

112TH CONGRESS
1ST SESSION

S. 1060

To improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2011

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department 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 “Honoring All Veterans Act of 2011”.

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

Sec. 1. Short title; table of contents.

TITLE I—EDUCATION, EMPLOYMENT, AND INDEPENDENT LIVING SERVICES FOR VETERANS

- Sec. 101. Increase in maximum number of participants in programs of independent living services and assistance for severely handicapped veterans.
- Sec. 102. Participation of veterans in the Transition Assistance Program of the Department of Defense.
- Sec. 103. Study on recognition of military training and qualifications of veterans by civilian employers and educational institutions.
- Sec. 104. Veterans education outreach program.
- Sec. 105. Department of Labor program to secure job opportunities for veterans.

TITLE II—ASSISTANCE FOR HOMELESS VETERANS

- Sec. 201. Repeal of sunset on extension of enhanced protections for servicemembers relating to mortgages and mortgage foreclosure under Servicemembers Civil Relief Act.
- Sec. 202. Improvement of payments for providing services to homeless veterans.

TITLE III—HEALTH CARE AND MENTAL HEALTH SERVICES FOR VETERANS

- Sec. 301. Monitoring of referrals for mental health care.
- Sec. 302. Improvements to plans for veterans with traumatic brain injury for rehabilitation and reintegration into the community.
- Sec. 303. Counseling, training, and mental health services for families of deployed members of the Armed Forces.
- Sec. 304. Graduates of Uniformed Services University of the Health Sciences permitted to perform civilian service with Department of Veterans Affairs.
- Sec. 305. Controlled substance monitoring programs.

TITLE IV—ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS

- Sec. 401. Monitoring of Integrated Disability Evaluation System.
- Sec. 402. Independent review of transition from receipt of benefits and services from Department of Defense to receipt of benefits and services from Department of Veterans Affairs.
- Sec. 403. Treatment of certain misfiled documents as motions for reconsideration of decisions by Board of Veterans' Appeals.
- Sec. 404. Increase in rate of pension for disabled veterans married to one another and both of whom require regular aid and attendance.

1 **TITLE I—EDUCATION, EMPLOY-**
2 **MENT, AND INDEPENDENT**
3 **LIVING SERVICES FOR VET-**
4 **ERANS**

5 **SEC. 101. INCREASE IN MAXIMUM NUMBER OF PARTICI-**
6 **PANTS IN PROGRAMS OF INDEPENDENT LIV-**
7 **ING SERVICES AND ASSISTANCE FOR SE-**
8 **VERELY HANDICAPPED VETERANS.**

9 Section 3120(e) of title 38, United States Code, is
10 amended by striking “2,700” and inserting “3,000”.

11 **SEC. 102. PARTICIPATION OF VETERANS IN THE TRANSI-**
12 **TION ASSISTANCE PROGRAM OF THE DE-**
13 **PARTMENT OF DEFENSE.**

14 (a) **IN GENERAL.**—Each veteran, during the one-year
15 period beginning on the date on which the veteran is dis-
16 charged or separated from service in the Armed Forces,
17 shall be authorized to participate in the Transition Assist-
18 ance Program (TAP) of the Department of Defense.

19 (b) **COUNSELING AT MILITARY INSTALLATIONS.**—As
20 part of their participation in the Transition Assistance
21 Program pursuant to this section, veterans shall be au-
22 thorized to receive transition assistance counseling under
23 the program at any military installation at which transi-
24 tion assistance counseling is being provided to members
25 of the Armed Forces under the program.

1 (c) MEMORANDUM OF UNDERSTANDING.—The Sec-
2 retary of Defense and the Secretary of Veterans Affairs
3 shall enter into a memorandum of understanding regard-
4 ing the participation of veterans in the Transition Assist-
5 ance Program pursuant to this section.

6 (d) VETERAN DEFINED.—In this section, the term
7 “veteran” has the meaning given that term in section
8 101(2) of title 38, United States Code.

