

115TH CONGRESS  
1ST SESSION

# H. R. 3218

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## AN ACT

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Harry W. Colmery Veterans Educational Assistance Act  
 4 of 2017”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
 6 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

1 of an amendment to, or repeal of, a section or other provi-  
 2 sion, the reference shall be considered to be made to a  
 3 section or other provision of title 38, United States Code.

4 **TITLE I—POST-9/11 EDU-**  
 5 **CATIONAL ASSISTANCE PRO-**  
 6 **GRAM**

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

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

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

18 (c) APPLICATION WITH RESPECT TO USE OF ENTI-  
 19 TLEMENT.—An individual who is entitled to educational  
 20 assistance by reason of the amendment made by sub-  
 21 section (a) may use such entitlement to pursue a course  
 22 of education beginning on or after August 1, 2018.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) by redesignating paragraphs (8), (9), and  
 21 (10) as paragraphs (7), (8), and (9), respectively.

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

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

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

4           (2) In section 3313, as amended by section  
5           102—

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

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

11                  (C) in subsection (e)(2)(C)—

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

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

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

21                   (E) in subsection (g)(3)—

22                          (i) in subparagraph (A)(iv)—

23                                  (I) by striking “paragraphs (3)  
24                                  through (8)” and inserting “para-  
25                                  graphs (3) through (7)”;

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

4 (ii) in subparagraph (B)(iii)—

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

8 (II) by striking “paragraphs (2)  
9 through (7)” and inserting “para-  
10 graphs (2) through (6)”;

11 (iii) in subparagraph (C)(ii)—

12 (I) in subclause (I), by striking  
13 “(9)” and inserting “(8)”;

14 (II) in subclause (II)—

15 (aa) by striking “paragraphs  
16 (3) through (8)” and inserting  
17 “paragraphs (3) through (7)”;  
18 and

19 (bb) by striking “paragraphs  
20 (2) through (7)” and inserting  
21 “paragraphs (2) through (6)”;  
22 and

23 (iv) in subparagraph (D)(ii)—

24 (I) in subclause (I), by striking  
25 “(9)” and inserting “(8)”;



1 (II) in subclause (II)—

2 (aa) by striking “paragraphs  
3 (3) through (8)” and inserting  
4 “paragraphs (3) through (7”;  
5 and

6 (bb) by striking “paragraphs  
7 (2) through (7)” and inserting  
8 “paragraphs (2) through (6”;  
9 and

10 (F) in subsection (h), by striking “para-  
11 graphs (2) through (7)” and inserting “para-  
12 graphs (2) through (6”;

13 (3) In section 3316—

14 (A) in subsection (a)(1), by striking “para-  
15 graphs (2) through (7)” and inserting “para-  
16 graphs (2) through (6”;

17 (B) in subsection (b)(1), by striking “para-  
18 graphs (2) through (7)” and inserting “para-  
19 graphs (2) through (6”.

20 (4) In section 3317(a), in the second sentence,  
21 as amended by section 103, by striking “paragraphs  
22 (1), (2), (9), and (10)” and inserting “paragraphs  
23 (1), (2), (8), and (9”.

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

4           (6) In section 3322—

5                   (A) in subsection (e), by striking  
 6                   “3311(b)(9)” and inserting “3311(b)(8)”;

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

9                   (C) in subsection (h)(2), by striking  
 10                   “3311(b)(9)” and inserting “3311(b)(8)”.

11           (7) In section 3679(c)(2)(B), by striking  
 12           “3311(b)(9)” and inserting “3311(b)(8)”.

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

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

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

24                   “(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL AS-  
 25           SISTANCE.—A member who loses eligibility for benefits

1 under this chapter pursuant to subsection (b) shall be al-  
2 lowed to elect (in such form and manner as the Secretary  
3 of Veterans Affairs may prescribe) to have such service  
4 previously credited toward this chapter credited towards  
5 establishing eligibility for educational assistance under  
6 chapter 33 of title 38, notwithstanding the provisions of  
7 section 16163(e) of this title or section 3322(h)(1) of title  
8 38.”.

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

20 (c) ENTITLEMENT.—Section 3311(b)(6) of title 38,  
21 United States Code, shall be construed to include an indi-  
22 vidual who, before November 25, 2015, established eligi-  
23 bility for educational assistance under chapter 1607 of  
24 title 10, United States Code, pursuant to section 16163(b)

1 of such title, but lost such eligibility pursuant to section  
2 16167(b) of such title.

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

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

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

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

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

6 (a) **LICENSURE AND CERTIFICATION TESTS.**—Sub-  
7 section (c) of section 3315 is amended—

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

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

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

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

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

22 (2) in subsection (c)—

23 (A) by striking “shall be determined at the  
24 rate of one month (rounded to the nearest  
25 whole month)” and inserting “shall be pro-  
26 rated based on the actual amount of the fee

1 charged for the test relative to the rate for 1  
2 month”; and

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

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

7 (1) by striking “and national tests providing”  
8 and inserting “, national tests providing”; and

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

14 (d) EFFECTIVE DATE.—The amendments made by  
15 this Act shall apply to a test taken on or after August  
16 1, 2018.

17 **SEC. 109. RESTORATION OF ENTITLEMENT TO EDU-**  
18 **CATIONAL ASSISTANCE AND OTHER RELIEF**  
19 **FOR VETERANS AFFECTED BY SCHOOL CLO-**  
20 **SURE OR DISAPPROVAL.**

21 (a) SCHOOL CLOSURE OR DISAPPROVAL.—

22 (1) RESTORATION OF ENTITLEMENT.—Chapter  
23 36 is amended by adding at the end the following  
24 new section:

1 **“§ 3699. Effects of closure or disapproval of edu-**  
2 **cational institution**

3 “(a) CLOSURE OR DISAPPROVAL.—Any payment of  
4 educational assistance described in subsection (b) shall  
5 not—

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

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

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

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

21 “(A) the closure of the educational institu-  
22 tion; or

23 “(B) the disapproval of the course or a  
24 course that is a necessary part of that program  
25 under this chapter by reason of—

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

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

11               “(2) did not receive credit or lost training time,  
12               toward completion of the program of education being  
13               so pursued.

