5 (a) TRANSFER UPON DEATH OF DEPENDENT.—Sec-
6 tion 3319 is amended—

7 (1) in subsection (f)(1), by inserting after “sec-
8 tion 3321” the following: “, and except as provided
9 in subsection (k) or (l),”; and

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

12 “(k) ADDITIONAL TRANSFER UPON DEATH OF DE-
13 PENDENT.—In the case of a dependent to whom entitle-
14 ment to educational assistance is transferred under this
15 section who dies before using all of such entitlement, the
16 individual who transferred the entitlement to the depend-
17 ent may transfer any remaining entitlement to a different
18 eligible dependent, notwithstanding whether the individual
19 is serving as a member of the Armed Forces when such
20 transfer is executed.

21 “(l) TRANSFER BY DEPENDENT.—In the case of an
22 individual who transfers entitlement to educational assist-
23 ance under this section who dies before the dependent to
24 whom entitlement to educational assistance is so trans-
25 ferred has used all of such entitlement, such dependent

1 may transfer such entitlement to another eligible depend-
 2 ent in accordance with the provisions of this section.”.

3 (b) EFFECTIVE DATES.—

4 (1) ELIGIBLE DEATHS.—The amendments
 5 made by this section shall apply with respect to
 6 deaths occurring on or after August 1, 2009.

7 (2) USE OF ENTITLEMENT.—A dependent to
 8 whom entitlement to educational assistance is trans-
 9 ferred under subsection (k) or (l) of section 3319 of
 10 title 38, United States Code, as added by subsection
 11 (a), may use such entitlement to pursue a course of
 12 education beginning on or after August 1, 2018.

13 **SEC. 111. EDITH NOURSE ROGERS STEM SCHOLARSHIP.**

14 (a) IN GENERAL.—Subchapter II of chapter 33 is
 15 amended by adding at the end the following new section:

16 **“§ 3320. Edith Nourse Rogers STEM Scholarship**

17 “(a) IN GENERAL.—Subject to the limitation under
 18 subsection (f), the Secretary shall provide additional bene-
 19 fits to eligible individuals selected by the Secretary under
 20 this section. Such benefits shall be known as the ‘Edith
 21 Nourse Rogers STEM Scholarship’.

22 “(b) ELIGIBILITY.—For purposes of this section, an
 23 eligible individual is an individual—

24 “(1) who is or was entitled to educational as-
 25 sistance under section 3311 of this title;

1 “(2) who has used all of the educational assist-
 2 ance to which the individual is entitled under this
 3 chapter or will, based on the individual’s rate of
 4 usage, use all of such assistance within 180 days of
 5 applying for benefits under this section;

6 “(3) who applies for assistance under this sec-
 7 tion; and

8 “(4) who—

9 “(A) is an individual who—

10 “(i) is enrolled in a program of edu-
 11 cation leading to a post-secondary degree
 12 that, in accordance with the guidelines of
 13 the applicable regional or national accred-
 14 iting agency, requires more than the stand-
 15 ard 128 semester (or 192 quarter) credit
 16 hours for completion in a standard, under-
 17 graduate college degree in—

18 “(I) biological or biomedical
 19 science;

20 “(II) physical science;

21 “(III) science technologies or
 22 technicians;

23 “(IV) computer and information
 24 science and support services;

25 “(V) mathematics or statistics;

1 “(VI) engineering;

2 “(VII) engineering technologies
3 or an engineering-related field;

4 “(VIII) a health profession or re-
5 lated program;

6 “(IX) a medical residency pro-
7 gram;

8 “(X) an agriculture science pro-
9 gram or a natural resources science
10 program; or

11 “(XI) other subjects and fields
12 identified by the Secretary as meeting
13 national needs; and

14 “(ii) has completed at least 60 stand-
15 ard semester (or 90 quarter) credit hours
16 in a field referred to in clause (i); or

17 “(B) is an individual who has earned a
18 post-secondary degree in a field referred to in
19 subparagraph (A)(i) and is enrolled in a pro-
20 gram of education leading to a teaching certifi-
21 cation.

22 “(c) PRIORITY.—In selecting eligible individuals to
23 receive additional benefits under this section, the Sec-
24 retary shall give priority to the following individuals:

1 “(1) Individuals who require the most credit
2 hours described in subsection (b)(4).

3 “(2) Individuals who are entitled to educational
4 assistance under this chapter by reason of para-
5 graph (1), (2), (8), or (9) of section 3311(b) of this
6 title.

7 “(d) AMOUNT OF ASSISTANCE.—(1) The Secretary
8 shall pay to each eligible individual who receives additional
9 benefits under this section the monthly amount payable
10 under section 3313 of this title for not more than nine
11 months of the program of education in which the indi-
12 vidual is enrolled (adjusted with respect to the individual
13 pursuant to section 3313(c), as appropriate), except that
14 the aggregate amount paid to an individual under this sec-
15 tion may not exceed \$30,000.

16 “(2) The Secretary may not pay to such an individual
17 an amount in addition to the amount payable under para-
18 graph (1) by reason of section 3317 of this title.

19 “(3) An individual who receives additional benefits
20 under this section may also receive amounts payable by
21 a college or university pursuant to section 3317 of this
22 title.

23 “(e) PROHIBITION ON TRANSFER.—An individual
24 who receives additional benefits under this section may not

1 transfer any amount of such additional benefits under sec-
 2 tion 3319 of this title.

3 “(f) MAXIMUM AMOUNT OF TOTAL ASSISTANCE.—
 4 The total amount of benefits paid to all eligible individuals
 5 under this section may not exceed—

6 “(1) \$25,000,000 for fiscal year 2019;

7 “(2) \$75,000,000 for each of fiscal years 2020
 8 through 2022; and

9 “(3) \$100,000,000 for fiscal year 2023 and
 10 each subsequent fiscal year.

11 “(g) CONGRESSIONAL NOTICE.—If the Secretary
 12 identifies a new subject or field pursuant to subsection
 13 (b)(4)(A)(i)(XI) as meeting a national need, the Secretary
 14 shall submit to Congress notice of such identification at
 15 least 90 days before conferring eligibility on any individual
 16 for purposes of this section on the basis of such identifica-
 17 tion, including any analysis of labor market supply and
 18 demand used in identifying the new subject or field, as
 19 applicable.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
 21 at the beginning of such chapter is amended by inserting
 22 after the item relating to section 3319 the following new
 23 item:

“3320. Edith Nourse Rogers STEM Scholarship.”.