9 **SEC. 103. STUDY ON RECOGNITION OF MILITARY TRAINING**
10 **AND QUALIFICATIONS OF VETERANS BY CI-**
11 **VILIAN EMPLOYERS AND EDUCATIONAL IN-**
12 **STITUTIONS.**

13 The Secretary of Veterans Affairs may conduct a
14 study on how the Secretary can improve the recognition
15 of military training and qualifications of veterans by civil-
16 ian employers and educational institutions.

17 **SEC. 104. VETERANS EDUCATION OUTREACH PROGRAM.**

18 (a) ESTABLISHMENT.—Chapter 36 of title 38,
19 United States Code, is amended by adding at the end of
20 subchapter II the following new section:

21 **“§ 3697B. Veterans education outreach program**

22 “(a) IN GENERAL.—The Secretary shall provide
23 funding for offices of veterans affairs at institutions of
24 higher learning, as defined in section 3452(f), in accord-
25 ance with this section.

1 “(b) PAYMENTS TO INSTITUTIONS OF HIGHER
2 LEARNING.—(1)(A) The Secretary shall, subject to the
3 availability of appropriations, make payments to any insti-
4 tution of higher learning, under and in accordance with
5 this section, during any fiscal year if the number of per-
6 sons eligible for services from offices assisted under this
7 section at the institution is at least 50, determined in the
8 same manner as the number of eligible veterans or eligible
9 persons is determined under section 3684(c) of this title.

10 “(B) The persons who are eligible for services from
11 the offices assisted under this section are persons receiving
12 educational assistance administered by the Department of
13 Veterans Affairs, including assistance provided under
14 chapter 1606 of title 10.

15 “(2) To be eligible for a payment under this section,
16 an institution of higher learning or a consortium of insti-
17 tutions of higher learning, as described in paragraph (3),
18 shall submit an application to the Secretary. The applica-
19 tion shall—

20 “(A) set forth such policies, assurances, and
21 procedures that will ensure that—

22 “(i) the funds received by the institution,
23 or each institution in a consortium of institu-
24 tions described in paragraph (3), under this

1 section will be used solely to carry out this sec-
2 tion;

3 “(ii) for enhancing the functions of its vet-
4 erans education outreach program, the appli-
5 cant will expend, during the academic year for
6 which a payment is sought, an amount equal to
7 at least the amount of the award under this
8 section from sources other than this or any
9 other Federal program; and

10 “(iii) the applicant will submit to the Sec-
11 retary such reports as the Secretary may re-
12 quire or as are required by this section;

13 “(B) contain such other statement of policies,
14 assurances, and procedures as the Secretary may re-
15 quire in order to protect the financial interests of
16 the United States;

17 “(C) set forth such plans, policies, assurances,
18 and procedures as will ensure that the applicant will
19 maintain an office of veterans’ affairs which has re-
20 sponsibility for—

21 “(i) veterans’ certification, outreach, re-
22 cruitment, and special education programs, in-
23 cluding the provision of or referral to edu-
24 cational, vocational, and personal counseling for
25 veterans; and

1 “(ii) providing information regarding other
2 services provided veterans by the Department,
3 including the readjustment counseling program
4 authorized under section 1712A of this title and
5 the programs carried out under chapters 41
6 and 42 of this title; and

7 “(D) be submitted at such time or times, in
8 such manner, in such form, and contain such infor-
9 mation as the Secretary determines necessary to
10 carry out the functions of the Secretary under this
11 section.

12 “(3) An institution of higher learning which is eligible
13 for funding under this section and which the Secretary
14 determines cannot feasibly carry out, by itself, any or all
15 of the activities set forth in paragraph (2)(C), may carry
16 out such program or programs through a consortium
17 agreement with one or more other institutions of higher
18 learning in the same community.

19 “(4) The Secretary shall not approve an application
20 under this subsection unless the Secretary determines that
21 the applicant will implement the requirements of para-
22 graph (2)(C) within the first academic year during which
23 it receives a payment under this section.

