

Calendar No. 787106TH CONGRESS
2^D SESSION**S. 1810****[Report No. 106-397]**

To amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 1999

Mrs. MURRAY (for herself, Mr. JEFFORDS, Mr. CONRAD, Mr. KERREY, Mr. DORGAN, Mr. BINGAMAN, Mr. SARBANES, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Ms. SNOWE, Mr. REID, Mr. ROBB, Mr. JOHNSON, Mr. INOUE, Mr. INHOFE, Mrs. LINCOLN, Mr. FEINGOLD, Ms. COLLINS, Mr. DODD, Mr. SMITH of New Hampshire, Mr. BIDEN, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. BOXER, Mr. CLELAND, Mr. WELLSTONE, Mr. BROWNBACK, Mr. KENNEDY, Mr. HARKIN, Mr. MCCAIN, Mr. BURNS, Mr. L. CHAFEE, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. KOHL, Mr. ASHCROFT, Mr. GORTON, and Mr. HUTCHINSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 6, 2000

Reported by Mr. SPECTER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

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 Claims and
 5 Appeals Procedures Clarification and Improvement Act”.

6 **SEC. 2. CLARIFICATION OF DEPARTMENT OF VETERANS**

7 **AFFAIRS DUTY TO ASSIST CLAIMANTS.**

8 (a) IN GENERAL.—Section 5107 of title 38, United
 9 States Code, is amended—

10 (1) in subsection (a), by striking the second and
 11 third sentences; and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(e) The Secretary shall assist a claimant, who under
 15 subsection (a) has the burden of proof, in developing all
 16 facts pertinent to the claim. Such assistance shall include
 17 requesting information as described in section 5106 of this
 18 title.”.

19 (b) CLERICAL AND CONFORMING AMENDMENTS.—

20 (1) The section heading of such section is amended by in-
 21 serting “; **assistance to claimants**” after “**benefit**
 22 **of the doubt**”.

23 (2) The table of sections at the beginning of chapter
 24 51 of such title is amended in the item relating to section

1 5107 by inserting “, assistance to claimants” after “ben-
2 efit of the doubt”.

3 **SEC. 3. EXCLUSIVE NATURE OF ADJUDICATION AND HEAR-**
4 **ING PROCEDURES.**

5 (a) IN GENERAL.—Chapter 1 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 116. Exclusivity of adjudication and hearing proce-**
9 **dures**

10 “Notwithstanding chapter 72 of this title, section
11 554(a) of title 5, or any other provision of law, the adju-
12 dication and hearing procedures set forth in this title and
13 in the regulations prescribed by the Secretary under this
14 title for purposes of administering veterans benefits shall
15 be exclusive with respect to hearings, investigations, and
16 other proceedings in connection with the consideration of
17 a claim for benefits under the laws administered by the
18 Secretary.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 1 of such title is amended by
21 adding at the end the following new item:

“116. Exclusivity of adjudication and hearing procedures.”.

22 **SEC. 4. PRECLUSION OF CERTAIN APPEALS BY SECRETARY**
23 **OF VETERANS AFFAIRS.**

24 Section 7252(a) of title 38, United States Code, is
25 amended by inserting “, nor may the Court entertain any

1 allegation of error by the Secretary in such decision not
 2 raised by the appellant or the Court” after “such deci-
 3 sion”.

4 **SEC. 5. REVIEW OF FINDINGS OF FACT BY UNITED STATES**
 5 **COURT OF APPEALS FOR VETERANS CLAIMS.**

6 Section 7261(a)(4) of title 38, United States Code,
 7 is amended by striking “such finding if the finding is
 8 clearly erroneous” and inserting “a finding adverse to a
 9 veteran or other claimant for benefits if the finding is not
 10 reasonably supported by a preponderance of the evidence”.

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

12 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 13 *erans Programs Enhancement Act of 2000”.*

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

Sec. 1. Short title; table of contents.

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

TITLE I—BENEFITS MATTERS

Subtitle A—Compensation and Pension Matters

Sec. 101. Clarification and enhancement of authorities relating to the processing of claims for veterans benefits.

Sec. 102. Expansion of list of diseases presumed to be service-connected for radiation-exposed veterans.

Sec. 103. Special monthly compensation for female veterans who lose a breast as a result of a service-connected disability.

Subtitle B—Education Matters

Sec. 111. Making uniform the requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.

Sec. 112. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.

Sec. 113. Availability under survivors’ and dependents’ educational assistance of preparatory courses for college and graduate school entrance exams.

- Sec. 114. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.*
- Sec. 115. Adjusted effective date for award of survivors' and dependents' educational assistance.*

Subtitle C—Housing Matters

- Sec. 121. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.*
- Sec. 122. Increase in maximum amount of housing loan guarantee.*
- Sec. 123. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.*

Subtitle D—Insurance Matters

- Sec. 131. Premiums for term service disabled veterans' insurance for veterans older than age 70.*
- Sec. 132. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.*
- Sec. 133. Family coverage under Servicemembers' Group Life Insurance.*

Subtitle E—Burial Matters

- Sec. 141. Eligibility for interment in the national cemeteries of certain Filipino veterans of World War II.*

Subtitle F—Employment Matters

- Sec. 151. Veterans employment emphasis under Federal contracts for recently separated veterans.*
- Sec. 152. Comptroller General audit of veterans employment and training service of the Department of Labor.*

Subtitle G—Benefits for Children of Female Vietnam Veterans

- Sec. 161. Short title.*
- Sec. 162. Benefits for the children of female Vietnam veterans who suffer from certain birth defects.*

Subtitle H—Other Benefits Matters

- Sec. 171. Review of dose reconstruction program of the Defense Threat Reduction Agency.*

TITLE II—HEALTH CARE MATTERS

- Sec. 201. Veterans not subject to copayments for medications.*
- Sec. 202. Establishment of position of Advisor on Physician Assistants within Office of Undersecretary for Health.*
- Sec. 203. Temporary full-time appointments of certain medical personnel.*

TITLE III—CONSTRUCTION AND FACILITIES MATTERS

Subtitle A—Construction Matters

- Sec. 301. Authorization of major medical facility projects for fiscal year 2001.*
- Sec. 302. Authorization of additional major medical facility project for fiscal year 2000.*

Sec. 303. *Authorization of appropriations.*

Subtitle B—Other Matters

Sec. 311. *Maximum term of lease of Department of Veterans Affairs property for homeless purposes.*

Sec. 312. *Land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana.*

Sec. 313. *Conveyance of Ft. Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.*