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

19               “(1) the portion of the period of enrollment in  
20               the course from which the individual did not receive  
21               credit or with respect to which the individual lost  
22               training time, as determined under subsection  
23               (b)(2); and

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



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

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

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

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

18       “(e) NOTICE OF CLOSURES.—Not later than 5 busi-  
19 ness days after the date on which the Secretary receives  
20 notice that an educational institution will close or is  
21 closed, the Secretary shall provide to each individual who  
22 is enrolled in a course or program or education at such  
23 educational institution using entitlement to educational  
24 assistance under chapter 30, 32, 33, or 35 of this title,  
25 or chapter 1606 or 1607 of title 10, notice of—

1           “(1) such closure and the date of such closure;  
2           and

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

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 3698  
9           the following new item:

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

10          (b) MONTHLY HOUSING STIPEND.—

11           (1) IN GENERAL.—Subsection (a) section 3680  
12           is amended—

13                   (A) by striking the matter after paragraph  
14                   (3)(B);

15                   (B) in paragraph (3), by redesignating  
16                   subparagraphs (A) and (B) as clauses (i) and  
17                   (ii), respectively;

18                   (C) by redesignating paragraphs (1)  
19                   through (3) as subparagraphs (A) through (C),  
20                   respectively;

21                   (D) in the matter preceding subparagraph  
22                   (A), as redesignated, in the first sentence, by  
23                   striking “Payment of” and inserting “(1) Ex-  
24                   cept as provided in paragraph (2), payment of”;  
25                   and

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

3 “(2) Notwithstanding paragraph (1), the Secretary  
4 may, pursuant to such regulations as the Secretary shall  
5 prescribe, continue to pay allowances to eligible veterans  
6 and eligible persons enrolled in courses set forth in para-  
7 graph (1)(A)—

8 “(A) during periods when educational institu-  
9 tions are temporarily closed under an established  
10 policy based on an Executive order of the President  
11 or due to an emergency situation, except that the  
12 total number of weeks for which allowances may  
13 continue to be so payable in any 12-month period  
14 may not exceed 4 weeks; or

15 “(B) solely for the purpose of awarding a  
16 monthly housing stipend described in section 3313  
17 of this title, during periods following a permanent  
18 closure of an educational institution, or following the  
19 disapproval of a course of study described in section  
20 3699(b)(1)(B) of this title, except that payment of  
21 such a stipend may only be continued until the ear-  
22 lier of—

23 “(i) the date of the end of the term, quar-  
24 ter, or semester during which the closure or dis-  
25 approval occurred; and

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

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

7 (c) APPLICABILITY.—

8 (1) SCHOOL CLOSURE OR DISAPPROVAL.—

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

17 (B) SPECIAL APPLICATION.—With respect  
18 to courses and programs of education discon-  
19 tinued as described in section 3699 of title 38,  
20 United States Code, as added by subsection  
21 (a)(1), during the period beginning January 1,  
22 2015, and ending on the date of the enactment  
23 of this Act, an individual who does not transfer  
24 credits from such program of education shall be  
25 deemed to be an individual who did not receive

1           such credits, as described in subsection (b)(2)  
 2           of such section, except that the period for which  
 3           the individual's entitlement is not charged shall  
 4           be the entire period of the individual's enroll-  
 5           ment in the program of education. In carrying  
 6           out this paragraph, the Secretary of Veterans  
 7           Affairs, in consultation with the Secretary of  
 8           Education, shall establish procedures to deter-  
 9           mine whether the individual transferred credits  
 10          to a comparable course or program of edu-  
 11          cation.

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

19 **SEC. 110. ADDITIONAL AUTHORIZED TRANSFER OF UNUSED**  
 20 **POST-9/11 EDUCATIONAL ASSISTANCE BENE-**  
 21 **FITS TO DEPENDENTS UPON DEATH OF**  
 22 **ORIGINALLY DESIGNATED DEPENDENT.**

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

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

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

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

15       “(l) TRANSFER BY DEPENDENT.—In the case of an  
16      individual who transfers entitlement to educational assist-  
17      ance under this section who dies before the dependent to  
18      whom entitlement to educational assistance is so trans-  
19      ferred has used all of such entitlement, such dependent  
20      may transfer such entitlement to another eligible depend-  
21      ent in accordance with the provisions of this section.”.

22       (b) EFFECTIVE DATES.—

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

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

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

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

10 **“§ 3320. Edith Nourse Rogers STEM Scholarship**

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

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

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

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

1           “(3) who applies for assistance under this sec-  
2           tion; and

3           “(4) who—

4               “(A) is an individual who—

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

13                       “(I) biological or biomedical  
14                       science;

15                       “(II) physical science;

16                       “(III) science technologies or  
17                       technicians;

18                       “(IV) computer and information  
19                       science and support services;

20                       “(V) mathematics or statistics;

21                       “(VI) engineering;

22                       “(VII) engineering technologies  
23                       or an engineering-related field;

24                       “(VIII) a health profession or re-  
25                       lated program;



1 “(IX) a medical residency pro-  
2 gram;

3 “(X) an agriculture science pro-  
4 gram or a natural resources science  
5 program; or

6 “(XI) other subjects and fields  
7 identified by the Secretary as meeting  
8 national needs;

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

12 “(B) is an individual who has earned a  
13 post-secondary degree in a field referred to in  
14 subparagraph (A)(i) and is enrolled in a pro-  
15 gram of education leading to a teaching certifi-  
16 cation.

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

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

22 “(2) Individuals who are entitled to educational  
23 assistance under this chapter by reason of para-  
24 graph (1), (2), (8), or (9) of section 3311(b) of this  
25 title.

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

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

13       “(3) An individual who receives additional benefits  
14 under this section may also receive amounts payable by  
15 a college or university pursuant to section 3317 of this  
16 title.