24 “(c) AMOUNT OF PAYMENTS.—(1)(A) Subject to sub-
25 paragraph (B), the amount of the payment which any in-

1 stitution shall receive under this section for any fiscal year
2 shall be \$100 for each person who is described in sub-
3 section (b)(1)(B).

4 “(B) The maximum amount of payments to any insti-
5 tution of higher learning, or any branch thereof which is
6 located in a community which is different from that in
7 which the parent institution thereof is located, in any fis-
8 cal year is \$150,000.

9 “(2)(A) The Secretary shall pay to each institution
10 of higher learning which has had an application approved
11 under subsection (b) the amount which it is to receive
12 under this section. If the amount appropriated for any fis-
13 cal year is not sufficient to pay the amounts which all such
14 institutions are to receive, the Secretary shall ratably re-
15 duce such payments. If any amount becomes available to
16 carry out this section for a fiscal year after such reduc-
17 tions have been imposed, such reduced payments shall be
18 increased on the same basis as they were reduced.

19 “(B) In making payments under this section for any
20 fiscal year, the Secretary shall apportion the appropriation
21 for making such payments, from funds which become
22 available as a result of the limitation on payments set
23 forth in paragraph (1)(B), in an equitable manner.

24 “(d) COORDINATION AND PROVISION OF ASSIST-
25 ANCE, TECHNICAL CONSULTATION, AND INFORMATION.—

1 The Secretary, in carrying out the provisions of this sec-
2 tion, shall seek to assure the coordination of programs as-
3 sisted under this section with other programs carried out
4 by the Department pursuant to this title, and the Sec-
5 retary shall provide all assistance, technical consultation,
6 and information otherwise authorized by law as necessary
7 to promote the maximum effectiveness of the activities and
8 programs assisted under this section.

9 “(e) BEST PRACTICES AND ADMINISTRATION.—(1)
10 From the amounts made available for any fiscal year
11 under subsection (f), the Secretary shall retain one per-
12 cent or \$20,000, whichever is less, for the purpose of col-
13 lecting information about exemplary veterans educational
14 outreach programs and disseminating that information to
15 other institutions of higher learning having such programs
16 on their campuses. Such collection and dissemination shall
17 be done on an annual basis.

18 “(2) From the amounts made available under sub-
19 section (f), the Secretary may retain not more than two
20 percent for the purpose of administering this section.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$6,000,000 for fiscal year 2012 and each fiscal year there-
24 after.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 36 of title 38, United States
 3 Code, is amended by inserting after the item relating to
 4 section 3697A the following new item:

“3697B. Veterans education outreach program.”.

5 **SEC. 105. DEPARTMENT OF LABOR PROGRAM TO SECURE**
 6 **JOB OPPORTUNITIES FOR VETERANS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED VETERAN.—In this subsection,
 9 the term “covered veteran” means a veteran with
 10 traumatic brain injury or post-traumatic stress dis-
 11 order.

12 (2) SECRETARY.—The term “Secretary” means
 13 the Secretary of Labor, acting through the Assistant
 14 Secretary for Disability Employment Policy.

15 (3) VETERAN.—The term “veteran” means a
 16 veteran, as defined in section 101 of title 38, United
 17 States Code.

18 (b) TECHNICAL ASSISTANCE.—The Secretary shall
 19 carry out a program through which the Secretary shall—

20 (1) provide technical assistance to prospective
 21 employers and employers of covered veterans, to en-
 22 able the prospective employers and employers to em-
 23 ploy and retain covered veterans;

24 (2) provide technical assistance for entities in
 25 the workforce development system, to enable the en-

1 tities to help covered veterans obtain employment
2 and succeed in that employment;

3 (3) receive referrals for technical assistance de-
4 scribed in paragraphs (1) and (2) from reserve com-
5 ponents described in section 101 of title 10, United
6 States Code, business organizations, and Federal
7 agencies; and

8 (4) conduct outreach concerning such technical
9 assistance through regional offices of the Depart-
10 ment of Labor.