Sec. 314. *Effect of closure of Ft. Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.*

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 of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 **TITLE I—BENEFITS MATTERS**
 8 **Subtitle A—Compensation and**
 9 **Pension Matters**

10 **SEC. 101. CLARIFICATION AND ENHANCEMENT OF AU-**
 11 **THORITIES RELATING TO THE PROCESSING**
 12 **OF CLAIMS FOR VETERANS BENEFITS.**

13 *(a) DEFINITION OF CLAIMANT.—Chapter 51 is*
 14 *amended—*

15 *(1) by redesignating section 5101 as section*
 16 *5101A; and*

17 *(2) by inserting before section 5101A, as so re-*
 18 *designated, the following new section:*

1 **“§ 5101. Definition of ‘claimant’**

2 *“For purposes of this chapter, the term ‘claimant’*
3 *means any individual who submits a claim for benefits*
4 *under the laws administered by the Secretary.”.*

5 **(b) INCOMPLETE APPLICATIONS.**—*Section 5103(a) is*
6 *amended by striking “evidence” both places it appears and*
7 *inserting “information”.*

8 **(c) REAFFIRMATION AND CLARIFICATION OF DUTY TO**
9 **ASSIST.**—*Chapter 51 is further amended by inserting after*
10 *section 5103 the following new section:*

11 **“§ 5103A. Assistance to claimants**

12 *“(a) Except as provided in subsection (b), the Sec-*
13 *retary shall make reasonable efforts to assist in the develop-*
14 *ment of information and medical or lay evidence necessary*
15 *to establish the eligibility of a claimant for benefits under*
16 *the laws administered by the Secretary.*

17 *“(b) The Secretary is not required to provide assist-*
18 *ance to a claimant under subsection (a) if no reasonable*
19 *possibility exists, as determined in accordance with regula-*
20 *tions prescribed under subsection (f), that such assistance*
21 *would aid in the establishment of the eligibility of the*
22 *claimant for benefits under the laws administered by the*
23 *Secretary.*

24 *“(c) In any claim for benefits under the laws adminis-*
25 *tered by the Secretary, the assistance provided by the Sec-*
26 *retary under subsection (a) shall include the following:*

1 “(1) *Informing the claimant and the claimant’s*
2 *representative, if any, of the information and medical*
3 *or lay evidence needed in order to aid in the estab-*
4 *lishment of the eligibility of the claimant for benefits*
5 *under the laws administered by the Secretary.*

6 “(2) *Informing the claimant and the claimant’s*
7 *representative, if any, if the Secretary is unable to ob-*
8 *tain any information or medical or lay evidence de-*
9 *scribed in paragraph (1).*

10 “(d)(1) *In any claim for disability compensation*
11 *under chapter 11 of this title, the assistance provided by*
12 *the Secretary under subsection (a) shall include, in addition*
13 *to the assistance provided under subsection (c), the fol-*
14 *lowing:*

15 “(A) *Obtaining the relevant service and medical*
16 *records maintained by applicable governmental enti-*
17 *ties that pertain to the veteran for the period or peri-*
18 *ods of the veteran’s service in the active military,*
19 *naval, or air service.*

20 “(B) *Obtaining existing records of relevant med-*
21 *ical treatment or examination provided at Depart-*
22 *ment health-care facilities or at the expense of the De-*
23 *partment, but only if the claimant has furnished in-*
24 *formation sufficient to locate such records.*

1 “(C) Obtaining from governmental entities any
2 other relevant records the claimant adequately identi-
3 fies and authorizes the Secretary to obtain.

4 “(D) Making reasonable efforts to obtain from
5 private persons and entities any other relevant
6 records the claimant adequately identifies and author-
7 izes the Secretary to obtain.

8 “(E) Providing a medical examination needed
9 for the purpose of determining the existence of a cur-
10 rent disability if the claimant submits verifiable evi-
11 dence, as determined in accordance with the regula-
12 tions prescribed under subsection (f), establishing that
13 the claimant is unable to afford medical treatment.

14 “(F) Providing such other assistance as the Sec-
15 retary considers appropriate.

16 “(2) The efforts made to obtain records under subpara-
17 graphs (A), (B), and (C) of paragraph (1) shall continue
18 until it is reasonably certain, as determined in accordance
19 with the regulations prescribed under subsection (f), that
20 such records do not exist.

21 “(e) If while obtaining or after obtaining information
22 or lay or medical evidence under subsection (d) the Sec-
23 retary determines that a medical examination or a medical
24 opinion is necessary to substantiate entitlement to a benefit,

1 *the Secretary shall provide such medical examination or ob-*
2 *tain such medical opinion.*

3 “(f) *The Secretary shall prescribe regulations for pur-*
4 *poses of the administration of this section.*”.

5 (d) *COST OF OTHER AGENCIES IN FURNISHING INFOR-*
6 *MATION.*—Section 5106 is amended by adding at the end
7 *the following new sentence: “The cost of providing such in-*
8 *formation shall be borne by the department or agency pro-*
9 *viding such information.*”.

10 (e) *REPEAL OF “WELL-GROUNDED CLAIM” RULE.*—
11 *Section 5107 is amended to read as follows:*

12 **“§ 5107. Burden of proof; benefit of the doubt**

13 “(a) *Except when otherwise provided by this title or*
14 *by the Secretary in accordance with the provisions of this*
15 *title, a claimant shall have the burden of proof in estab-*
16 *lishing entitlement to benefits under the laws administered*
17 *by the Secretary.*

18 “(b) *The Secretary shall consider all information and*
19 *lay and medical evidence of record in a case before the De-*
20 *partment with respect to benefits under laws administered*
21 *by the Secretary, and shall give the claimant the benefit*
22 *of the doubt when there is an approximate balance of posi-*
23 *tive and negative evidence regarding an issue material to*
24 *the determination of the matter.*”.