17       “(e) PROHIBITION ON TRANSFER.—An individual  
18 who receives additional benefits under this section may not  
19 transfer any amount of such additional benefits under sec-  
20 tion 3319 of this title.

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

24               “(1) \$25,000,000 for fiscal year 2019;

1           “(2) \$75,000,000 for each of fiscal years 2020  
2           through 2022; and

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

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

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of such chapter is amended by inserting  
16 after the item relating to section 3319 the following new  
17 item:

          “3320. Edith Nourse Rogers STEM Scholarship.”.

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

20           (d) COMPTROLLER GENERAL REPORT.—

21           (1) INTERIM REPORT.—Not later than August  
22 1, 2022, the Comptroller General of the United  
23 States shall submit to Congress a report containing  
24 the results of an interim assessment of the Comp-  
25 troller General of the Edith Nourse Rogers STEM

1 Scholarship program under section 3320 of title 38,  
2 United States Code, as added by subsection (a).  
3 Such report shall include the recommendations of  
4 the Comptroller General for improving the scholar-  
5 ship program and an assessment of each of the fol-  
6 lowing, using rigorous, systematic, and objective  
7 methodology, and including comparisons to eligible  
8 veterans who did not participate in the program:

9 (A) An explanation of the identification of  
10 the Secretary of Veterans Affairs of subjects  
11 and fields meeting national needs under sub-  
12 section (b)(4)(A)(i)(XI) of such section, includ-  
13 ing any analysis of labor market supply and de-  
14 mand, as applicable.

15 (B) An evaluation of the types of edu-  
16 cational institutions and programs where bene-  
17 ficiaries use the educational assistance provided  
18 under the scholarship program.

19 (C) The completion rate of students par-  
20 ticipating in the program.

21 (D) The job placement rate for individuals  
22 who completed a program of education using  
23 educational assistance provided under the schol-  
24 arship program in the field of study of the pro-  
25 gram of education.

1           (E) The median annual earnings of indi-  
2           viduals who completed a program of education  
3           using educational assistance provided under the  
4           scholarship program.

5           (F) The average age of the individuals who  
6           received educational assistance under the schol-  
7           arship program.

8           (G) An assessment of the extent to which  
9           any educational institutions made changes to  
10          degrees or programs of education offered by the  
11          institution for which the scholarship program  
12          may be used after the date of the enactment of  
13          this Act.

14          (2) FINAL REPORT.—Not later than August 1,  
15          2024, the Comptroller General shall submit to Con-  
16          gress an assessment of such scholarship program  
17          that includes each of the following:

18                (A) Each item described in subparagraph  
19                (A) through (G) of paragraph (1).

20                (B) The percentage of individuals who  
21                completed a program of education using edu-  
22                cational assistance provided under the scholar-  
23                ship program who were subsequently employed  
24                for a period of 6 months or longer in the field  
25                of study of the program of education.

(C) The percentage of individuals who completed a program of education using educational assistance provided under the scholarship program who were subsequently employed for a period of less than 6 months in the field of study of the program of education.

**SEC. 112. HONORING THE NATIONAL SERVICE OF MEMBERS OF THE ARMED FORCES BY ELIMINATION OF TIME LIMITATION FOR USE OF ENTITLEMENT.**

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

(1) by striking “individual’s entitlement” and all that follows through the period and inserting “individual’s entitlement—”; and

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

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

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

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

3 (1) by inserting “of this title” after  
4 “3311(b)(9)”;

5 (2) by striking “child’s entitlement” and all  
6 that follows through the period and inserting  
7 “child’s entitlement—”; and

8 (3) by adding at the end the following new sub-  
9 paragraphs:

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

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

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

21 “(5) APPLICABILITY TO SPOUSES OF DECEASED  
22 MEMBERS.—The period during which a spouse enti-  
23 tled to educational assistance by reason of section  
24 3311(b)(9) may use such spouse’s entitlement—

1 “(A) in the case of a spouse who first be-  
 2 comes entitled to such entitlement before Janu-  
 3 ary 1, 2013, expires at the end of the 15-year  
 4 period beginning on the date on which the  
 5 spouse first becomes entitled to such entitle-  
 6 ment; or

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

10 **SEC. 113. MONTHLY STIPEND FOR CERTAIN MEMBERS OF**  
 11 **THE RESERVE COMPONENTS OF THE ARMED**  
 12 **FORCES RECEIVING POST-9/11 EDUCATIONAL**  
 13 **ASSISTANCE.**

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

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

18 “(1) PRO RATA BASIS.—In any month in which  
 19 an individual described in paragraph (2) is per-  
 20 forming active duty service described in section  
 21 3301(1)(B) of this title, the Secretary shall deter-  
 22 mine the amount of monthly stipends payable under  
 23 this section for such month on a pro rata basis for  
 24 the period of such month in which the covered indi-  
 25 vidual is not performing such active duty service.



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

3           “(A) a member of the reserve components  
4       of the Armed Forces; and

5           “(B) pursuing a program of education  
6       using educational assistance under this chap-  
7       ter.”.

8       (b) APPLICATION.—The amendment made by sub-  
9       section (a) shall apply with respect to a quarter, semester,  
10      or term, as applicable, commencing on or after August 1,  
11      2018.

12      **SEC. 114. ANNUAL REPORTS TO CONGRESS ON INFORMA-**  
13                              **TION ON STUDENT PROGRESS SUBMITTED BY**  
14                              **EDUCATIONAL INSTITUTIONS.**

15      Section 3326 is amended—

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

19           (2) by adding at the end the following new sub-  
20      section:

21      “(b) REPORTS TO CONGRESS.—Not later than March  
22      1 of each year, the Secretary shall submit to Congress a  
23      report that includes a summary of the information pro-  
24      vided by educational institutions under subsection (a) for

1 the calendar year preceding the year during which such  
2 report is submitted.”.