11 (c) INFORMATION ON BEST PRACTICES.—The Sec-
12 retary shall disseminate information on best practices re-
13 lated to assisting covered veterans in obtaining employ-
14 ment and developing strategies to succeed in that employ-
15 ment. The Secretary shall disseminate the information to
16 business organizations and employers (including veteran-
17 owned businesses), human resource organizations, govern-
18 ment agencies, and Federal contractors.

19 (d) INTERAGENCY WORKING GROUP.—

20 (1) ESTABLISHMENT OF WORKING GROUP.—
21 The Secretary shall establish a working group, con-
22 sisting of representatives of Federal agencies with
23 programs that assist covered veterans in obtaining
24 or maintaining employment.

1 (2) DUTIES OF WORKING GROUP.—The working
 2 group shall share information on best practices,
 3 share resources, and develop a plan, for providing
 4 such assistance to the covered veterans. The working
 5 group shall submit the plan to the heads of the Fed-
 6 eral agencies.

7 (3) FUNCTIONS OF FEDERAL AGENCIES.—Each
 8 head of a Federal agency receiving the plan shall
 9 consider the plan and make appropriate changes to
 10 carry out functions that assist covered veterans in
 11 obtaining and maintaining employment.

12 **TITLE II—ASSISTANCE FOR** 13 **HOMELESS VETERANS**

14 **SEC. 201. REPEAL OF SUNSET ON EXTENSION OF EN-**
 15 **HANCED PROTECTIONS FOR**
 16 **SERVICEMEMBERS RELATING TO MORT-**
 17 **GAGES AND MORTGAGE FORECLOSURE**
 18 **UNDER SERVICEMEMBERS CIVIL RELIEF**
 19 **ACT.**

20 Subsection (c) of section 2203 of the Housing and
 21 Economic Recovery Act of 2008 (50 U.S.C. App. 533
 22 note) is amended to read as follows:

23 “(a) EFFECTIVE DATE.—The amendments made by
 24 subsection (a) shall take effect on the date of the enact-
 25 ment of this Act.”.

1 **SEC. 202. IMPROVEMENT OF PAYMENTS FOR PROVIDING**
2 **SERVICES TO HOMELESS VETERANS.**

3 (a) IMPROVEMENT OF PAYMENTS.—Section 2012 of
4 title 38, United States Code, is amended—

5 (1) by striking “per diem” each place it ap-
6 pears;

7 (2) in subsection (a)(2)—

8 (A) in subparagraph (A)—

9 (i) by striking “daily cost of care”
10 and inserting “annual cost of furnishing
11 services”; and

12 (ii) by striking the second sentence;

13 (B) by striking subparagraph (B) and in-
14 serting the following new subparagraph (B):

15 “(B) The Secretary shall annually adjust the rate of
16 payment under subparagraph (A) to reflect anticipated
17 changes in the cost of furnishing services and to take into
18 account the cost of providing services in a particular geo-
19 graphic area. The Secretary may set a maximum amount
20 payable to a grant recipient under this section.”;

21 (C) in subparagraph (C), by striking
22 “other sources of income” and all that follows
23 through the period at the end and inserting
24 “the cost of services provided by the grant re-
25 cipient as the Secretary may require to assist

1 the Secretary in making the determination
2 under subparagraph (A).”;

3 (D) by striking subparagraph (D) and in-
4 serting the following new subparagraph (D):

5 “(D) In making the determination under subpara-
6 graph (A), the Secretary may consider the availability of
7 other sources of income, including payments to the grant
8 recipient or eligible entity for furnishing services to home-
9 less veterans under programs other than under this sub-
10 chapter, payments or grants from other departments or
11 agencies of the United States, from departments or agen-
12 cies of State or local governments, or from private entities
13 or organizations.”; and

14 (E) by adding at the end the following new
15 subparagraph:

16 “(E)(i) The Secretary shall authorize payments
17 under this subsection to each grant recipient on an annual
18 basis but shall make a payment to each grant recipient
19 for each calendar quarter in an amount equal to a portion
20 of the annual amount authorized for such recipient.