1 (f) *APPLICABILITY OF ENHANCED AUTHORITIES.*—(1)
2 *Except as specifically provided otherwise, section 5103A of*
3 *title 38, United States Code (as added by subsection (c)),*
4 *and section 5107 of title 38, United States Code (as amend-*
5 *ed by subsection (e)), shall apply to any claim pending on*
6 *or filed on or after the date of the enactment of this Act.*

7 (2)(A) *In the case of a claim for benefits described in*
8 *subparagraph (B), the Secretary of Veterans Affairs shall,*
9 *upon the request of the claimant, or upon the Secretary’s*
10 *motion, order such claim readjudicated in accordance with*
11 *section 5103A of title 38, United States Code (as so added),*
12 *and section 5107 of title 38, United States Code (as so*
13 *amended), as if the denial or dismissal of such claim as*
14 *described in that subparagraph had not been made.*

15 (B) *A claim for benefits described in this subpara-*
16 *graph is any claim for benefits—*

17 (i) *the denial of which became final during the*
18 *period beginning on July 14, 1999, and ending on the*
19 *date of the enactment of this Act; and*

20 (ii) *which was denied or dismissed because the*
21 *claim was not well grounded (as that term was used*
22 *in section 5107(a) of title 38, United States Code,*
23 *during the period referred to in clause (i)).*

24 (3) *No claim shall be readjudicated under paragraph*
25 *(2) unless the request for readjudication is filed, or the mo-*

1 *tion made, not later than two years after the date of the*
 2 *enactment of this Act.*

3 *(4) In the absence of a timely request of a claimant*
 4 *under paragraph (3), nothing in this subsection shall be*
 5 *construed as establishing a duty on the part of the Secretary*
 6 *to locate and readjudicate a claim described in paragraph*
 7 *(2)(B).*

8 *(g) CLERICAL AMENDMENTS.—The table of sections at*
 9 *the beginning of chapter 51 is amended—*

10 *(1) by striking the item relating to section 5101*
 11 *and inserting the following new items:*

“5101. Definition of ‘claimant’.
“5101A. Claims and forms.”; and

12 *(2) by inserting after the item relating to section*
 13 *5103 the following new item:*

“5103A. Assistance to claimants.”.

14 **SEC. 102. EXPANSION OF LIST OF DISEASES PRESUMED TO**
 15 **BE SERVICE-CONNECTED FOR RADIATION-EX-**
 16 **POSED VETERANS.**

17 *Section 1112(c)(2) is amended by adding at the end*
 18 *the following:*

19 *“(P) Lung cancer.*

20 *“(Q) Colon cancer.*

21 *“(R) Tumors of the brain and central nervous*
 22 *system.*

23 *“(S) Ovarian cancer.”.*

1 **SEC. 103. SPECIAL MONTHLY COMPENSATION FOR FEMALE**
 2 **VETERANS WHO LOSE A BREAST AS A RESULT**
 3 **OF A SERVICE-CONNECTED DISABILITY.**

4 (a) *IN GENERAL.*—Section 1114(k) is amended—

5 (1) by striking “or has suffered” and inserting
 6 “has suffered”; and

7 (2) by inserting after “air and bone conduction,”
 8 the following: “or, in the case of a female veteran, has
 9 suffered the anatomical loss of one or both breasts (in-
 10 cluding loss by mastectomy),”.

11 (b) *EFFECTIVE DATE.*—(1) The amendments made by
 12 subsection (a) shall take effect on the date of the enactment
 13 of this Act, and shall apply with respect to payment of com-
 14 pensation under section 1114(k) of title 38, United States
 15 Code (as so amended), for months beginning on or after that
 16 date.

17 (2) No compensation may be paid for any period be-
 18 fore the date of the enactment of this Act by reason of the
 19 amendments made by subsection (a).

20 **Subtitle B—Education Matters**

21 **SEC. 111. MAKING UNIFORM THE REQUIREMENT FOR HIGH**
 22 **SCHOOL DIPLOMA OR EQUIVALENCY BEFORE**
 23 **APPLICATION FOR MONTGOMERY GI BILL**
 24 **BENEFITS.**

25 (a) *ACTIVE DUTY PROGRAM.*—(1) Section 3011 is
 26 amended—

1 (A) in subsection (a), by striking paragraph (2)
2 and inserting the following new paragraph (2):

3 “(2) who completes the requirements of a sec-
4 ondary school diploma (or equivalency certificate), or
5 successfully completes (or otherwise receives academic
6 credit for) the equivalent of 12 semester hours in a
7 program of education leading to a standard college
8 degree, before applying for benefits under this section;
9 and”;

10 (B) by striking subsection (e); and

11 (C) by redesignating subsections (f), (g), (h), and
12 (i) as subsections (e), (f), (g), and (h), respectively.

13 (2) Section 3017(a)(1)(A)(ii) is amended by striking
14 “clause (2)(A)” and inserting “clause (2)”.

15 (b) *SELECTED RESERVE PROGRAM*.—Section 3012 is
16 amended—

17 (1) in subsection (a), by striking paragraph (2)
18 and inserting the following new paragraph (2):

19 “(2) who completes the requirements of a sec-
20 ondary school diploma (or equivalency certificate), or
21 successfully completes (or otherwise receives academic
22 credit for) the equivalent of 12 semester hours in a
23 program of education leading to a standard college
24 degree, before applying for benefits under this section;
25 and”;

1 (2) by striking subsection (f); and

2 (3) by redesignating subsection (g) as subsection

3 (f).

4 (c) *WITHDRAWAL OF ELECTION NOT TO ENROLL.*—

5 Section 3018(b)(4) is amended to read as follows:

6 “(4) before applying for benefits under this
7 section—

8 “(A) completes the requirements of a sec-
9 ondary school diploma (or equivalency certifi-
10 cate); or

11 “(B) successfully completes (or otherwise re-
12 ceives academic credit for) the equivalent of 12
13 semester hours in a program of education lead-
14 ing to a standard college degree; and”.

15 (d) *EDUCATIONAL ASSISTANCE PROGRAM FOR MEM-*
16 *BERS OF THE SELECTED RESERVE.*—Paragraph (2) of sec-
17 tion 16132(a) of title 10, United States Code, is amended
18 to read as follows:

19 “(2) before applying for benefits under this sec-
20 tion, has completed the requirements of a secondary
21 school diploma (or an equivalency certificate);”.