24 (c) EFFECTIVE DATE.—Section 3320 of title 38,
 25 United States Code, shall take effect on August 1, 2019.

1 (d) COMPTROLLER GENERAL REPORT.—

2 (1) INTERIM REPORT.—Not later than August
3 1, 2022, the Comptroller General of the United
4 States shall submit to Congress a report containing
5 the results of an interim assessment of the Comp-
6 troller General of the Edith Nourse Rogers STEM
7 Scholarship program under section 3320 of title 38,
8 United States Code, as added by subsection (a).
9 Such report shall include the recommendations of
10 the Comptroller General for improving the scholar-
11 ship program and an assessment of each of the fol-
12 lowing, using rigorous, systematic, and objective
13 methodology, and including comparisons to eligible
14 veterans who did not participate in the program:

15 (A) An explanation of the identification of
16 the Secretary of Veterans Affairs of subjects
17 and fields meeting national needs under sub-
18 section (b)(4)(A)(i)(XI) of such section, includ-
19 ing any analysis of labor market supply and de-
20 mand, as applicable.

21 (B) An evaluation of the types of edu-
22 cational institutions and programs where bene-
23 ficiaries use the educational assistance provided
24 under the scholarship program.

1 (C) The completion rate of students par-
2 ticipating in the program.

3 (D) The job placement rate for individuals
4 who completed a program of education using
5 educational assistance provided under the schol-
6 arship program in the field of study of the pro-
7 gram of education.

8 (E) The median annual earnings of indi-
9 viduals who completed a program of education
10 using educational assistance provided under the
11 scholarship program.

12 (F) The average age of the individuals who
13 received educational assistance under the schol-
14 arship program.

15 (G) An assessment of the extent to which
16 any educational institutions made changes to
17 degrees or programs of education offered by the
18 institution for which the scholarship program
19 may be used after the date of the enactment of
20 this Act.

21 (2) FINAL REPORT.—Not later than August 1,
22 2024, the Comptroller General shall submit to Con-
23 gress an assessment of such scholarship program
24 that includes each of the following:

1 (A) Each item described in subparagraphs
2 (A) through (G) of paragraph (1).

3 (B) The percentage of individuals who
4 completed a program of education using edu-
5 cational assistance provided under the scholar-
6 ship program who were subsequently employed
7 for a period of six months or longer in the field
8 of study of the program of education.

9 (C) The percentage of individuals who
10 completed a program of education using edu-
11 cational assistance provided under the scholar-
12 ship program who were subsequently employed
13 for a period of less than six months in the field
14 of study of the program of education.

15 **SEC. 112. HONORING THE NATIONAL SERVICE OF MEM-**
16 **BERS OF THE ARMED FORCES BY ELIMI-**
17 **NATION OF TIME LIMITATION FOR USE OF**
18 **ENTITLEMENT.**

19 (a) IN GENERAL.—Subsection (a) of section 3321 is
20 amended—

21 (1) by striking “individual’s entitlement” and
22 all that follows through the period and inserting “in-
23 dividual’s entitlement—”; and

24 (2) by adding at the end the following new
25 paragraphs:

1 “(1) in the case of an individual whose last dis-
 2 charge or release from active duty is before January,
 3 1, 2013, expires at the end of the 15-year period be-
 4 ginning on the date of such discharge or release; or

5 “(2) in the case of an individual whose last dis-
 6 charge or release from active duty is on or after
 7 January 1, 2013, shall not expire.”.

8 (b) CHILDREN OF DECEASED MEMBERS.—Sub-
 9 section (b)(4) of such section is amended—

10 (1) by inserting “of this title” after
 11 “3311(b)(9)”;

12 (2) by striking “child’s entitlement” and all
 13 that follows through the period and inserting
 14 “child’s entitlement—”; and

15 (3) by adding at the end the following new sub-
 16 paragraphs:

17 “(A) in the case of a child who first be-
 18 comes entitled to such entitlement before Janu-
 19 ary 1, 2013, expires at the end of the 15-year
 20 period beginning on the date of such child’s
 21 eighteenth birthday; or

22 “(B) in the case of a child who first be-
 23 comes entitled to such entitlement on or after
 24 January 1, 2013, shall not expire.”.

1 (c) SPOUSES OF DECEASED MEMBERS.—Subsection
 2 (b) of such section is further amended by adding at the
 3 end the following new paragraph:

4 “(5) APPLICABILITY TO SPOUSES OF DECEASED
 5 MEMBERS.—The period during which a spouse enti-
 6 tled to educational assistance by reason of section
 7 3311(b)(9) may use such spouse’s entitlement—

8 “(A) in the case of a spouse who first be-
 9 comes entitled to such entitlement before Janu-
 10 ary 1, 2013, expires at the end of the 15-year
 11 period beginning on the date on which the
 12 spouse first becomes entitled to such entitle-
 13 ment; or

14 “(B) in the case of a spouse who first be-
 15 comes entitled to such entitlement on or after
 16 January 1, 2013, shall not expire.”.

17 **SEC. 113. MONTHLY STIPEND FOR CERTAIN MEMBERS OF**
 18 **THE RESERVE COMPONENTS OF THE ARMED**
 19 **FORCES RECEIVING POST-9/11 EDUCATIONAL**
 20 **ASSISTANCE.**

21 (a) IN GENERAL.—Section 3313 is further amended
 22 by adding at the end the following new subsection:

23 “(j) DETERMINATION OF MONTHLY STIPENDS DUR-
 24 ING CERTAIN ACTIVE DUTY SERVICE.—

1 “(1) PRO RATA BASIS.—In any month in which
 2 an individual described in paragraph (2) is per-
 3 forming active duty service described in section
 4 3301(1)(B) of this title, the Secretary shall deter-
 5 mine the amount of monthly stipends payable under
 6 this section for such month on a pro rata basis for
 7 the period of such month in which the covered indi-
 8 vidual is not performing such active duty service.