21 “(ii) Upon the expiration of a calendar quarter—

22 “(I) each grant recipient shall provide to the
23 Secretary a statement of the amount spent by the
24 recipient during that calendar quarter;

1 “(II) if the amount spent is less than the
2 amount provided for that calendar quarter, repay to
3 the Secretary the balance; and

4 “(III) if the amount spent by a grant recipient
5 for such purpose for a calendar quarter exceeds the
6 amount provided to the recipient for that quarter,
7 the Secretary shall make an additional payment to
8 the recipient in an amount equal to the amount by
9 which the amount so spent exceeded the amount so
10 provided, as long as the total amount provided to
11 such recipient in a calendar year does not exceed the
12 amount of the annual payment for that recipient.”;

13 (3) in subsection (a), by striking paragraph (3)
14 and inserting the following new paragraph (3):

15 “(3) Payments under this subsection to a grant re-
16 cipient or eligible entity may be used to match, or in com-
17 bination with, other payments or grants for which the re-
18 cipient or entity is eligible.”; and

19 (4) in subsection (c)—

20 (A) by striking paragraph (2); and

21 (B) by redesignating paragraph (3) as
22 paragraph (2).

23 (b) CLERICAL AMENDMENTS.—

24 (1) SECTION HEADING.—The section heading
25 for such section is amended to read as follows:

1 **“§ 2012. Payments for furnishing services to homeless**
 2 **veterans”.**

3 (2) SUBSECTION HEADING.—The heading for
 4 subsection (a) of such section is amended by striking
 5 “PER DIEM”.

6 (3) TABLE OF SECTIONS.—The table of sections
 7 at the beginning of chapter 20 of such title is
 8 amended by striking the item relating to section
 9 2012 and inserting the following new item:

“2012. Payments for furnishing services to homeless veterans.”.

10 **TITLE III—HEALTH CARE AND**
 11 **MENTAL HEALTH SERVICES**
 12 **FOR VETERANS**

13 **SEC. 301. MONITORING OF REFERRALS FOR MENTAL**
 14 **HEALTH CARE.**

15 The Secretary of Defense and the Secretary of Vet-
 16 erans Affairs shall jointly establish a mechanism for the
 17 monitoring and reviewing of the process by which referrals
 18 for mental health care are given to individuals who, during
 19 a post deployment health assessment administered by the
 20 Secretary of Defense, are identified as having a potential
 21 mental health condition. Such monitoring and reviewing
 22 shall identify and compare, on a regular basis, the number
 23 of individuals to whom such referrals are issued with the
 24 number of individuals who complete a course of treatment

1 for a mental health condition subsequent to receiving such
2 a referral.

3 **SEC. 302. IMPROVEMENTS TO PLANS FOR VETERANS WITH**
4 **TRAUMATIC BRAIN INJURY FOR REHABILITA-**
5 **TION AND REINTEGRATION INTO THE COM-**
6 **MUNITY.**

7 Section 1710C(b) of title 38, United States Code, is
8 amended—

9 (1) by redesignating paragraphs (3) through
10 (5) as paragraphs (5) through (7), respectively; and

11 (2) by inserting after paragraph (2) the fol-
12 lowing new paragraphs:

13 “(3) With respect to individuals who are vet-
14 erans described in subsection (b) of section 3120 of
15 this title, participation in programs of independent
16 living services provided under subsection (a) of such
17 section.

18 “(4) Employment support services provided
19 under section 1718(d)(2) of this title.”.

20 **SEC. 303. COUNSELING, TRAINING, AND MENTAL HEALTH**
21 **SERVICES FOR FAMILIES OF DEPLOYED MEM-**
22 **BERS OF THE ARMED FORCES.**

23 Section 1782 of title 38, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(e) COUNSELING FOR FAMILY MEMBERS OF DE-
 2 PLOYED MEMBERS OF ARMED FORCES.—In the case of
 3 a member of the Armed Forces who is deployed, the Sec-
 4 retary may provide members of the immediate family of
 5 the member of the Armed Forces such consultation, pro-
 6 fessional counseling, marriage and family counseling,
 7 training, and mental health services as are necessary in
 8 connection with that deployment.”.