1 **SEC. 112. REPEAL OF REQUIREMENT FOR INITIAL OBLI-**
2 **GATED PERIOD OF ACTIVE DUTY AS CONDI-**
3 **TION OF ELIGIBILITY FOR MONTGOMERY GI**
4 **BILL BENEFITS.**

5 (a) *ACTIVE DUTY PROGRAM.*—Section 3011, as
6 amended by section 111 of this Act, is further amended—

7 (1) in subsection (a)(1)(A)—

8 (A) by striking clause (i) and inserting the
9 following new clause (i):

10 “(i) who serves an obligated period of
11 active duty of at least two years of contin-
12 uous active duty in the Armed Forces; or”;
13 and

14 (B) in clause (ii)(II), by striking “in the
15 case of an individual who completed not less
16 than 20 months” and all that follows through
17 “was at least three years” and inserting “if, in
18 the case of an individual with an obligated pe-
19 riod of service of two years, the individual com-
20 pletes not less than 20 months of continuous ac-
21 tive duty under that period of obligated service,
22 or, in the case of an individual with an obli-
23 gated period of service of three years, the indi-
24 vidual completes not less than 30 months of con-
25 tinuous active duty under that period of obli-
26 gated service”;

1 (2) *in subsection (d)(1), by striking “individ-*
2 *ual’s initial obligated period of active duty” and in-*
3 *serting “obligated period of active duty on which an*
4 *individual’s entitlement to assistance under this sec-*
5 *tion is based”;*

6 (3) *in subsection (g)(2)(A), as redesignated by*
7 *section 111(a)(1)(C) of this Act, by striking “during*
8 *an initial period of active duty,” and inserting “dur-*
9 *ing the obligated period of active duty on which enti-*
10 *tlement to assistance under this section is based,”;*
11 *and*

12 (4) *in subsection (h), as so redesignated, by*
13 *striking “initial”.*

14 (b) *SELECTED RESERVE PROGRAM.—Section 3012 is*
15 *amended—*

16 (1) *in subsection (a)(1)(A)(i), by striking “, as*
17 *the individual’s” and all that follows through “Armed*
18 *Forces” and inserting “an obligated period of active*
19 *duty of at least two years of continuous active duty*
20 *in the Armed Forces”;* *and*

21 (2) *in subsection (e)(1), by striking “initial”.*

22 (c) *DURATION OF ASSISTANCE.—Section 3013 is*
23 *amended—*

24 (1) *in subsection (a)(2), by striking “individ-*
25 *ual’s initial obligated period of active duty” and in-*

1 serting “obligated period of active duty on which such
2 entitlement is based”; and

3 (2) in subsection (b)(1), by striking “individual’s
4 initial obligated period of active duty” and inserting
5 “obligated period of active duty on which such entitle-
6 ment is based”.

7 (d) *AMOUNT OF ASSISTANCE*.—Section 3015 is
8 amended—

9 (1) in the second sentence of subsection (a), by
10 inserting before “a basic educational assistance allow-
11 ance” the following: “in the case of an individual en-
12 titled to an educational assistance allowance under
13 this chapter whose obligated period of active duty on
14 which such entitlement is based is three years,”;

15 (2) in subsection (b), by striking “and whose ini-
16 tial obligated period of active duty is two years,” and
17 inserting “whose obligated period of active duty on
18 which such entitlement is based is two years,”; and

19 (3) in subsection (c)(2), by striking subpara-
20 graphs (A) and (B) and inserting the following new
21 subparagraphs (A) and (B):

22 “(A) whose obligated period of active duty on
23 which such entitlement is based is less than three
24 years;

1 “(B) who, beginning on the date of the com-
 2 mencement of such obligated period of active duty,
 3 serves a continuous period of active duty of not less
 4 than three years; and”.

5 **SEC. 113. AVAILABILITY UNDER SURVIVORS’ AND DEPEND-**
 6 **ENTS’ EDUCATIONAL ASSISTANCE OF PRE-**
 7 **PARATORY COURSES FOR COLLEGE AND**
 8 **GRADUATE SCHOOL ENTRANCE EXAMS.**

9 Paragraph (5) of section 3501(a) is amended by add-
 10 ing at the end the following new sentence: “The term also
 11 includes any preparatory course described in section
 12 3002(3)(B) of this title.”.

13 **SEC. 114. ELECTION OF CERTAIN RECIPIENTS OF COM-**
 14 **MENCEMENT OF PERIOD OF ELIGIBILITY FOR**
 15 **SURVIVORS’ AND DEPENDENTS’ EDU-**
 16 **CATIONAL ASSISTANCE.**

17 Section 3512(a)(3) is amended by striking “8 years
 18 after,” and all that follows through the end and inserting
 19 “8 years after the date elected by the person (if such election
 20 is approved as the beginning date of such period by the Sec-
 21 retary and is made during the period between such birth-
 22 days) which beginning date—

23 “(A) in the case of a person whose eligi-
 24 bility is based on a parent who has a service-
 25 connected total disability permanent in nature,

1 *shall be between the dates described in subsection*
 2 *(d) of this section; and*

3 *“(B) in the case of a person whose eligi-*
 4 *bility is based on the death of a parent, shall be*
 5 *between—*

6 *“(i) the date of the parent’s death; and*

7 *“(ii) the date of the Secretary’s deci-*
 8 *sion that the death was service-connected;”.*

9 **SEC. 115. ADJUSTED EFFECTIVE DATE FOR AWARD OF SUR-**
 10 **VIVORS’ AND DEPENDENTS’ EDUCATIONAL**
 11 **ASSISTANCE.**

12 *(a) IN GENERAL.—Section 5113 is amended—*

13 *(1) in subsection (a), by striking “subsection (b)*
 14 *of this section,” and inserting “subsections (b) and*
 15 *(c),”;*

16 *(2) by redesignating subsection (b) as subsection*
 17 *(c); and*

18 *(3) by inserting after subsection (a) the following*
 19 *new subsection (b):*

20 *“(b)(1) In determining the effective date of an award*
 21 *of educational assistance under chapter 35 of this title for*
 22 *an individual described in paragraph (2) based on an origi-*
 23 *nal claim, the Secretary shall consider the individual’s ap-*
 24 *plication under section 3513 of this title as having been*
 25 *filed on the effective date from which the Secretary, by rat-*

1 *ing decision, determines that the veteran from whom eligi-*
2 *bility for such educational assistance is derived either died*
3 *of a service-connected disability or established the existence*
4 *of a total service-connected disability evaluated as perma-*
5 *nent in nature if that effective date is more than one year*
6 *before the date the rating decision is made.*

7 “(2) *An individual referred to in paragraph (1) is a*
8 *person eligible for educational assistance under chapter 35*
9 *of this title by reason of subparagraph (A)(i), (A)(ii), (B),*
10 *or (D) of section 3501(a)(1) of this title who—*

11 “(A) *submits to the Secretary an original appli-*
12 *cation under section 3513 of this title for educational*
13 *assistance under that chapter within one year after*
14 *the date that the Secretary issues the rating decision*
15 *on which the individual’s eligibility for such edu-*
16 *cational assistance is based;*