3 **SEC. 115. IMPROVEMENT OF INFORMATION TECHNOLOGY**  
4 **OF THE VETERANS BENEFITS ADMINISTRA-**  
5 **TION OF THE DEPARTMENT OF VETERANS**  
6 **AFFAIRS.**

7 (a) PROCESSING OF CERTAIN EDUCATIONAL ASSIST-  
8 ANCE CLAIMS.—The Secretary of Veterans Affairs shall,  
9 to the maximum extent possible, make such changes and  
10 improvements to the information technology system of the  
11 Veterans Benefits Administration of the Department of  
12 Veterans Affairs to ensure that—

13 (1) to the maximum extent possible, all original  
14 and supplemental claims for educational assistance  
15 under chapter 33 of title 38, United States Code,  
16 are adjudicated electronically; and

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

20 (b) IMPLEMENTATION PLAN.—Not later than 180  
21 days after the date of the enactment of this Act, the Sec-  
22 retary of Veterans Affairs shall submit to Congress a plan  
23 to implement the changes and improvements described in  
24 subsection (a).

1 (c) REPORT.—Not later than 1 year after the date  
 2 of the enactment of this Act, the Secretary of Veterans  
 3 Affairs shall submit to Congress a report on the implemen-  
 4 tation of the changes and improvements described in sub-  
 5 section (a).

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

10 **SEC. 116. DEPARTMENT OF VETERANS AFFAIRS HIGH**  
 11 **TECHNOLOGY PILOT PROGRAM.**

12 (a) PILOT PROGRAM.—The Secretary of Veterans Af-  
 13 fairs shall carry out a pilot program under which the Sec-  
 14 retary shall provide eligible veterans with the opportunity  
 15 to enroll in high technology programs of education that  
 16 the Secretary determines provide training or skills sought  
 17 by employers in a relevant field or industry.

18 (b) ELIGIBILITY.—For purposes of the pilot program  
 19 under this section, an eligible veteran is a veteran who  
 20 is entitled to educational assistance under chapter 30, 32,  
 21 33, 34, or 35 of title 38, United States Code, or chapter  
 22 1606 or 1607 of title 10, United States Code.

23 (c) CONTRACTS.—

24 (1) IN GENERAL.—For purposes of carrying out  
 25 subsection (a), by not later than 180 days after Au-

1       gust 1, 2018, the Secretary shall seek to enter into  
2       contracts with any number of qualified providers of  
3       high technology programs of education for the provi-  
4       sion of such programs to eligible veterans under the  
5       pilot program. Each such contract shall provide for  
6       the conditions under which the Secretary may termi-  
7       nate the contract with the provider and the proce-  
8       dures for providing for the completion of the instruc-  
9       tion of students who were enrolled in a program pro-  
10      vided by such provider in the case of such a termi-  
11      nation.

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

15           (A) upon the enrollment of an eligible vet-  
16      eran in the program, 25 percent of the cost of  
17      the tuition and other fees for the program of  
18      education for the veteran;

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

21           (C) upon the employment of the veteran in  
22      the field of study of the program following com-  
23      pletion of the program, 50 percent of such cost.

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

4                   (A) the provider has been operational for  
5                   at least 2 years;

6                   (B) the provider has successfully provided  
7                   the high technology program for at least 1 year;  
8                   and

9                   (C) the provider meets the approval cri-  
10                  teria developed by the Secretary under para-  
11                  graph (4).

12           (4) APPROVAL CRITERIA.—The Secretary shall  
13           develop criteria for approving providers for purposes  
14           of the pilot program. In developing such criteria, the  
15           Secretary may consult with State approving agen-  
16           cies. Such criteria is not required to meet the re-  
17           quirements of section 3672 of title 38, United States  
18           Code.

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

24                   (A) completes a program of education of-  
25                   fered by the provider; and

1 (B) does not find full-time meaningful em-  
2 ployment in the field of study of the program  
3 within the 180-day period beginning on the date  
4 the student completes the program.

5 (d) HOUSING STIPEND.—The Secretary shall pay to  
6 each eligible veteran who is enrolled in a high technology  
7 program of education under the pilot program on a full-  
8 time basis a monthly housing stipend equal to the prod-  
9 uct—

10 (1) of—

11 (A) in the case of a veteran pursuing resi-  
12 dent training, the monthly amount of the basic  
13 allowance for housing payable under section  
14 403 of title 37, United States Code, for a mem-  
15 ber with dependents in pay grade E–5 residing  
16 in the military housing area that encompasses  
17 all or the majority portion of the ZIP code area  
18 in which is located the institution at which the  
19 individual is enrolled; or

20 (B) in the case of a veteran pursuing a  
21 program of education through distance learn-  
22 ing, a monthly amount equal to 50 percent of  
23 the amount payable under subparagraph (A),  
24 multiplied by

25 (2) the lesser of—

1 (A) 1.0; or

2 (B) the number of course hours borne by  
3 the individual in pursuit of the program of edu-  
4 cation involved, divided by the minimum num-  
5 ber of course hours required for full-time pur-  
6 suit of such program of education, rounded to  
7 the nearest multiple of 10.

8 (e) HIGH TECHNOLOGY PROGRAM OF EDUCATION  
9 DEFINED.—In this section, the term “high technology  
10 program of education” means a program of education  
11 that—

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

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

15 (3) provides instruction in computer program-  
16 ming, computer software, media application, data  
17 processing, or information sciences.

18 (f) REPORTS.—

19 (1) SECRETARY OF VETERANS AFFAIRS.—Not  
20 later than 1 year after the date of the enactment of  
21 this Act, and annually thereafter, the Secretary shall  
22 submit to Congress a report on the pilot program  
23 under this section.

24 (2) COMPTROLLER GENERAL.—

1 (A) INTERIM REPORT.—Not later than 3  
2 years after the date on which the Secretary first  
3 enters into a contract under this section, the  
4 Comptroller General of the United States shall  
5 submit to Congress a report containing the re-  
6 sults of the interim assessment of the Comp-  
7 troller General. Such report shall include the  
8 recommendations of the Comptroller General  
9 for improving the pilot program and an assess-  
10 ment of each of the following:

11 (i) The technology experience of the  
12 directors and instructors of the providers  
13 of high technology programs of education  
14 under the pilot program.

