

117TH CONGRESS  
1ST SESSION

# S. 3047

To establish a pilot program to support medical residency and fellowship programs that assist veterans, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. PORTMAN (for himself and Ms. SINEMA) introduced the following bill;  
which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To establish a pilot program to support medical residency and fellowship programs that assist veterans, 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.**

4 This Act may be cited as the “Veterans Pro Bono  
5 Corps Act of 2021”.

6 **SEC. 2. PILOT PROGRAM TO SUPPORT MEDICAL RESI-**  
7 **DENCY AND FELLOWSHIP PROGRAMS THAT**  
8 **ASSIST VETERANS.**

9 (a) **PILOT PROGRAM REQUIRED.**—Not later than 180  
10 days after the date of the enactment of this Act, the Sec-

1   retary of Veterans Affairs shall commence a pilot program  
2   to assess the feasibility and advisability of providing as-  
3   sistance to eligible recipients to establish or maintain pro-  
4   grams that assist veterans applying for compensation  
5   under chapter 11 of title 38, United States Code, in sub-  
6   stantiating their claims with independent medical exami-  
7   nations and opinions.

8       (b) ELIGIBLE RECIPIENTS.—For purposes of the  
9   pilot program required by subsection (a), an eligible recipi-  
10   ent is an entity that—

11           (1) is administering a medical residency or  
12       medical fellowship program in the United States or  
13       a territory of the United States; and

14           (2) is accredited by a nationally recognized ac-  
15       crediting agency.

16       (c) DURATION.—The Secretary shall carry out the  
17   pilot program required by subsection (a) during the five-  
18   year period beginning on the date of the commencement  
19   of the pilot program.

20       (d) GRANTS.—The Secretary shall carry out the pilot  
21   program required by subsection (a) through the award of  
22   grants to eligible recipients to establish or maintain pro-  
23   grams as described in such subsection.

1 (e) COMPETITIVE PROCESS.—The Secretary shall es-  
2 tablish a competitive process for the award of the grants  
3 under the pilot program required by subsection (a).

4 (f) SELECTION OF GRANT RECIPIENTS.—In award-  
5 ing grants under the pilot program required by subsection  
6 (a), the Secretary may give preference to an eligible recipi-  
7 ent located in a rural area or an underserved area.

8 (g) USE OF GRANT FUNDS.—

9 (1) IN GENERAL.—Each eligible recipient re-  
10 ceiving a grant under the pilot program required by  
11 subsection (a) shall use the grant to establish or  
12 maintain a program as described in such subsection  
13 in which medical residents or fellows provide pro  
14 bono medical examinations and opinions for the pur-  
15 poses described in such subsection.

16 (2) REQUIREMENTS.—For each program estab-  
17 lished or maintained with amounts from a grant  
18 under the pilot program—

19 (A) medical residents and fellows shall  
20 practice under the supervision of attending phy-  
21 sicians in accordance with such supervisory re-  
22 quirements as the Secretary shall prescribe in  
23 regulations;

24 (B) each attending physician providing  
25 such supervision shall be in good standing with

1 the medical licensing board of each State in  
2 which the attending physician is licensed;

3 (C) each medical resident and fellow shall  
4 be in good standing with—

5 (i) the program established or main-  
6 tained with amounts from the grant; and

7 (ii) the medical licensing board of  
8 each State in which the resident or fellow  
9 is licensed;

10 (D) each medical resident, fellow, and at-  
11 tending physician shall undergo training that is  
12 substantially the same as or equivalent to train-  
13 ing required for medical examiners of the Vet-  
14 erans Health Administration or contractors of  
15 the Department who conduct medical examina-  
16 tions for purposes of supporting claims for com-  
17 pensation under chapter 11 of title 38, United  
18 States Code;

19 (E) medical residents shall be in their sec-  
20 ond year or later of a medical residency;

21 (F) the program shall not charge veterans  
22 fees for the services provided;

23 (G) the program shall screen individual ap-  
24 plicants who are veterans using such income eli-

1           gibility criteria as the Secretary shall prescribe  
2           in regulations;

3           (H) the recipient of the grant shall, on an  
4           annual basis, provide the Secretary with an ac-  
5           counting of how the recipient has used and allo-  
6           cated grant funds; and

7           (I) the program shall meet such other cri-  
8           teria as the Secretary may prescribe in regula-  
9           tions.

10       (h) FORMS.—The Secretary shall provide to each re-  
11       cipient of a grant under the pilot program required by sub-  
12       section (a) all current disability benefits questionnaire  
13       forms of the Department of Veterans Affairs.

14       (i) OUTREACH.—Not later than 180 days after the  
15       date of the enactment of this Act, the Secretary shall, in  
16       partnership with veterans service organizations, imple-  
17       ment an informative outreach program for veterans re-  
18       garding the availability of services from programs estab-  
19       lished or maintained under the pilot program required by  
20       subsection (a).

21       (j) RULE OF CONSTRUCTION.—

22           (1) VOLUNTARY PARTICIPATION.—Participation  
23       by any veteran in the pilot program required by sub-  
24       section (a) shall be voluntary.

1           (2) RIGHT TO MEDICAL EXAMINATION.—Noth-  
2           ing in this section shall be construed to invalidate or  
3           replace the right of a veteran to a medical examina-  
4           tion provided by an employee or contractor of the  
5           Department of Veterans Affairs under section  
6           5103A(d) of title 38, United States Code.

7           (k) ANNUAL REPORTS.—

8           (1) IN GENERAL.—Not less frequently than  
9           once each year for the duration of the pilot program  
10          required by subsection (a), the Secretary shall sub-  
11          mit to the Committee on Veterans' Affairs of the  
12          Senate and the Committee on Veterans' Affairs of  
13          the House of Representatives a report on the pilot  
14          program.

15          (2) CONTENTS.—To the extent feasible, each  
16          report submitted under paragraph (1) shall include  
17          the following:

18                 (A) The average time to complete medical  
19                 examinations and opinions under the pilot pro-  
20                 gram during the period covered by the report.

21                 (B) The number of medical examinations  
22                 and opinions completed under the pilot program  
23                 during such period.

24                 (C) The number of veterans served under  
25                 the pilot program during such period.

1 (D) The number of cases during such pe-  
2 riod in which personnel of the Veterans Bene-  
3 fits Administration or the Board of Veterans'  
4 Appeals found a medical examination or opinion  
5 under the pilot program to be inadequate for  
6 purposes of adjudicating a claim for compensa-  
7 tion under chapter 11 of title 38, United States  
8 Code.

9 (E) An analysis by the Secretary regarding  
10 the operational effectiveness and cost-effective-  
11 ness of the services provided under the pilot  
12 program.

13 (F) Such suggestions as the Secretary may  
14 have for legislative or administrative action to  
15 improve the pilot program.

16 (I) DEFINITIONS.—In this section:

17 (1) RURAL AREA.—The term “rural area”  
18 means an area classified as “rural” by the Bureau  
19 of the Census.

20 (2) UNDERSERVED AREA.—The term “under-  
21 served area” means an area that meets one or more  
22 of the following criteria:

23 (A) The area has a high proportion of indi-  
24 viduals who have limited access to health care.

1           (B) The area has a high proportion of in-  
2           dividuals who have limited access to legal serv-  
3           ices.

4           (3) VETERANS SERVICE ORGANIZATION.—The  
5           term “veterans service organization” means an orga-  
6           nization recognized by the Secretary for the rep-  
7           resentation of veterans under section 5902 of title  
8           38, United States Code.

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