17 “(B) *claims such educational assistance for pur-*
18 *suit of an approved program of education during a*
19 *period or periods preceding the one-year period end-*
20 *ing on the date on which the individual’s application*
21 *under that section is received by the Secretary; and*

22 “(C) *would, without regard to this subsection,*
23 *have been entitled to such educational assistance for*
24 *pursuit of such approved program of education if the*
25 *individual had submitted such application on the ef-*

1 *fective date from which the Secretary determined that*
 2 *the individual was eligible for such educational assist-*
 3 *ance.”.*

4 *(b) STYLISTIC AMENDMENT.—Subsection (c) of that*
 5 *section, as redesignated by subsection (a)(2) of this section,*
 6 *is amended by striking “of this section”.*

7 *(c) APPLICABILITY.—The amendments made by this*
 8 *section shall take effect on the date of the enactment of this*
 9 *Act, and shall apply with respect to applications first made*
 10 *under section 3513 of title 38, United States Code, that—*

11 *(1) are received by the Secretary of Veterans Af-*
 12 *fairs on or after the date of the enactment of this Act;*
 13 *or*

14 *(2) as of that date are pending with the Sec-*
 15 *retary or exhaustion of available administrative and*
 16 *judicial remedies.*

17 ***Subtitle C—Housing Matters***

18 ***SEC. 121. ELIMINATION OF REDUCTION IN ASSISTANCE FOR*** 19 ***SPECIALLY ADAPTED HOUSING FOR DIS-*** 20 ***ABLED VETERANS FOR VETERANS HAVING*** 21 ***JOINT OWNERSHIP OF HOUSING UNITS.***

22 *Section 2102 is amended by adding at the end the fol-*
 23 *lowing new subsection:*

24 *“(c) The amount of assistance afforded under sub-*
 25 *section (a) for a veteran authorized assistance by section*

1 *2101(a) of this title shall not be reduced by reason that title*
 2 *to the housing unit, which is vested in the veteran, is also*
 3 *vested in any other person, if the veteran resides in the*
 4 *housing unit.”.*

5 **SEC. 122. INCREASE IN MAXIMUM AMOUNT OF HOUSING**
 6 **LOAN GUARANTEE.**

7 *(a) IN GENERAL.—Subparagraph (A)(i)(IV) of section*
 8 *3703(a)(1) is amended by striking “\$50,750” and inserting*
 9 *“\$63,175”.*

10 *(b) CONFORMING AMENDMENT.—Subparagraph (B) of*
 11 *that section is amended by striking “\$50,750” and inserting*
 12 *“\$63,175”.*

13 **SEC. 123. TERMINATION OF COLLECTION OF LOAN FEES**
 14 **FROM VETERANS RATED ELIGIBLE FOR COM-**
 15 **PENSATION AT PRE-DISCHARGE RATING EX-**
 16 **AMINATIONS.**

17 *Section 3729(c) is amended—*

18 *(1) by inserting “(1)” before “A fee”; and*

19 *(2) by adding at the end the following new para-*
 20 *graph:*

21 *“(2) A veteran who is rated eligible to receive com-*
 22 *ensation as a result of a pre-discharge disability examina-*
 23 *tion and rating shall be treated as receiving compensation*
 24 *for purposes of this subsection as of the date on which the*
 25 *veteran is rated eligible to receive compensation as a result*

1 of the pre-discharge disability examination and rating
 2 without regard to whether an effective date of the award
 3 of compensation is established as of that date.”.

4 **Subtitle D—Insurance Matters**

5 **SEC. 131. PREMIUMS FOR TERM SERVICE DISABLED VET-** 6 **ERANS’ INSURANCE FOR VETERANS OLDER** 7 **THAN AGE 70.**

8 *Section 1922 is amended by adding at the end the fol-*
 9 *lowing new subsection:*

10 *“(c) The premium rate of any term insurance issued*
 11 *under this section shall not exceed the renewal age 70 pre-*
 12 *mium rate.”.*

13 **SEC. 132. INCREASE IN AUTOMATIC MAXIMUM COVERAGE** 14 **UNDER SERVICEMEMBERS’ GROUP LIFE IN-** 15 **SURANCE AND VETERANS’ GROUP LIFE IN-** 16 **SURANCE.**

17 *(a) MAXIMUM UNDER SERVICEMEMBERS’ GROUP LIFE*
 18 *INSURANCE.—Section 1967 is amended in subsections (a),*
 19 *(c), and (d) by striking “\$200,000” each place it appears*
 20 *and inserting “\$250,000”.*

21 *(b) MAXIMUM UNDER VETERANS’ GROUP LIFE INSUR-*
 22 *ANCE.—Section 1977(a) is amended by striking “\$200,000”*
 23 *each place it appears and inserting “\$250,000”.*

24 *(c) EFFECTIVE DATE.—The amendments made by this*
 25 *section shall take effect on the first day of the first month*

1 *that begins more than 120 days after the date of the enact-*
 2 *ment of this Act.*

3 **SEC. 133. FAMILY COVERAGE UNDER SERVICEMEMBERS'**

4 **GROUP LIFE INSURANCE.**

5 (a) *INSURABLE DEPENDENTS.*—Section 1965 is
 6 *amended by adding at the end the following:*

7 “(10) The term ‘insurable dependent’, with re-
 8 *spect to a member, means the following:*

9 “(A) *The member’s spouse.*

10 “(B) *A child of the member for so long as*
 11 *the child is unmarried and the member is pro-*
 12 *viding over 50 percent of the support of the*
 13 *child.”.*

14 (b) *INSURANCE COVERAGE.*—(1) *Subchapter III of*
 15 *chapter 19 is amended by inserting after section 1967 the*
 16 *following new section:*

17 **“§ 1967A. Insurance of dependents**

18 “(a) *Subject to the provisions of this section, any pol-*
 19 *icy of insurance purchased by the Secretary under section*
 20 *1966 of this title shall also automatically insure against*
 21 *death each insurable dependent of a member.*

22 “(b)(1) *A member insurable under this subchapter may*
 23 *make an election not to insure a spouse under this sub-*
 24 *chapter.*

1 “(2) *Except as provided in subsection (c)(3), a spouse*
 2 *covered by an election under paragraph (1) is not insured*
 3 *under this section.*

4 “(3) *Except as otherwise provided under this section,*
 5 *no insurable dependent of a member is insured under this*
 6 *section unless the member is insured under this subchapter.*