15 (ii) Whether the providers cooperated  
16 with the technology industry to create the  
17 curriculum for the program of education.

18 (iii) Whether the providers use an  
19 open source curriculum for the program of  
20 education.

21 (iv) The admittance rate into the pilot  
22 program.

23 (v) The job placement and retention  
24 rate for veterans who completed a program



1 of education under the pilot program in  
2 the field of study of the program.

3 (vi) The percentage of veterans who  
4 completed a program of education under  
5 the pilot program who were subsequently  
6 employed for a period of 6 months or  
7 longer in a field of study of the program.

8 (vii) The percentage of veterans who  
9 completed a program of education under  
10 the pilot program who were subsequently  
11 employed for a period of less than 6  
12 months in a field of study of the program.

13 (viii) The median annual salary of  
14 veterans who completed a program of edu-  
15 cation under the pilot program and were  
16 subsequently employed.

17 (ix) As applicable, the transfer rates  
18 to other academic or vocational programs  
19 and certifications and licensure exam pas-  
20 sage rates.

21 (x) The average age of veterans who  
22 participated in the pilot program.

23 (B) FINAL REPORT.—Not later than 5  
24 years after the date on which the Secretary first  
25 enters into a contract under this section, the

1 Comptroller General shall submit to Congress a  
2 final report on the pilot program. Such report  
3 shall include the recommendation of the Comptroller General with respect to whether the pro-  
4 gram should be extended and an assessment of  
5 each item described in clauses (i) through (x) of  
6 subparagraph (A).  
7

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

14 (h) TERMINATION.—The authority to carry out a  
15 pilot program under this section shall terminate on the  
16 date that is 5 years after the date on which the Secretary  
17 first enters into a contract under this section.

## 18 **TITLE II—OTHER EDUCATIONAL** 19 **ASSISTANCE PROGRAMS**

### 20 **SEC. 201. WORK-STUDY ALLOWANCE.**

21 Section 3485(a)(4) is amended by striking “the pe-  
22 riod beginning on June 30, 2017, and ending on June 30,  
23 2022,” each place it appears and inserting “any time on  
24 or after June 30, 2017,”.

1 **SEC. 202. DURATION OF EDUCATIONAL ASSISTANCE UNDER**  
 2 **SURVIVORS' AND DEPENDENTS' EDU-**  
 3 **CATIONAL ASSISTANCE PROGRAM.**

4 Section 3511(a)(1) is amended—

5 (1) by striking “chapter for” and all that fol-  
 6 lows through the period and inserting “chapter—”;  
 7 and

8 (2) by adding at the end the following new sub-  
 9 paragraphs:

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

15 “(B) in the case of a person who first enrolls  
 16 in a program of education using such entitlement on  
 17 or after August 1, 2018, for an aggregate period not  
 18 in excess of 36 months (or to the equivalent thereof  
 19 in part-time training).”.

20 **SEC. 203. OLIN E. TEAGUE INCREASE IN AMOUNTS OF EDU-**  
 21 **CATIONAL ASSISTANCE PAYABLE UNDER**  
 22 **SURVIVORS' AND DEPENDENTS' EDU-**  
 23 **CATIONAL ASSISTANCE PROGRAM.**

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

25 (1) in subsection (a)—

26 (A) in paragraph (1)—

1 (i) by striking “\$788” and inserting  
2 “\$1,224”;

3 (ii) by striking “\$592” and inserting  
4 “\$967”; and

5 (iii) by striking “\$394” and inserting  
6 “\$710”; and

7 (B) in paragraph (2)(B), by striking  
8 “\$788” and inserting “\$1,224”; and

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

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

14 **TITLE III—ADMINISTRATION OF**  
15 **EDUCATIONAL ASSISTANCE**  
16 **PROGRAMS**

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

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

20 (1) in paragraph (2)(A), by striking “out of  
21 amounts available for the payment of readjustment  
22 benefits” and inserting “out of amounts in the De-  
23 partment of Veterans Affairs readjustment benefits  
24 account and amounts appropriated to the Sec-  
25 retary”;

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

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

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

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

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

11       “(A) The total”;

12           (B) by striking “for any fiscal year shall  
13       be \$19,000,000” and inserting “for fiscal year  
14       2018 shall be \$21,000,000 and for fiscal year  
15       2019 and thereafter shall be \$23,000,000”; and

16           (C) by adding at the end the following new  
17       subparagraph:

18       “(B) Beginning in fiscal year 2019, whenever there  
19       is an increase in benefit amounts payable under title II  
20       of the Social Security Act (42 U.S.C. 401 et seq.) as a  
21       result of a determination made under section 215(i) of  
22       such Act (42 U.S.C. 415(i)), the Secretary shall, effective  
23       on the date of such increase in benefit amounts, increase  
24       the amount in effect under subparagraph (A), as in effect  
25       immediately prior to the date of such increase in benefit

1 amounts payable under title II of the Social Security Act,  
 2 by the same percentage as the percentage by which such  
 3 benefit amounts are increased.”.

4 **SEC. 302. AUTHORIZATION FOR USE OF POST-9/11 EDU-**  
 5 **CATIONAL ASSISTANCE TO PURSUE INDE-**  
 6 **PENDENT STUDY PROGRAMS AT CERTAIN**  
 7 **EDUCATIONAL INSTITUTIONS THAT ARE NOT**  
 8 **INSTITUTIONS OF HIGHER LEARNING.**

9 Section 3680A is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),  
 12 by striking “in—” and inserting “in any of the  
 13 following:”;

14 (B) in paragraph (1)—

15 (i) by striking “any” and inserting  
 16 “Any”; and

17 (ii) by striking the semicolon at the  
 18 end and inserting a period;

19 (C) in paragraph (2)—

20 (i) by striking “any” and inserting  
 21 “Any”; and

22 (ii) by striking the semicolon at the  
 23 end and inserting a period;

24 (D) in paragraph (3)—

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

3 (ii) by striking “; or” and inserting a  
4 period; and

5 (E) by striking paragraph (4) and insert-  
6 ing the following new paragraph (4):