9 “(2) INDIVIDUAL DESCRIBED.—An individual
 10 described in this paragraph is an individual who is—

11 “(A) a member of the reserve components
 12 of the Armed Forces; and

13 “(B) pursuing a program of education
 14 using educational assistance under this chap-
 15 ter.”.

16 (b) APPLICATION.—The amendment made by sub-
 17 section (a) shall apply with respect to a quarter, semester,
 18 or term, as applicable, commencing on or after August 1,
 19 2018.

20 **SEC. 114. ANNUAL REPORTS TO CONGRESS ON INFORMA-**
 21 **TION ON STUDENT PROGRESS SUBMITTED BY**
 22 **EDUCATIONAL INSTITUTIONS.**

23 Section 3326 is amended—

1 (1) by striking “As a condition” and inserting
 2 “(a) SUBMITTAL OF INFORMATION BY EDU-
 3 CATIONAL INSTITUTIONS.—As a condition”; and

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

6 “(b) REPORTS TO CONGRESS.—Not later than March
 7 1 of each year, the Secretary shall submit to Congress a
 8 report that includes a summary of the information pro-
 9 vided by educational institutions under subsection (a) for
 10 the calendar year preceding the year during which such
 11 report is submitted.”.

12 **SEC. 115. IMPROVEMENT OF INFORMATION TECHNOLOGY**
 13 **OF THE VETERANS BENEFITS ADMINISTRA-**
 14 **TION OF THE DEPARTMENT OF VETERANS**
 15 **AFFAIRS.**

16 (a) PROCESSING OF CERTAIN EDUCATIONAL ASSIST-
 17 ANCE CLAIMS.—The Secretary of Veterans Affairs shall,
 18 to the maximum extent possible, make such changes and
 19 improvements to the information technology system of the
 20 Veterans Benefits Administration of the Department of
 21 Veterans Affairs to ensure that—

22 (1) to the maximum extent possible, all original
 23 and supplemental claims for educational assistance
 24 under chapter 33 of title 38, United States Code,
 25 are adjudicated electronically; and

1 (2) rules-based processing is used to make deci-
2 sions with respect to such claims with little human
3 intervention.

4 (b) IMPLEMENTATION PLAN.—Not later than 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of Veterans Affairs shall submit to Congress a plan
7 to implement the changes and improvements described in
8 subsection (a).

9 (c) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Secretary of Veterans
11 Affairs shall submit to Congress a report on the implemen-
12 tation of the changes and improvements described in sub-
13 section (a).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary of Veterans
16 Affairs \$30,000,000 to carry out this section during fiscal
17 years 2018 and 2019.

18 **SEC. 116. DEPARTMENT OF VETERANS AFFAIRS HIGH**
19 **TECHNOLOGY PILOT PROGRAM.**

20 (a) PILOT PROGRAM.—The Secretary of Veterans Af-
21 fairs shall carry out a pilot program under which the Sec-
22 retary shall provide eligible veterans with the opportunity
23 to enroll in high technology programs of education that
24 the Secretary determines provide training or skills sought
25 by employers in a relevant field or industry.

1 (b) ELIGIBILITY.—For purposes of the pilot program
2 under this section, an eligible veteran is a veteran who
3 is entitled to educational assistance under chapter 30, 32,
4 33, 34, or 35 of title 38, United States Code, or chapter
5 1606 or 1607 of title 10, United States Code.

6 (c) CONTRACTS.—

7 (1) IN GENERAL.—For purposes of carrying out
8 subsection (a), by not later than 180 days after Au-
9 gust 1, 2018, the Secretary shall seek to enter into
10 contracts with any number of qualified providers of
11 high technology programs of education for the provi-
12 sion of such programs to eligible veterans under the
13 pilot program. Each such contract shall provide for
14 the conditions under which the Secretary may termi-
15 nate the contract with the provider and the proce-
16 dures for providing for the completion of the instruc-
17 tion of students who were enrolled in a program pro-
18 vided by such provider in the case of such a termi-
19 nation.

20 (2) PAYMENT OF CONTRACTORS.—A contract
21 under this subsection shall provide that the Sec-
22 retary shall pay to a provider—

23 (A) upon the enrollment of an eligible vet-
24 eran in the program, 25 percent of the cost of

1 the tuition and other fees for the program of
2 education for the veteran;

3 (B) upon the completion of the program by
4 the veteran, 25 percent of such cost; and

5 (C) upon the employment of the veteran in
6 the field of study of the program following com-
7 pletion of the program, 50 percent of such cost.

8 (3) QUALIFIED PROVIDERS.—For purposes of
9 the pilot program, a provider of a high technology
10 program of education is qualified if—

11 (A) the provider has been operational for
12 at least two years;

13 (B) the provider has successfully provided
14 the high technology program for at least one
15 year; and

16 (C) the provider meets the approval cri-
17 teria developed by the Secretary under para-
18 graph (4).

19 (4) APPROVAL CRITERIA.—The Secretary shall
20 develop criteria for approving providers for purposes
21 of the pilot program. In developing such criteria, the
22 Secretary may consult with State approving agen-
23 cies. Such criteria is not required to meet the re-
24 quirements of section 3672 of title 38, United States
25 Code.

1 (5) TUITION REIMBURSEMENT.—In entering
 2 into contracts to carry out the pilot program, the
 3 Secretary shall give preference to a qualified pro-
 4 vider that offers tuition reimbursement for any stu-
 5 dent who—

6 (A) completes a program of education of-
 7 fered by the provider; and

8 (B) does not find full-time meaningful em-
 9 ployment in the field of study of the program
 10 within the 180-day period beginning on the date
 11 the student completes the program.

12 (d) HOUSING STIPEND.—The Secretary shall pay to
 13 each eligible veteran who is enrolled in a high technology
 14 program of education under the pilot program on a full-
 15 time basis a monthly housing stipend equal to the prod-
 16 uct—

17 (1) of—

18 (A) in the case of a veteran pursuing resi-
 19 dent training, the monthly amount of the basic
 20 allowance for housing payable under section
 21 403 of title 37, United States Code, for a mem-
 22 ber with dependents in pay grade E–5 residing
 23 in the military housing area that encompasses
 24 all or the majority portion of the ZIP code area

1 in which is located the institution at which the
2 individual is enrolled; or

3 (B) in the case of a veteran pursuing a
4 program of education through distance learn-
5 ing, a monthly amount equal to 50 percent of
6 the amount payable under subparagraph (A),
7 multiplied by

8 (2) the lesser of—

9 (A) 1.0; or

10 (B) the number of course hours borne by
11 the individual in pursuit of the program of edu-
12 cation involved, divided by the minimum num-
13 ber of course hours required for full-time pur-
14 suit of such program of education, rounded to
15 the nearest multiple of 10.