9 **SEC. 304. GRADUATES OF UNIFORMED SERVICES UNIVER-**
 10 **SITY OF THE HEALTH SCIENCES PERMITTED**
 11 **TO PERFORM CIVILIAN SERVICE WITH DE-**
 12 **PARTMENT OF VETERANS AFFAIRS.**

13 (a) IN GENERAL.—Section 2115 of title 10, United
 14 States Code, is amended—

15 (1) by striking “The Secretary” and inserting
 16 the following:

17 “(a) IN GENERAL.—Except as provided in subsection
 18 (b), the Secretary”;

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

21 “(b) CIVILIAN SERVICE WITH THE DEPARTMENT OF
 22 VETERANS AFFAIRS.—(1) The Secretary of Defense and
 23 the Secretary of Veterans Affairs may enter into an agree-
 24 ment whereby graduates of the University may perform
 25 civilian service under subsection (a) with the Department

1 of Veterans Affairs at community-based outpatient clinics
2 of the Department and centers for readjustment coun-
3 seling and related mental health services for veterans
4 under section 1712A of title 38.

5 “(2) The limitation in subsection (a) relating to the
6 percentage of graduates of a class at the University that
7 can perform civilian Federal service in lieu of active duty
8 in the uniformed services shall not apply to graduates who
9 perform civilian Federal service under paragraph (1) of
10 this subsection.

11 “(3)(A) The Secretary of Veterans Affairs may reim-
12 burse the Secretary of Defense for the expenses incurred
13 by the Secretary of Defense in providing education under
14 this chapter to a person who performs civilian service
15 under paragraph (1).

16 “(B) If the Secretary of Veterans Affairs reimburses
17 the Secretary of Defense as described in subparagraph (A)
18 with respect to a person, the Secretary of Defense may
19 not recall such person to active duty in the uniformed
20 services without the consent of the Secretary of Veterans
21 Affairs.”; and

22 (3) in the heading, by striking “: **limitation**
23 **on number**”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 104 of such title is amended

1 by striking the item relating to section 2115 and inserting
2 the following new item:

“2115. Graduates permitted to perform civilian Federal service.”.

3 **SEC. 305. CONTROLLED SUBSTANCE MONITORING PRO-**
4 **GRAMS.**

5 (a) EXCEPTION WITH RESPECT TO CONFIDENTIAL
6 NATURE OF CLAIMS.—Section 5701 of title 38, United
7 States Code, is amended by adding at the end the fol-
8 lowing new subsection:

9 “(1) Under regulations the Secretary shall prescribe,
10 the Secretary may disclose information about a veteran
11 or the dependant of a veteran to a State controlled sub-
12 stance monitoring program, including a program approved
13 by the Secretary of Health and Human Services under
14 section 3990 of the Public Health Service Act (42 U.S.C.
15 280g–3), to the extent necessary to prevent misuse and
16 diversion of prescription medicines.”.

17 (b) EXCEPTION WITH RESPECT TO CONFIDEN-
18 TIALITY OF CERTAIN MEDICAL RECORDS.—Section
19 7332(b)(2) of such title is amended by adding at the end
20 the following new subparagraph:

21 “(G) To a State controlled substance moni-
22 toring program, including a program approved by
23 the Secretary of Health and Human Services under
24 section 3990 of the Public Health Service Act (42

1 U.S.C. 280g–3), to the extent necessary to prevent
2 misuse and diversion of prescription medicines.”.

3 **TITLE IV—ADMINISTRATION OF**
4 **THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS**

6 **SEC. 401. MONITORING OF INTEGRATED DISABILITY EVAL-**
7 **UATION SYSTEM.**

8 (a) IN GENERAL.—The Secretary of Defense and the
9 Secretary of Veterans Affairs shall jointly develop a sys-
10 temwide monitoring mechanism to identify and address
11 issues arising out of facilities and offices of the Depart-
12 ment of Defense and the Department of Veterans Affairs
13 involved in the Integrated Disability Evaluation System.