7 “(4) Any independent study program except an  
8 independent study program (including such a pro-  
9 gram taken over open circuit television) that—

10 “(A) is accredited by an accrediting agency  
11 or association recognized by the Secretary of  
12 Education under subpart 2 of part H of title IV  
13 of the Higher Education Act of 1965 (20  
14 U.S.C. 1099b);

15 “(B) leads to—

16 “(i) a standard college degree;

17 “(ii) a certificate that reflects edu-  
18 cational attainment offered by an institu-  
19 tion of higher learning; or

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

22 “(I) an area career and technical  
23 education school (as defined in sub-  
24 paragraphs (C) and (D) of section  
25 3(3) of the Carl D. Perkins Career

1 and Technical Education Act of 2006  
2 (20 U.S.C. 2302(3))) that provides  
3 education at the postsecondary level;  
4 or

5 “(II) a postsecondary vocational  
6 institution (as defined in section  
7 102(c) of the Higher Education Act of  
8 1965 (20 U.S.C. 1002(c))) that pro-  
9 vides education at the postsecondary  
10 level; and

11 “(C) in the case of a program described in  
12 subparagraph (B)(iii)—

13 “(i) provides training aligned with the  
14 requirements of employers in the State or  
15 local area where the program is located,  
16 which may include in-demand industry sec-  
17 tors or occupations; and

18 “(ii) provides a student, upon comple-  
19 tion of the program, with a recognized  
20 postsecondary credential that is recognized  
21 by employers in the relevant industry,  
22 which may include a credential recognized  
23 by industry or sector partnerships in the  
24 State or local area where the industry is  
25 located; and



1 “(iii) meets such content and instruc-  
2 tional standards as may be required to  
3 comply with the criteria under section  
4 3676(c)(14) and(15) of this title.”; and

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

7 “(h) In this section, the terms ‘State or local area’,  
8 ‘recognized postsecondary credential’, ‘industry or sector  
9 partnership’, and ‘in-demand industry sector or occupa-  
10 tion’ have the meaning given such terms in section 3 of  
11 the Workforce Innovation and Opportunity Act (29 U.S.C.  
12 3102).”.

13 **SEC. 303. PROVISION OF INFORMATION ON PRIORITY EN-**  
14 **ROLLMENT FOR VETERANS IN CERTAIN**  
15 **COURSES OF EDUCATION.**

16 Section 3698(c)(1)(C) is amended—

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

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

20 (3) by adding at the end the following new  
21 clause:

22 “(xi) information on whether the institu-  
23 tion administers a priority enrollment system  
24 that allows certain student veterans to enroll in  
25 courses earlier than other students.”.

1 **SEC. 304. LIMITATION ON USE OF REPORTING FEES PAY-**  
2 **ABLE TO EDUCATIONAL INSTITUTIONS AND**  
3 **SPONSORS OF PROGRAMS OF APPRENTICE-**  
4 **SHIP.**

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

7 “(c)(1) The Secretary may pay to any educational in-  
8 stitution, or to the sponsor of a program of apprenticeship,  
9 furnishing education or training under either this chapter  
10 or chapter 31, 34, or 35 of this title, a reporting fee which  
11 will be in lieu of any other compensation or reimbursement  
12 for reports or certifications which such educational institu-  
13 tion or sponsor of a program of apprenticeship is required  
14 to submit to the Secretary by law or regulation.

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

22 “(3) No reporting fee payable to an educational insti-  
23 tution under this subsection shall be subject to offset by  
24 the Secretary against any liability of such institution for  
25 any overpayment for which such institution may be admin-  
26 istratively determined to be liable under section 3685 of

1 this title unless such liability is not contested by such in-  
2 stitution or has been upheld by a final decree of a court  
3 of appropriate jurisdiction.

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

9 “(A) shall be utilized by such institution or  
10 sponsor solely for the making of certifications re-  
11 quired under this chapter or chapter 31, 34, or 35  
12 of this title or for otherwise supporting programs for  
13 veterans; and

14 “(B) with respect to an institution that has 100  
15 or more enrollees described in paragraph (2) may  
16 not be used for or merged with amounts available  
17 for the general fund of the educational institution or  
18 sponsor of a program of apprenticeship.

19 “(5) The reporting fee payable under this subsection  
20 shall be paid from amounts appropriated for readjustment  
21 benefits.”.

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

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

2 (a) **TRAINING REQUIREMENT.**—The Secretary of  
3 Veterans Affairs shall, in consultation with the State ap-  
4 proving agencies, set forth requirements relating to train-  
5 ing for school certifying officials employed by covered edu-  
6 cational institutions offering courses of education ap-  
7 proved under chapter 36 of title 38, United States Code.  
8 If a covered educational institution does not ensure that  
9 a school certifying official employed by the educational in-  
10 stitution meets such requirements, the Secretary may dis-  
11 approve any course of education offered by such edu-  
12 cational institution.

13 (b) **DEFINITIONS.**—In this section:

14 (1) The term “covered educational institution”  
15 means an educational institution that has enrolled  
16 20 or more individuals using educational assistance  
17 under title 38, United States Code.

18 (2) The term “school certifying official” means  
19 an employee of an educational institution with pri-  
20 mary responsibility for certifying veteran enrollment  
21 at the educational institution.

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

25 (c) **EFFECTIVE DATE.**—This section shall take effect  
26 on August 1, 2018.

1 **SEC. 306. EXTENSION OF AUTHORITY FOR ADVISORY COM-**  
 2 **MITTEE ON EDUCATION.**

3 Section 3692 is amended by striking “December 31,  
 4 2017” and inserting “December 31, 2022”.

5 **SEC. 307. DEPARTMENT OF VETERANS AFFAIRS PROVISION**  
 6 **OF ON-CAMPUS EDUCATIONAL AND VOCA-**  
 7 **TIONAL COUNSELING FOR VETERANS.**

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

10 **“§ 3697B. On-campus educational and vocational**  
 11 **counseling**

12 “(a) IN GENERAL.—The Secretary shall provide edu-  
 13 cational and vocational counseling services for individuals  
 14 described in section 3697A(b) of this title at locations on  
 15 the campuses of institutions of higher learning selected by  
 16 the Secretary. Such counseling services shall be provided  
 17 by employees of the Department who provide such services  
 18 under section 3697A of this title.