16 (e) HIGH TECHNOLOGY PROGRAM OF EDUCATION
17 DEFINED.—In this section, the term “high technology
18 program of education” means a program of education
19 that—

20 (1) is offered by an entity other than an institu-
21 tion of higher learning;

22 (2) does not lead to a degree; and

23 (3) provides instruction in computer program-
24 ming, computer software, media application, data
25 processing, or information sciences.

1 (f) REPORTS.—

2 (1) SECRETARY OF VETERANS AFFAIRS.—Not
3 later than one year after the date of the enactment
4 of this Act, and annually thereafter, the Secretary
5 shall submit to Congress a report on the pilot pro-
6 gram under this section.

7 (2) COMPTROLLER GENERAL.—

8 (A) INTERIM REPORT.—Not later than
9 three years after the date on which the Sec-
10 retary first enters into a contract under this
11 section, the Comptroller General of the United
12 States shall submit to Congress a report con-
13 taining the results of the interim assessment of
14 the Comptroller General. Such report shall in-
15 clude the recommendations of the Comptroller
16 General for improving the pilot program and an
17 assessment of each of the following:

18 (i) The technology experience of the
19 directors and instructors of the providers
20 of high technology programs of education
21 under the pilot program.

22 (ii) Whether the providers cooperated
23 with the technology industry to create the
24 curriculum for the program of education.

1 (iii) Whether the providers use an
2 open source curriculum for the program of
3 education.

4 (iv) The admittance rate into the pilot
5 program.

6 (v) The job placement and retention
7 rate for veterans who completed a program
8 of education under the pilot program in
9 the field of study of the program.

10 (vi) The percentage of veterans who
11 completed a program of education under
12 the pilot program who were subsequently
13 employed for a period of six months or
14 longer in a field of study of the program.

15 (vii) The percentage of veterans who
16 completed a program of education under
17 the pilot program who were subsequently
18 employed for a period of less than six
19 months in a field of study of the program.

20 (viii) The median annual salary of
21 veterans who completed a program of edu-
22 cation under the pilot program and were
23 subsequently employed.

24 (ix) As applicable, the transfer rates
25 to other academic or vocational programs

1 and certifications and licensure exam pas-
2 sage rates.

3 (x) The average age of veterans who
4 participated in the pilot program.

5 (B) FINAL REPORT.—Not later than five
6 years after the date on which the Secretary first
7 enters into a contract under this section, the
8 Comptroller General shall submit to Congress a
9 final report on the pilot program. Such report
10 shall include the recommendation of the Comp-
11 troller General with respect to whether the pro-
12 gram should be extended and an assessment of
13 each item described in clauses (i) through (x) of
14 subparagraph (A).

15 (g) AUTHORIZATION OF APPROPRIATIONS.—For each
16 fiscal year during which the Secretary carries out a pilot
17 program under this section, \$15,000,000 shall be made
18 available for such purpose from funds appropriated to, or
19 otherwise made available to, the Department for the pay-
20 ment of readjustment benefits.

21 (h) TERMINATION.—The authority to carry out a
22 pilot program under this section shall terminate on the
23 date that is five years after the date on which the Sec-
24 retary first enters into a contract under this section.

1 **TITLE II—OTHER EDUCATIONAL**
 2 **ASSISTANCE PROGRAMS**

3 **SEC. 201. WORK-STUDY ALLOWANCE.**

4 Section 3485(a)(4) is amended by striking “the pe-
 5 riod beginning on June 30, 2017, and ending on June 30,
 6 2022,” each place it appears and inserting “any time on
 7 or after June 30, 2017,”.

8 **SEC. 202. DURATION OF EDUCATIONAL ASSISTANCE UNDER**
 9 **SURVIVORS’ AND DEPENDENTS’ EDU-**
 10 **CATIONAL ASSISTANCE PROGRAM.**

11 Section 3511(a)(1) is amended—

12 (1) by striking “chapter for” and all that fol-
 13 lows through the period and inserting “chapter—”;
 14 and

15 (2) by adding at the end the following new sub-
 16 paragraphs:

17 “(A) in the case of a person who first enrolls
 18 in a program of education using such entitlement be-
 19 fore August 1, 2018, for an aggregate period not in
 20 excess of 45 months (or to the equivalent thereof in
 21 part-time training); or

22 “(B) in the case of a person who first enrolls
 23 in a program of education using such entitlement on
 24 or after August 1, 2018, for an aggregate period not

1 in excess of 36 months (or to the equivalent thereof
2 in part-time training).”.

3 **SEC. 203. OLIN E. TEAGUE INCREASE IN AMOUNTS OF EDU-**
4 **CATIONAL ASSISTANCE PAYABLE UNDER**
5 **SURVIVORS’ AND DEPENDENTS’ EDU-**
6 **CATIONAL ASSISTANCE PROGRAM.**

7 (a) INCREASE.—Section 3532 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “\$788” and inserting
11 “\$1,224”;

12 (ii) by striking “\$592” and inserting
13 “\$967”; and

14 (iii) by striking “\$394” and inserting
15 “\$710”; and

16 (B) in paragraph (2)(B), by striking
17 “\$788” and inserting “\$1,224”; and

18 (2) in subsection (b), by striking “\$788” and
19 inserting “\$1,224”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall apply with respect to a month that
22 begins on or after October 1, 2018.