14 (b) ELEMENTS.—The monitoring mechanism re-
15 quired by subsection (a) shall include the following, with
16 respect to the Integrated Disability Evaluation System:

17 (1) Continuous collection and analysis of data
18 on—

19 (A) staffing levels of the Department of
20 Defense and the Department of Veterans Af-
21 fairs;

22 (B) sufficiency of exam summaries; and

23 (C) diagnostic disagreements.

24 (2) Monitoring of available data on caseloads
25 and case processing time by individual rating offices

1 of the Department of Veterans Affairs and the phys-
 2 ical evaluation boards of the Department of Defense.

3 (3) A formal mechanism for agency officials at
 4 local facilities to communicate challenges and best
 5 practices to Department of Defense and Department
 6 of Veterans Affairs headquarters.

7 **SEC. 402. INDEPENDENT REVIEW OF TRANSITION FROM RE-**
 8 **CEIPT OF BENEFITS AND SERVICES FROM**
 9 **DEPARTMENT OF DEFENSE TO RECEIPT OF**
 10 **BENEFITS AND SERVICES FROM DEPART-**
 11 **MENT OF VETERANS AFFAIRS.**

12 The Comptroller General of the United States, the
 13 Inspector General of the Department of Defense, and the
 14 Inspector General of the Department of Veterans Affairs
 15 may form an independent board to review the effectiveness
 16 and efficiency of the process by which members of the
 17 Armed Forces transition from the receipt of benefits and
 18 services from the Department of Defense to the receipt
 19 of benefits and services from the Department of Veterans
 20 Affairs.

21 **SEC. 403. TREATMENT OF CERTAIN MISFILED DOCUMENTS**
 22 **AS MOTIONS FOR RECONSIDERATION OF DE-**
 23 **CISIONS BY BOARD OF VETERANS' APPEALS.**

24 Section 7103 of title 38, United States Code, is
 25 amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection (c):

5 “(c)(1) Except as provided in paragraph (2), if a per-
6 son adversely affected by a final decision of the Board,
7 who has not filed a notice of appeal with the United States
8 Court of Appeals for Veterans Claims under section
9 7266(a) of this title within the period set forth in that
10 section, files a document with the Board or the agency
11 of original jurisdiction referred to in section 7105(b)(1)
12 of this title that expresses disagreement with such decision
13 not later than 120 days after the date of such decision,
14 such document shall be treated as a motion for reconsider-
15 ation of such decision under subsection (a).

16 “(2) A document described in paragraph (1) shall not
17 be treated as a motion for reconsideration of the decision
18 under paragraph (1) if—

19 “(A) the Board or the agency of original juris-
20 diction referred to in paragraph (1)—

21 “(i) receives the document described in
22 paragraph (1);

23 “(ii) determines that such document ex-
24 presses an intent to appeal the decision to the

1 United States Court of Appeals for Veterans
2 Claims; and

3 “(iii) forwards such document to the
4 United States Court of Appeals for Veterans
5 Claims; and

6 “(B) the United States Court of Appeals for
7 Veterans Claims receives such document within the
8 period set forth by section 7266(a) of this title.”.

9 **SEC. 404. INCREASE IN RATE OF PENSION FOR DISABLED**
10 **VETERANS MARRIED TO ONE ANOTHER AND**
11 **BOTH OF WHOM REQUIRE REGULAR AID AND**
12 **ATTENDANCE.**

13 (a) **IN GENERAL.**—Section 1521(f)(2) of title 38,
14 United States Code, is amended by striking “\$30,480”
15 and inserting “\$31,305”.

16 (b) **EFFECTIVE DATE.**—The amendment made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of this Act.

○