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

24 “(2) In selecting locations for the provision of coun-  
 25 seling services under this section, the Secretary shall seek

1 to select locations where the maximum number of veterans  
2 would have access to such services.

3 “(c) ANNUAL REPORT.—Not later than 180 days  
4 after the date of the enactment of this section, and each  
5 year thereafter, the Secretary shall submit to Congress a  
6 report on the counseling services provided under this sec-  
7 tion. Such report shall include, for the year covered by  
8 the report—

9 “(1) the average ratio of counselors providing  
10 such services to individuals who received such serv-  
11 ices at each location where such services were pro-  
12 vided;

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

14 “(3) the recommendations of the Secretary for  
15 improving the provision of such services; and

16 “(4) any other matters the Secretary deter-  
17 mines appropriate.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 3697A the following new  
21 item:

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

1 **SEC. 308. PROVISION OF INFORMATION REGARDING VET-**  
2 **ERAN ENTITLEMENT TO EDUCATIONAL AS-**  
3 **SISTANCE.**

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

7 **“§ 3699A. Provision of certain information to edu-**  
8 **cational institutions**

9 “(a) IN GENERAL.—For each veteran or other indi-  
10 vidual pursuing a course of education that has been ap-  
11 proved under this chapter using educational assistance to  
12 which the veteran or other individual is entitled under  
13 chapter 30, 32, 33, or 35 of this title, the Secretary shall  
14 make available to the educational institution offering the  
15 course information about the amount of such educational  
16 assistance to which the veteran or other individual is enti-  
17 tled. Such information shall be provided to such edu-  
18 cational institution through a secure information tech-  
19 nology system accessible by the educational institution and  
20 shall be regularly updated to reflect any amounts used by  
21 the veteran or other individual.

22 “(b) ELECTION.—A veteran or other individual pur-  
23 suing a course of education described in subsection (a)  
24 may elect not to provide the information described in such  
25 subsection to an educational institution in a manner pre-  
26 scribed by the Secretary.”.

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

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

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

8 **SEC. 309. TREATMENT, FOR PURPOSES OF EDUCATIONAL**  
 9 **ASSISTANCE ADMINISTERED BY THE SEC-**  
 10 **RETARY OF VETERANS AFFAIRS, OF EDU-**  
 11 **CATIONAL COURSES THAT BEGIN SEVEN OR**  
 12 **FEWER DAYS AFTER THE FIRST DAY OF AN**  
 13 **ACADEMIC TERM.**

14 Section 3684(a) is amended—

15 (1) by redesignating paragraph (4) as para-  
 16 graph (5); and

17 (2) by inserting after paragraph (3) the fol-  
 18 lowing new paragraph (4):

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



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

3 Section 3673(d) is amended—

4 (1) in the subsection heading, by striking  
5 “COMPLIANCE AND” ;

6 (2) by striking “such compliance and oversight”  
7 and inserting “conducting risk-based surveys and  
8 other such oversight”; and

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

11 **SEC. 311. COMPTROLLER GENERAL STUDY OF STATE AP-**  
12 **PROVING AGENCY PERFORMANCE.**

13 (a) STUDY REQUIRED.—The Comptroller General of  
14 the United States shall carry out a study on the perform-  
15 ance of State approving agencies. Such study shall include  
16 each of the following:

17 (1) An analysis of the effectiveness of the co-  
18 operation between the Secretary of Veterans Affairs  
19 and State approving agencies regarding the execu-  
20 tion of shared compliance and oversight responsibil-  
21 ities under chapter 36 of title 38, United States  
22 Code.

23 (2) An analysis of the resources necessary for  
24 State approving agencies to fulfill the responsibilities  
25 of such agencies under such title, including an anal-  
26 ysis of whether Congress has appropriated sufficient

1 funds for State approving agencies to fulfill such re-  
2 sponsibilities and the historic effect of funding on  
3 the ability of such agencies to fulfill such respon-  
4 sibilities.

5 (3) An evaluation of the use by State approving  
6 agencies of risk-based methods of review for identi-  
7 fying violations of established standards under such  
8 chapter.

9 (4) An examination of how State approving  
10 agencies use risk factors, including rapid increases  
11 in veteran enrollment, increases in the amount of  
12 benefits per capita, volume of student complaints,  
13 rates of Federal student loan defaults of veterans,  
14 veteran completion rates, deficiencies identified by  
15 accreditors and other State agencies, and defi-  
16 ciencies in Department of Veterans Affairs program  
17 administration compliance, in their oversight and  
18 compliance responsibilities and in selecting edu-  
19 cational institutions for review of eligibility.

20 (5) Recommendations on how the Secretary and  
21 State approving agencies can better use data to  
22 evaluate, approve, or disapprove educational institu-  
23 tions under such chapter.

24 (b) REPORT TO CONGRESS.—Not later than 1 year  
25 after the date of the enactment of this Act, the Comp-

1 troller General shall submit to the Secretary of Veterans  
2 Affairs, the Committee on Veterans' Affairs of the Senate,  
3 and the Committee on Veterans' Affairs of the House of  
4 Representatives, a report on the study required under sub-  
5 section (a) and the findings and recommendations of the  
6 Comptroller General with respect to such study.

## 7 **TITLE IV—RESERVE** 8 **COMPONENT BENEFITS**

### 9 **SEC. 401. ELIGIBILITY OF RESERVE COMPONENT MEMBERS** 10 **FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

11 (a) IN GENERAL.—Section 3301(1)(B) is amended  
12 by striking “or 12304” and inserting “12304, 12304a, or  
13 12304b”.