1 **TITLE III—ADMINISTRATION OF**
 2 **EDUCATIONAL ASSISTANCE**
 3 **PROGRAMS**

4 **SEC. 301. STATE APPROVING AGENCY FUNDING.**

5 (a) INCREASE.—Section 3674(a) of title 38, United
 6 States Code, is amended—

7 (1) in paragraph (2)(A), by striking “out of
 8 amounts available for the payment of readjustment
 9 benefits” and inserting “out of amounts in the De-
 10 partment of Veterans Affairs readjustment benefits
 11 account and amounts appropriated to the Sec-
 12 retary”;

13 (2) by redesignating paragraph (4) as para-
 14 graph (5);

15 (3) by inserting after paragraph (3) the fol-
 16 lowing new paragraph (4):

17 “(4) In addition to amounts made available under
 18 paragraph (5), there is authorized to be appropriated to
 19 carry out this section \$3,000,000 for fiscal year 2019 and
 20 each subsequent fiscal year.”; and

21 (4) in paragraph (5), as so redesignated—

22 (A) by striking “The total” and inserting

23 “(A) The total”;

24 (B) by striking “for any fiscal year shall
 25 be \$19,000,000” and inserting “for fiscal year

1 2018 shall be \$21,000,000 and for fiscal year
 2 2019 and thereafter shall be \$23,000,000”; and

3 (C) by adding at the end the following new
 4 subparagraph:

5 “(B) Beginning in fiscal year 2019, whenever there
 6 is an increase in benefit amounts payable under title II
 7 of the Social Security Act (42 U.S.C. 401 et seq.) as a
 8 result of a determination made under section 215(i) of
 9 such Act (42 U.S.C. 415(i)), the Secretary shall, effective
 10 on the date of such increase in benefit amounts, increase
 11 the amount in effect under subparagraph (A), as in effect
 12 immediately prior to the date of such increase in benefit
 13 amounts payable under title II of the Social Security Act,
 14 by the same percentage as the percentage by which such
 15 benefit amounts are increased.”.

16 **SEC. 302. AUTHORIZATION FOR USE OF POST-9/11 EDU-**
 17 **CATIONAL ASSISTANCE TO PURSUE INDE-**
 18 **PENDENT STUDY PROGRAMS AT CERTAIN**
 19 **EDUCATIONAL INSTITUTIONS THAT ARE NOT**
 20 **INSTITUTIONS OF HIGHER LEARNING.**

21 Section 3680A is amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
 24 by striking “in—” and inserting “in any of the
 25 following:”;

1 (B) in paragraph (1)—

2 (i) by striking “any” and inserting
3 “Any”; and

4 (ii) by striking the semicolon at the
5 end and inserting a period;

6 (C) in paragraph (2)—

7 (i) by striking “any” and inserting
8 “Any”; and

9 (ii) by striking the semicolon at the
10 end and inserting a period;

11 (D) in paragraph (3)—

12 (i) by striking “any” and inserting
13 “Any”; and

14 (ii) by striking “; or” and inserting a
15 period; and

16 (E) by striking paragraph (4) and insert-
17 ing the following new paragraph (4):

18 “(4) Any independent study program except an
19 independent study program (including such a pro-
20 gram taken over open circuit television) that—

21 “(A) is accredited by an accrediting agency
22 or association recognized by the Secretary of
23 Education under subpart 2 of part H of title IV
24 of the Higher Education Act of 1965 (20
25 U.S.C. 1099b);

1 “(B) leads to—

2 “(i) a standard college degree;

3 “(ii) a certificate that reflects edu-
4 cational attainment offered by an institu-
5 tion of higher learning; or

6 “(iii) a certificate that reflects comple-
7 tion of a course of study offered by—

8 “(I) an area career and technical
9 education school (as defined in sub-
10 paragraphs (C) and (D) of section
11 3(3) of the Carl D. Perkins Career
12 and Technical Education Act of 2006
13 (20 U.S.C. 2302(3))) that provides
14 education at the postsecondary level;
15 or

16 “(II) a postsecondary vocational
17 institution (as defined in section
18 102(c) of the Higher Education Act of
19 1965 (20 U.S.C. 1002(c))) that pro-
20 vides education at the postsecondary
21 level; and

22 “(C) in the case of a program described in
23 subparagraph (B)(iii)—

24 “(i) provides training aligned with the
25 requirements of employers in the State or

1 local area where the program is located,
2 which may include in-demand industry sec-
3 tors or occupations;

4 “(ii) provides a student, upon comple-
5 tion of the program, with a recognized
6 postsecondary credential that is recognized
7 by employers in the relevant industry,
8 which may include a credential recognized
9 by industry or sector partnerships in the
10 State or local area where the industry is
11 located; and

12 “(iii) meets such content and instruc-
13 tional standards as may be required to
14 comply with the criteria under section
15 3676(c)(14) and (15) of this title.”; and

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

18 “(h) In this section, the terms ‘State or local area’,
19 ‘recognized postsecondary credential’, ‘industry or sector
20 partnership’, and ‘in-demand industry sector or occupa-
21 tion’ have the meaning given such terms in section 3 of
22 the Workforce Innovation and Opportunity Act (29 U.S.C.
23 3102).”.

1 **SEC. 303. PROVISION OF INFORMATION ON PRIORITY EN-**
2 **ROLLMENT FOR VETERANS IN CERTAIN**
3 **COURSES OF EDUCATION.**

4 Section 3698(c)(1)(C) is amended—

5 (1) in clause (ix), by striking “and” at the end;

6 (2) in clause (x), by striking the period and in-
7 serting “; and”; and

8 (3) by adding at the end the following new
9 clause:

10 “(xi) information on whether the institu-
11 tion administers a priority enrollment system
12 that allows certain student veterans to enroll in
13 courses earlier than other students.”.

14 **SEC. 304. LIMITATION ON USE OF REPORTING FEES PAY-**
15 **ABLE TO EDUCATIONAL INSTITUTIONS AND**
16 **SPONSORS OF PROGRAMS OF APPRENTICE-**
17 **SHIP.**

18 (a) IN GENERAL.—Subsection (c) of section 3684 is
19 amended to read as follows:

20 “(c)(1) The Secretary may pay to any educational in-
21 stitution, or to the sponsor of a program of apprenticeship,
22 furnishing education or training under either this chapter
23 or chapter 31, 34, or 35 of this title, a reporting fee which
24 will be in lieu of any other compensation or reimbursement
25 for reports or certifications which such educational institu-

1 tion or sponsor of a program of apprenticeship is required
2 to submit to the Secretary by law or regulation.