7 “(c)(1) *Subject to an election under paragraph (2), the*
 8 *amount for which a person insured under this section is*
 9 *insured under this subchapter is as follows:*

10 “(A) *In the case of a member’s spouse, the lesser*
 11 *of—*

12 “(i) *the amount for which the member is in-*
 13 *sured under this subchapter; or*

14 “(ii) *\$50,000.*

15 “(B) *In the case of a member’s child, \$5,000.*

16 “(2) *A member may elect in writing to insure the*
 17 *member’s spouse in an amount less than the amount pro-*
 18 *vided for under paragraph (1)(A). The amount of insurance*
 19 *so elected shall be evenly divisible by \$10,000.*

20 “(3) *If a spouse eligible for insurance under this sec-*
 21 *tion is not so insured, or is insured for less than the max-*
 22 *imum amount provided for under subparagraph (A) of*
 23 *paragraph (1) by reason of an election made by the member*
 24 *concerned under paragraph (2), the spouse may thereafter*
 25 *be insured under this section in the maximum amount or*

1 *any lesser amount elected as provided for in paragraph (2)*
2 *upon written application by the member, proof of good*
3 *health of the spouse, and compliance with such other terms*
4 *and conditions as may be prescribed by the Secretary.*

5 *“(d)(1) Insurance coverage under this section with re-*
6 *spect to an insurable dependent of the member shall cease—*

7 *“(A) upon election made in writing by the mem-*
8 *ber to terminate the coverage; or*

9 *“(B) the date that is 120 days after the earlier*
10 *of—*

11 *“(i) the date of the member’s death;*

12 *“(ii) the date of termination of the insur-*
13 *ance on the member under this subchapter; or*

14 *“(iii) the date on which the insurable de-*
15 *pendent of the member no longer meets the cri-*
16 *teria applicable to an insurable dependent as*
17 *specified in section 1965(10) of this title.*

18 *“(2)(A) At the election of an insured spouse whose in-*
19 *surance under this subchapter is terminated under para-*
20 *graph (1), the insurance shall be converted to an individual*
21 *policy of insurance upon written application for conversion*
22 *made to the participating company selected by the insured*
23 *spouse and the payment of the required premiums.*

24 *“(B) The individual policy of insurance of an insured*
25 *spouse making an election under subparagraph (A) shall*

1 *become effective on the date of the termination of the*
2 *spouse's insurance under paragraph (1).*

3 “(C) *The second, fourth, and fifth sentences of section*
4 *1977(e) of this title shall apply with respect to the insur-*
5 *ance of an insured spouse under this paragraph.*

6 “(e)(1) *During any period in which the spouse of a*
7 *member is insured under this section, there shall be de-*
8 *ducted each month from the member's basic or other pay,*
9 *or otherwise collected from the member, until the member's*
10 *separation or release from active duty an amount deter-*
11 *mined by the Secretary (which shall be the same for all such*
12 *members) as the premium allocable to the pay period for*
13 *providing that insurance coverage.*

14 “(2)(A) *The Secretary shall determine the premium*
15 *amounts to be charged for insurance coverage for spouses*
16 *of members under this section.*

17 “(B) *The premium amounts shall be determined on the*
18 *basis of sound actuarial principles and shall include an*
19 *amount necessary to cover the administrative costs to the*
20 *insurer or insurers providing such insurance.*

21 “(C) *Each premium rate for the first policy year shall*
22 *be continued for subsequent policy years, except that the*
23 *rate may be adjusted for any such subsequent policy year*
24 *on the basis of the experience under the policy, as deter-*
25 *mined by the Secretary in advance of that policy year.*

1 “(3) Any amounts deducted or collected under para-
 2 graph (1), together with the income derived from any divi-
 3 dends or premium rate adjustments received from insurers
 4 with respect to insurance under this section, shall be depos-
 5 ited to the credit of the revolving fund established by section
 6 1969(d) of this title, and shall be available for payment and
 7 use in accordance with the provisions of that section.

8 “(f) Any amount of insurance in force on an insurable
 9 dependent of a member under this section on the date of
 10 the dependent’s death shall be paid, upon the establishment
 11 of a valid claim therefor, to the member or, in the event
 12 of the member’s death before payment to the member can
 13 be made, then to the person or persons entitled to receive
 14 payment of the proceeds of insurance on the member’s life
 15 under section 1970 of this title.”.

16 (2) The table of sections at the beginning of such chap-
 17 ter is amended by inserting after the item relating to section
 18 1967 the following new item:

“1967A. Insurance of dependents.”.

19 (c) *EFFECTIVE DATE AND INITIAL IMPLEMENTA-*
 20 *TION.—(1) This section and the amendments made by this*
 21 *section shall take effect on the first day of the first month*
 22 *that begins more than 120 days after the date of the enact-*
 23 *ment of this Act, except that paragraph (2) shall take effect*
 24 *on the date of the enactment of this Act.*

1 (2) *The Secretary of Veterans Affairs, in consultation*
 2 *with the Secretaries of the military departments, the Sec-*
 3 *retary of Transportation, the Secretary of Commerce, and*
 4 *the Secretary of Health and Human Services, shall take*
 5 *such action as is necessary to ensure that each member of*
 6 *the uniformed services on active duty (other than active*
 7 *duty for training) during the period between the date of*
 8 *the enactment of this Act and the effective date under para-*
 9 *graph (1) is furnished an explanation of the insurance bene-*
 10 *fits available for dependents under the amendments made*
 11 *by this section and is afforded an opportunity before such*
 12 *effective date to make elections that are authorized under*
 13 *those amendments to be made with respect to dependents.*

14 ***Subtitle E—Burial Matters***

15 ***SEC. 141. ELIGIBILITY FOR INTERMENT IN THE NATIONAL*** 16 ***CEMETERIES OF CERTAIN FILIPINO VET-*** 17 ***ERANS OF WORLD WAR II.***

18 (a) *ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY*
 19 *VETERANS.*—*Section 2402 is amended by adding at the end*
 20 *the following new paragraph:*

21 “(8) *Any individual whose service is described in*
 22 *section 107(a) of this title if such individual at the*
 23 *time of death—*

24 “(A) *was a naturalized citizen of the United*
 25 *States; and*

1 “(B) resided in the United States.”.

2 (b) *CONFORMING AMENDMENT*.—Section 107(a)(3) is
3 amended by striking the period at the end and inserting
4 the following: “, and chapter 24 of this title to the extent
5 provided for in section 2402(8) of this title.”.