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

19 (c) APPLICATION WITH RESPECT TO USE OF ENTI-  
20 TLEMENT.—An individual who is entitled to educational  
21 assistance by reason of the amendment made by sub-  
22 section (a) may use such entitlement to pursue a course  
23 of education beginning on or after August 1, 2018.

1 **SEC. 402. TIME LIMITATION FOR TRAINING AND REHABILI-**  
 2 **TATION FOR VETERANS WITH SERVICE-CON-**  
 3 **NECTED DISABILITIES.**

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

6 **TITLE V—OTHER MATTERS**

7 **SEC. 501. REPEAL INAPPLICABILITY OF MODIFICATION OF**  
 8 **BASIC ALLOWANCE FOR HOUSING TO BENE-**  
 9 **FITS UNDER LAWS ADMINISTERED BY SEC-**  
 10 **RETARY OF VETERANS AFFAIRS.**

11 (a) REPEAL.—Subsection (b) of section 604 of the  
 12 Carl Levin and Howard P. “Buck” McKeon National De-  
 13 fense Authorization Act for Fiscal Year 2015 (Public Law  
 14 113–291; 37 U.S.C. 403 note) is repealed.

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

20 **SEC. 502. RECONSIDERATION OF PREVIOUSLY DENIED**  
 21 **CLAIMS FOR DISABILITY COMPENSATION**  
 22 **FOR VETERANS WHO ALLEGE FULL-BODY EX-**  
 23 **POSURE TO NITROGEN MUSTARD GAS, SUL-**  
 24 **FUR MUSTARD GAS, OR LEWISITE DURING**  
 25 **WORLD WAR II.**

26 (a) IN GENERAL.—

1           (1) RECONSIDERATION REQUIRED.—The Sec-  
2       retary of Veterans Affairs shall reconsider all claims  
3       for compensation described in paragraph (2) and  
4       make a new determination regarding each such  
5       claim.

6           (2) CLAIMS FOR COMPENSATION DESCRIBED.—  
7       A claim for compensation described in this para-  
8       graph is a claim for compensation under chapter 11  
9       of title 38, United States Code, that the Secretary  
10      determines—

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

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

15           (ii) at a site listed in paragraph (3);  
16      and

17           (B) was denied before the date of the en-  
18      actment of this Act.

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

21           (A) Camp Siebert, Alabama.

22           (B) Fort McClellan, Alabama.

23           (C) Huntsville Arsenal, Alabama.

24           (D) Rocky Mountain Arsenal, Colorado.

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

1 (F) Bushnell Field, Florida.

2 (G) Great Lakes Naval Training Center,  
3 Illinois.

4 (H) Edgewood Arsenal, Maryland.

5 (I) Fort Detrick, Maryland.

6 (J) Naval Research Laboratory, Maryland.

7 (K) Naval Training Center, Bainbridge,  
8 Maryland.

9 (L) Horn Island Installation, Mississippi.

10 (M) Camp Crowder, Missouri.

11 (N) Hart's Island, New York.

12 (O) Camp Lejeune, North Carolina.

13 (P) Charleston, South Carolina.

14 (Q) Dugway Proving Ground, Utah.

15 (R) Toole Army Depot, Utah.

16 (S) Naval Research Laboratory, Virginia.

17 (T) U.S.S. Eagle Boat No. 58.

18 (U) Ondal, India.

19 (V) Fort Clayton, San Jose Island, Pan-  
20 ama.

21 (W) Any site the Secretary of Veterans Af-  
22 fairs determines is appropriate.

23 (4) FACTORS OF CONSIDERATION.—In making  
24 a determination under paragraph (1), the Sec-  
25 retary—

1 (A) shall consider—

2 (i) that contemporaneous records of  
3 testing of full-body exposure to a covered  
4 substance frequently may be unavailable  
5 because such tests were classified or such  
6 records were lost or destroyed;

7 (ii) that many veterans were sworn to  
8 secrecy following testing described in  
9 clause (i);

10 (iii) each statement based on personal  
11 knowledge of a veteran who served at a  
12 site listed in paragraph (3);

13 (iv) information in the report from the  
14 Secretary of Defense under subsection  
15 (b)(2); and

16 (v) any evidence the Secretary con-  
17 sidered relevant; and

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

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

1 (ii) any list of known sites of testing  
2 of full-body exposure to a covered sub-  
3 stance maintained by the Department of  
4 Veterans Affairs or the Department of De-  
5 fense.

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

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

15 (i) based on the locations listed in  
16 paragraph (3); and

17 (ii) consistent with the places, types,  
18 and circumstances of service of the veteran  
19 in accordance with section 1154 of title 38;  
20 and

21 (B) shall resolve each reasonable doubt in  
22 favor of the veteran.

23 (6) EFFECTIVE DATE OF AWARD.—The effec-  
24 tive date of any award of disability compensation re-  
25 sulting from reconsideration of a claim under para-



1 graph (1) shall be fixed in accordance with the facts  
2 found, but shall not be earlier than the date of the  
3 receipt of the claim for compensation described in  
4 paragraph (2).

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

9 (1) investigate and assess each site—

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

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

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

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

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

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

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

12 (1) investigate and assess—

13 (A) the actions taken by the Secretary to  
14 contact individuals who experienced full-body  
15 exposure to a covered substance in the course  
16 of testing described in subsection (b)(1)(A);

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

22 (C) the percentage of claims described in  
23 subparagraph (B) that the Secretary denied.

24 (2) submit to the appropriate congressional  
25 committees and the Secretary of Defense a report

1        regarding the investigations and assessments carried  
2        out under paragraph (1).

3        (d) DEFINITIONS.—In this section:

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

8            (2) The term “appropriate congressional com-  
9        mittees” means—

10            (A) the Committees on Armed Services of  
11        the House of Representatives and the Senate;  
12        and

13            (B) the Committees on Veterans’ Affairs of  
14        the House of Representatives and the Senate.

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

16            (A) nitrogen mustard gas;

17            (B) sulfur mustard gas; or

18            (C) Lewisite.

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

Passed the House of Representatives July 24, 2017.

Attest:

*Clerk.*



115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3218

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## AN ACT

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.