3 “(2) Such reporting fee shall be computed for each
4 calendar year by multiplying \$16 by the number of eligible
5 veterans or eligible persons enrolled under this chapter or
6 chapter 31, 34, or 35 of this title. The reporting fee shall
7 be paid to such educational institution or sponsor of a pro-
8 gram of apprenticeship as soon as feasible after the end
9 of the calendar year for which it is applicable.

10 “(3) No reporting fee payable to an educational insti-
11 tution under this subsection shall be subject to offset by
12 the Secretary against any liability of such institution for
13 any overpayment for which such institution may be admin-
14 istratively determined to be liable under section 3685 of
15 this title unless such liability is not contested by such in-
16 stitution or has been upheld by a final decree of a court
17 of appropriate jurisdiction.

18 “(4) Any reporting fee paid to an educational institu-
19 tion or sponsor of a program of apprenticeship after the
20 date of the enactment of the Post-9/11 Veterans Edu-
21 cational Assistance Improvements Act of 2011 (Public
22 Law 111–377)—

23 “(A) shall be utilized by such institution or
24 sponsor solely for the making of certifications re-
25 quired under this chapter or chapter 31, 34, or 35

1 of this title or for otherwise supporting programs for
 2 veterans; and

3 “(B) with respect to an institution that has 100
 4 or more enrollees described in paragraph (2) may
 5 not be used for or merged with amounts available
 6 for the general fund of the educational institution or
 7 sponsor of a program of apprenticeship.

8 “(5) The reporting fee payable under this subsection
 9 shall be paid from amounts appropriated for readjustment
 10 benefits.”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall take effect on August 1, 2018.

13 **SEC. 305. TRAINING FOR SCHOOL CERTIFYING OFFICIALS.**

14 (a) TRAINING REQUIREMENT.—The Secretary of
 15 Veterans Affairs shall, in consultation with the State ap-
 16 proving agencies, set forth requirements relating to train-
 17 ing for school certifying officials employed by covered edu-
 18 cational institutions offering courses of education ap-
 19 proved under chapter 36 of title 38, United States Code.
 20 If a covered educational institution does not ensure that
 21 a school certifying official employed by the educational in-
 22 stitution meets such requirements, the Secretary may dis-
 23 approve any course of education offered by such edu-
 24 cational institution.

25 (b) DEFINITIONS.—In this section:

1 (1) The term “covered educational institution”
 2 means an educational institution that has enrolled
 3 20 or more individuals using educational assistance
 4 under title 38, United States Code.

5 (2) The term “school certifying official” means
 6 an employee of an educational institution with pri-
 7 mary responsibility for certifying veteran enrollment
 8 at the educational institution.

9 (3) The term “State approving agency” means
 10 a department or agency of a State designated under
 11 section 3671 of title 38, United States Code.

12 (c) EFFECTIVE DATE.—This section shall take effect
 13 on August 1, 2018.

14 **SEC. 306. EXTENSION OF AUTHORITY FOR ADVISORY COM-**
 15 **MITTEE ON EDUCATION.**

16 Section 3692 is amended by striking “December 31,
 17 2017” and inserting “December 31, 2022”.

18 **SEC. 307. DEPARTMENT OF VETERANS AFFAIRS PROVISION**
 19 **OF ON-CAMPUS EDUCATIONAL AND VOCA-**
 20 **TIONAL COUNSELING FOR VETERANS.**

21 (a) IN GENERAL.—Chapter 36 is amended by insert-
 22 ing after section 3697A the following new section:

1 **“§ 3697B. On-campus educational and vocational**
2 **counseling**

3 “(a) IN GENERAL.—The Secretary shall provide edu-
4 cational and vocational counseling services for individuals
5 described in section 3697A(b) of this title at locations on
6 the campuses of institutions of higher learning selected by
7 the Secretary. Such counseling services shall be provided
8 by employees of the Department who provide such services
9 under section 3697A of this title.

10 “(b) SELECTION OF LOCATIONS.—(1) To be selected
11 by the Secretary under this section, an institution of high-
12 er learning shall provide an appropriate space on the cam-
13 pus of the institution where counseling services can be pro-
14 vided under this section.

15 “(2) In selecting locations for the provision of coun-
16 seling services under this section, the Secretary shall seek
17 to select locations where the maximum number of veterans
18 would have access to such services.

19 “(c) ANNUAL REPORT.—Not later than 180 days
20 after the date of the enactment of this section, and each
21 year thereafter, the Secretary shall submit to Congress a
22 report on the counseling services provided under this sec-
23 tion. Such report shall include, for the year covered by
24 the report—

25 “(1) the average ratio of counselors providing
26 such services to individuals who received such serv-

1 ices at each location where such services were pro-
2 vided;

3 “(2) a description of such services provided;

4 “(3) the recommendations of the Secretary for
5 improving the provision of such services; and

6 “(4) any other matters the Secretary deter-
7 mines appropriate.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 3697A the following new
11 item:

 “3697B. On-campus educational and vocational counseling.”.

12 **SEC. 308. PROVISION OF INFORMATION REGARDING VET-**
13 **ERAN ENTITLEMENT TO EDUCATIONAL AS-**
14 **SISTANCE.**

15 (a) IN GENERAL.—Subchapter II of chapter 36 is
16 further amended by adding at the end the following new
17 section:

18 **“§ 3699A. Provision of certain information to edu-**
19 **cational institutions**

20 “(a) IN GENERAL.—For each veteran or other indi-
21 vidual pursuing a course of education that has been ap-
22 proved under this chapter using educational assistance to
23 which the veteran or other individual is entitled under
24 chapter 30, 32, 33, or 35 of this title, the Secretary shall
25 make available to the educational institution offering the

1 course information about the amount of such educational
2 assistance to which the veteran or other individual is enti-
3 tled. Such information shall be provided to such edu-
4 cational institution through a secure information tech-
5 nology system accessible by the educational institution and
6 shall be regularly updated to reflect any amounts used by
7 the veteran or other individual.

8 “(b) ELECTION.—A veteran or other individual pur-
9 suing a course of education described in subsection (a)
10 may elect not to provide the information described in such
11 subsection to an educational institution in a manner pre-
12 scribed by the Secretary.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is further amended by
15 inserting after the item relating to section 3699 the fol-
16 lowing new item:

“3699A. Provision of certain information to educational institutions.”.