6 (c) *APPLICABILITY*.—The amendments made by this
7 section shall take effect on the date of the enactment of this
8 Act, and shall apply with respect to deaths occurring on
9 or after that date.

10 ***Subtitle F—Employment Matters***

11 ***SEC. 151. VETERANS EMPLOYMENT EMPHASIS UNDER FED-*** 12 ***ERAL CONTRACTS FOR RECENTLY SEPA-*** 13 ***RATED VETERANS.***

14 (a) *EMPLOYMENT EMPHASIS*.—Subsection (a) of sec-
15 tion 4212 is amended in the first sentence by inserting “re-
16 cently separated veterans,” after “veterans of the Vietnam
17 era,”.

18 (b) *CONFORMING AMENDMENTS*.—Subsection (d)(1) of
19 that section is amended by inserting “recently separated
20 veterans,” after “veterans of the Vietnam era,” each place
21 it appears in subparagraphs (A) and (B).

22 (c) *RECENTLY SEPARATED VETERAN DEFINED*.—Sec-
23 tion 4211 is amended by adding at the end the following
24 new paragraph:

1 “(6) *The term ‘recently separated veteran’ means any*
2 *veteran during the one-year period beginning on the date*
3 *of such veteran’s discharge or release from active duty.*”.

4 **SEC. 152. COMPTROLLER GENERAL AUDIT OF VETERANS**
5 **EMPLOYMENT AND TRAINING SERVICE OF**
6 **THE DEPARTMENT OF LABOR.**

7 (a) *REQUIREMENT.*—*The Comptroller General of the*
8 *United States shall carry out a comprehensive audit of the*
9 *Veterans Employment and Training Service of the Depart-*
10 *ment of Labor. The purpose of the audit is to provide a*
11 *basis for future evaluations of the effectiveness of the Service*
12 *is meeting its mission.*

13 (b) *COMMENCEMENT DATE.*—*The audit required by*
14 *subsection (a) shall commence not earlier than January 1,*
15 *2001.*

16 (c) *ELEMENTS.*—*In carrying out the audit of the Vet-*
17 *erans Employment and Training Service required by sub-*
18 *section (a), the Comptroller General shall—*

19 (1) *review the requirements applicable to the*
20 *Service under law, including requirements under title*
21 *38, United States Code, and the regulations there-*
22 *under;*

23 (2) *evaluate the organizational structure of the*
24 *Service; and*

1 (3) *evaluate or assess any other matter relating*
 2 *to the Service that the Comptroller General considers*
 3 *appropriate for the purpose specified in subsection*
 4 *(a).*

5 (d) *REPORT.*—*Not later than one year after the date*
 6 *of the enactment of this Act, the Comptroller General shall*
 7 *submit to the Committees on Veterans' Affairs of the Senate*
 8 *and House of Representatives a report on the audit carried*
 9 *out under subsection (a). The report shall include—*

10 (1) *the results of the audit; and*

11 (2) *any recommendations that the Comptroller*
 12 *General considers appropriate regarding the organi-*
 13 *zation or functions of the Veterans Employment and*
 14 *Training Service of the Department of Labor.*

15 ***Subtitle G—Benefits for Children of***
 16 ***Female Vietnam Veterans***

17 ***SEC. 161. SHORT TITLE.***

18 *This subtitle may be cited as the “Children of Women*
 19 *Vietnam Veterans' Benefits Act of 2000”.*

20 ***SEC. 162. BENEFITS FOR THE CHILDREN OF FEMALE VIET-***

21 ***NAM VETERANS WHO SUFFER FROM CERTAIN***

22 ***BIRTH DEFECTS.***

23 (a) *IN GENERAL.*—*Chapter 18 is amended by adding*
 24 *at the end the following new subchapter:*

1 “SUBCHAPTER II—CHILDREN OF FEMALE VIET-
2 NAM VETERANS BORN WITH CERTAIN BIRTH
3 DEFECTS

4 “§ 1811. **Definitions**

5 “In this subchapter:

6 “(1) The term ‘child’, with respect to a female
7 Vietnam veteran, means a natural child of the female
8 Vietnam veteran, regardless of age or marital status,
9 who was conceived after the date on which the female
10 Vietnam veteran first entered the Republic of Vietnam
11 during the Vietnam era (as specified in section
12 101(29)(A) of this title).

13 “(2) The term ‘covered birth defect’ means each
14 birth defect identified by the Secretary under section
15 1812 of this title.

16 “(3) The term ‘female Vietnam veteran’ means
17 any female individual who performed active military,
18 naval, or air service in the Republic of Vietnam dur-
19 ing the Vietnam era (as so specified), without regard
20 to the characterization of the individual’s service.

21 “§ 1812. **Birth defects covered**

22 “(a) IDENTIFICATION.—Subject to subsection (b), the
23 Secretary shall identify the birth defects of children of fe-
24 male Vietnam veterans that—

1 “(1) are associated with the service of female
2 Vietnam veterans in the Republic of Vietnam during
3 the Vietnam era (as specified in section 101(29)(A) of
4 this title); and

5 “(2) result in the permanent physical or mental
6 disability of such children.

7 “(b) *LIMITATIONS.*—(1) The birth defects identified
8 under subsection (a) may not include birth defects resulting
9 from the following:

10 “(A) A familial disorder.

11 “(B) A birth-related injury.

12 “(C) A fetal or neonatal infirmity with well-es-
13 tablished causes.

14 “(2) The birth defects identified under subsection (a)
15 may not include spina bifida.

16 “(c) *LIST.*—The Secretary shall prescribe in regula-
17 tions a list of the birth defects identified under subsection
18 (a).

19 **“§ 1813. Benefits and assistance**

20 “(a) *HEALTH CARE.*—(1) The Secretary shall provide
21 a child of a female Vietnam veteran who was born with
22 a covered birth defect such health care as the Secretary de-
23 termines is needed by the child for such birth defect or any
24 disability that is associated with such birth defect.