17 (c) EFFECTIVE DATE.—Section 3699A of title 38,
18 United States Code, as added by this section, shall take
19 effect on August 1, 2018.

1 **SEC. 309. TREATMENT, FOR PURPOSES OF EDUCATIONAL**
 2 **ASSISTANCE ADMINISTERED BY THE SEC-**
 3 **RETARY OF VETERANS AFFAIRS, OF EDU-**
 4 **CATIONAL COURSES THAT BEGIN SEVEN OR**
 5 **FEWER DAYS AFTER THE FIRST DAY OF AN**
 6 **ACADEMIC TERM.**

7 Section 3684(a) is amended—

8 (1) by redesignating paragraph (4) as para-
 9 graph (5); and

10 (2) by inserting after paragraph (3) the fol-
 11 lowing new paragraph (4):

12 “(4) A course offered by an educational institution
 13 that does not begin on the first day of an academic term,
 14 but does begin seven or fewer days after such day, shall
 15 be treated as beginning on such day for purposes of this
 16 section.”.

17 **SEC. 310. INCLUSION OF RISK-BASED SURVEYS IN STATE**
 18 **APPROVING AGENCY OVERSIGHT ACTIVITIES.**

19 Section 3673(d) is amended—

20 (1) in the subsection heading, by striking
 21 “COMPLIANCE AND”;

22 (2) by striking “such compliance and oversight”
 23 and inserting “conducting risk-based surveys and
 24 other such oversight”; and

25 (3) by inserting “, in consultation with the
 26 State approving agencies,” after “as the Secretary”.

1 **SEC. 311. COMPTROLLER GENERAL STUDY OF STATE AP-**
2 **PROVING AGENCY PERFORMANCE.**

3 (a) STUDY REQUIRED.—The Comptroller General of
4 the United States shall carry out a study on the perform-
5 ance of State approving agencies. Such study shall include
6 each of the following:

7 (1) An analysis of the effectiveness of the co-
8 operation between the Secretary of Veterans Affairs
9 and State approving agencies regarding the execu-
10 tion of shared compliance and oversight responsibil-
11 ities under chapter 36 of title 38, United States
12 Code.

13 (2) An analysis of the resources necessary for
14 State approving agencies to fulfill the responsibilities
15 of such agencies under such title, including an anal-
16 ysis of whether Congress has appropriated sufficient
17 funds for State approving agencies to fulfill such re-
18 sponsibilities and the historic effect of funding on
19 the ability of such agencies to fulfill such respon-
20 sibilities.

21 (3) An evaluation of the use by State approving
22 agencies of risk-based methods of review for identi-
23 fying violations of established standards under such
24 chapter.

25 (4) An examination of how State approving
26 agencies use risk factors, including rapid increases

1 in veteran enrollment, increases in the amount of
2 benefits per capita, volume of student complaints,
3 rates of Federal student loan defaults of veterans,
4 veteran completion rates, deficiencies identified by
5 accreditors and other State agencies, and defi-
6 ciencies in Department of Veterans Affairs program
7 administration compliance, in their oversight and
8 compliance responsibilities and in selecting edu-
9 cational institutions for review of eligibility.

10 (5) Recommendations on how the Secretary and
11 State approving agencies can better use data to
12 evaluate, approve, or disapprove educational institu-
13 tions under such chapter.

14 (b) REPORT TO CONGRESS.—Not later than one year
15 after the date of the enactment of this Act, the Comp-
16 troller General shall submit to the Secretary of Veterans
17 Affairs, the Committee on Veterans' Affairs of the Senate,
18 and the Committee on Veterans' Affairs of the House of
19 Representatives, a report on the study required under sub-
20 section (a) and the findings and recommendations of the
21 Comptroller General with respect to such study.

**TITLE IV—RESERVE
COMPONENT BENEFITS**

**SEC. 401. ELIGIBILITY OF RESERVE COMPONENT MEMBERS
FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Section 3301(1)(B) is amended by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply with respect to service in the Armed Forces occurring on or after the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252).

(c) APPLICATION WITH RESPECT TO USE OF ENTITLEMENT.—An individual who is entitled to educational assistance by reason of the amendment made by subsection (a) may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

SEC. 402. TIME LIMITATION FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3103(f) is amended by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

1 **TITLE V—OTHER MATTERS**

2 **SEC. 501. REPEAL INAPPLICABILITY OF MODIFICATION OF**
3 **BASIC ALLOWANCE FOR HOUSING TO BENE-**
4 **FITS UNDER LAWS ADMINISTERED BY SEC-**
5 **RETARY OF VETERANS AFFAIRS.**

6 (a) REPEAL.—Subsection (b) of section 604 of the
7 Carl Levin and Howard P. “Buck” McKeon National De-
8 fense Authorization Act for Fiscal Year 2015 (Public Law
9 113–291; 37 U.S.C. 403 note) is repealed.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on January 1, 2018, and
12 shall apply with respect to individuals who first use their
13 entitlement to educational assistance under chapter 33 of
14 title 38, United States Code, on or after such date.

15 **SEC. 502. RECONSIDERATION OF PREVIOUSLY DENIED**
16 **CLAIMS FOR DISABILITY COMPENSATION**
17 **FOR VETERANS WHO ALLEGE FULL-BODY EX-**
18 **POSURE TO NITROGEN MUSTARD GAS, SUL-**
19 **FUR MUSTARD GAS, OR LEWISITE DURING**
20 **WORLD WAR II.**

21 (a) IN GENERAL.—

22 (1) RECONSIDERATION REQUIRED.—The Sec-
23 retary of Veterans Affairs shall reconsider all claims
24 for compensation described in paragraph (2) and

1 make a new determination regarding each such
2 claim.

3 (2) CLAIMS FOR COMPENSATION DESCRIBED.—

4 A claim for compensation described in this para-
5 graph is a claim for compensation under chapter 11
6 of title 38, United States Code, that the Secretary
7 determines—

8 (A) arose from the alleged full-body expo-
9 sure of a veteran to a covered substance—

10 (i) during active military, naval, or air
11 service during World War II; and

12 (ii) at a site listed in paragraph (3);
13 and

14 (B) was denied before the date of the en-
15 actment of this Act.

16 (3) SITES.—The sites listed in this paragraph
17 are the following:

18 (A) Camp Siebert, Alabama.

19 (B) Fort McClellan, Alabama.

20 (C) Huntsville Arsenal, Alabama.

21 (D) Rocky Mountain Arsenal, Colorado.

22 (E) Naval Research Laboratory, D.C.

23 (F) Bushnell Field, Florida.

24 (G) Great Lakes Naval Training Center,
25 Illinois.

- 1 (H) Edgewood Arsenal, Maryland.
- 2 (I) Fort Detrick, Maryland.
- 3 (J) Naval Research Laboratory, Maryland.
- 4 (K) Naval Training Center, Bainbridge,
- 5 Maryland.
- 6 (L) Horn Island Installation, Mississippi.
- 7 (M) Camp Crowder, Missouri.
- 8 (N) Hart's Island, New York.
- 9 (O) Camp Lejeune, North Carolina.
- 10 (P) Charleston, South Carolina.
- 11 (Q) Dugway Proving Ground, Utah.
- 12 (R) Toole Army Depot, Utah.
- 13 (S) Naval Research Laboratory, Virginia.
- 14 (T) U.S.S. Eagle Boat No. 58.
- 15 (U) Ondal, India.
- 16 (V) Fort Clayton, San Jose Island, Pan-
- 17 ama.
- 18 (W) Any site the Secretary of Veterans Af-
- 19 fairs determines is appropriate.
- 20 (4) FACTORS OF CONSIDERATION.—In making
- 21 a determination under paragraph (1), the Sec-
- 22 retary—
- 23 (A) shall consider—
- 24 (i) that contemporaneous records of
- 25 testing of full-body exposure to a covered

1 substance frequently may be unavailable
2 because such tests were classified or such
3 records were lost or destroyed;

4 (ii) that many veterans were sworn to
5 secrecy following testing described in
6 clause (i);

7 (iii) each statement based on personal
8 knowledge of a veteran who served at a
9 site listed in paragraph (3);

10 (iv) information in the report from the
11 Secretary of Defense under subsection
12 (b)(2); and

13 (v) any evidence the Secretary con-
14 siderers relevant; and

15 (B) may not determine that testing of full-
16 body exposure to a covered substance did not
17 occur at a site based solely on—

18 (i) information contained in the De-
19 partment of Defense and Department of
20 Veterans Affairs Chemical Biological War-
21 fare Database; or

22 (ii) any list of known sites of testing
23 of full-body exposure to a covered sub-
24 stance maintained by the Department of

1 Veterans Affairs or the Department of De-
2 fense.

3 (5) PRESUMPTION OF EXPOSURE.—In carrying
4 out paragraph (1), when the Secretary of Veterans
5 Affairs makes a determination regarding whether a
6 veteran experienced full-body exposure to a covered
7 substance, the Secretary—

8 (A) shall presume, unless there is affirma-
9 tive evidence to establish otherwise, that the
10 veteran experienced such exposure by reason of
11 the service of the veteran in World War II—

12 (i) based on the locations listed in
13 paragraph (3); and

14 (ii) consistent with the places, types,
15 and circumstances of service of the veteran
16 in accordance with section 1154 of title 38;
17 and

18 (B) shall resolve each reasonable doubt in
19 favor of the veteran.

20 (6) EFFECTIVE DATE OF AWARD.—The effec-
21 tive date of any award of disability compensation re-
22 sulting from reconsideration of a claim under para-
23 graph (1) shall be fixed in accordance with the facts
24 found, but shall not be earlier than the date of the

1 receipt of the claim for compensation described in
2 paragraph (2).

3 (b) INVESTIGATION AND REPORT BY THE SEC-
4 RETARY OF DEFENSE.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall—

7 (1) investigate and assess each site—

8 (A) where the Army Corps of Engineers
9 has uncovered evidence of testing conducted by
10 the Department of Defense during World War
11 II to assess the effects of full-body exposure to
12 a covered substance on humans; or

13 (B) with regards to which more than two
14 veterans have been denied claims for compensa-
15 tion under chapter 11 of title 38, United States
16 Code, in connection with exposure to a covered
17 substance at such site; and

18 (2) submit to the appropriate congressional
19 committees and the Secretary of Veterans Affairs a
20 report on testing described in paragraph (1)(A), in-
21 cluding—

22 (A) a list of each location where such test-
23 ing occurred, including locations investigated
24 and assessed under paragraph (1);

25 (B) the dates of each such testing; and

1 (C) the number of members of the Armed
2 Forces who experienced full-body exposure to a
3 covered substance in each such testing.

4 (c) INVESTIGATION AND REPORT BY SECRETARY OF
5 VETERANS AFFAIRS.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Vet-
7 erans Affairs shall—

8 (1) investigate and assess—

9 (A) the actions taken by the Secretary to
10 contact individuals who experienced full-body
11 exposure to a covered substance in the course
12 of testing described in subsection (b)(1)(A);

13 (B) the number of claims filed with the
14 Secretary for disability compensation under
15 chapter 11 of title 38, United States Code, aris-
16 ing from testing described in subsection
17 (b)(1)(A); and

18 (C) the percentage of claims described in
19 subparagraph (B) that the Secretary denied;
20 and

21 (2) submit to the appropriate congressional
22 committees and the Secretary of Defense a report
23 regarding the investigations and assessments carried
24 out under paragraph (1).

25 (d) DEFINITIONS.—In this section:

1 (1) The terms “active military, naval, or air
2 service”, “veteran”, and “World War II” have the
3 meanings given such terms in section 101 of title 38,
4 United States Code.

5 (2) The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committees on Armed Services of
8 the House of Representatives and the Senate;
9 and

10 (B) the Committees on Veterans’ Affairs of
11 the House of Representatives and the Senate.

12 (3) The term “covered substance” means—

13 (A) nitrogen mustard gas;

14 (B) sulfur mustard gas; or

15 (C) Lewisite.

16 (4) The term “full-body exposure”, with respect
17 to a covered substance, has the meaning given that
18 term by the Secretary of Defense.

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A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

August 2, 2017

Reported without amendment