1 “(2) *The Secretary may provide health care under this*
2 *subsection directly or by contract or other arrangement with*
3 *a health care provider.*

4 “(3) *For purposes of this subsection, the definitions in*
5 *section 1803(c) of this title shall apply with respect to the*
6 *provision of health care under this subsection, except that*
7 *for such purposes—*

8 “(A) *the reference to ‘specialized spina bifida*
9 *clinic’ in paragraph (2) of such section 1803(c) shall*
10 *be treated as a reference to a specialized clinic treat-*
11 *ing the birth defect concerned under this subsection;*
12 *and*

13 “(B) *the reference to ‘vocational training under*
14 *section 1804 of this title’ in paragraph (8) of such*
15 *section 1803(c) shall be treated as a reference to voca-*
16 *tional training under subsection (b).*

17 “(b) *VOCATIONAL TRAINING.—(1) The Secretary may*
18 *provide a program of vocational training to a child of a*
19 *female Vietnam veteran who was born with a covered birth*
20 *defect if the Secretary determines that the achievement of*
21 *a vocational goal by the child is reasonably feasible.*

22 “(2) *Subsections (b) through (e) of section 1804 of this*
23 *title shall apply with respect to any program of vocational*
24 *training provided under paragraph (1).*

1 “(c) *MONETARY ALLOWANCE.*—(1) *The Secretary shall*
2 *pay a monthly allowance to any child of a female Vietnam*
3 *veteran who was born with a covered birth defect for any*
4 *disability resulting from such birth defect.*

5 “(2) *The amount of the monthly allowance paid under*
6 *this subsection shall be based on the degree of disability suf-*
7 *fered by the child concerned, as determined in accordance*
8 *with a schedule for rating disabilities resulting from covered*
9 *birth defects that is prescribed by the Secretary.*

10 “(3) *In prescribing a schedule for rating disabilities*
11 *under paragraph (2), the Secretary shall establish four lev-*
12 *els of disability upon which the amount of the monthly al-*
13 *lowance under this subsection shall be based.*

14 “(4) *The amount of the monthly allowance paid under*
15 *this subsection shall be as follows:*

16 “(A) *In the case of a child suffering from the*
17 *lowest level of disability prescribed in the schedule for*
18 *rating disabilities under this subsection, \$100.*

19 “(B) *In the case of a child suffering from the*
20 *lower intermediate level of disability prescribed in the*
21 *schedule for rating disabilities under this subsection,*
22 *the greater of—*

23 “(i) *\$214; or*

24 “(ii) *the monthly amount payable under*
25 *section 1805(b)(3) of this title for the lowest level*

1 *of disability prescribed for purposes of that sec-*
2 *tion.*

3 “(C) *In the case of a child suffering from the*
4 *higher intermediate level of disability prescribed in*
5 *the schedule for rating disabilities under this sub-*
6 *section, the greater of—*

7 “(i) \$743; or

8 “(i) *the monthly amount payable under*
9 *section 1805(b)(3) of this title for the inter-*
10 *mediate level of disability prescribed for purposes*
11 *of that section.*

12 “(D) *In the case of a child suffering from the*
13 *highest level of disability prescribed in the schedule*
14 *for rating disabilities under this subsection, the great-*
15 *er of—*

16 “(i) \$1,272; or

17 “(i) *the monthly amount payable under*
18 *section 1805(b)(3) of this title for the highest*
19 *level of disability prescribed for purposes of that*
20 *section.*

21 “(5) *Amounts under subparagraphs (A), (B)(i), (C)(i),*
22 *and (D)(i) of paragraph (4) shall be subject to adjustment*
23 *from time to time under section 5312 of this title.*

1 assistance under this chapter in the same manner as such
2 provisions apply to veterans' disability compensation.

3 **“§ 1822. Treatment of receipt of monetary allowance**
4 **on other benefits**

5 “(a) Notwithstanding any other provision of law, re-
6 ceipt by an individual of a monetary allowance under this
7 chapter shall not impair, infringe, or otherwise affect the
8 right of the individual to receive any other benefit to which
9 the individual is otherwise entitled under any law adminis-
10 tered by the Secretary.

11 “(b) Notwithstanding any other provision of law, re-
12 ceipt by an individual of a monetary allowance under this
13 chapter shall not impair, infringe, or otherwise affect the
14 right of any other individual to receive any benefit to which
15 such other individual is entitled under any law adminis-
16 tered by the Secretary based on the relationship of such
17 other individual to the individual who receives such mone-
18 tary allowance.

19 “(c) Notwithstanding any other provision of law, a
20 monetary allowance paid an individual under this chapter
21 shall not be considered as income or resources in deter-
22 mining eligibility for or the amount of benefits under any
23 Federal or Federally-assisted program.”.

24 (c) REPEAL OF SUPERSEDED MATTER.—(1) Sub-
25 sections (c) and (d) of section 1805 are repealed.

1 (2) *Section 1806 is repealed.*

2 (d) *REDESIGNATION OF EXISTING MATTER.—Chapter*
 3 *18 is further amended by inserting before section 1801 the*
 4 *following:*

5 “*SUBCHAPTER I—CHILDREN OF VIETNAM*
 6 *VETERANS BORN WITH SPINA BIFIDA*”.

7 (e) *CONFORMING AMENDMENTS.—(1) Sections 1801*
 8 *and 1802 are each amended by striking “this chapter” and*
 9 *inserting “this subchapter”.*

10 (2) *Section 1805(a) is amended by striking “this chap-*
 11 *ter” and inserting “this section”.*

12 (f) *CLERICAL AMENDMENTS.—(1)(A) The chapter*
 13 *heading of chapter 18 is amended to read as follows:*

14 “**CHAPTER 18—BENEFITS FOR CHILDREN**
 15 **OF VIETNAM VETERANS**”.

16 (1) *The tables of chapters at beginning, and at the be-*
 17 *ginning of part II, are each amended by striking the item*
 18 *relating to chapter 18 and inserting the following new item:*

 “**18. Benefits for Children of Vietnam Veterans 1801**”.

19 (2) *The table of sections at the beginning of chapter*
 20 *18 is amended—*

21 (A) *by inserting after the chapter heading the*
 22 *following:*

“SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH
SPINA BIFIDA”;

1 (B) by striking the item relating to section 1806;

2 and

3 (C) by adding at the end the following:

“SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS
BORN WITH CERTAIN BIRTH DEFECTS

“1811. Definitions.

“1812. Birth defects covered.

“1813. Benefits and assistance.

“SUBCHAPTER III—ADMINISTRATIVE MATTERS

“1821. Applicability of certain administrative provisions.

“1822. Treatment of receipt of monetary allowance on other benefits.”.

4 (g) *APPLICABILITY.*—(1) *Except as provided in para-*
5 *graph (2), the amendments made by this section shall take*
6 *effect on the first day of the first month beginning more*
7 *than one year after the date of the enactment of this Act.*

8 (2) *The Secretary of Veterans Affairs shall identify*
9 *birth defects under section 1822 of title 38, United States*
10 *Code (as added by subsection (a) of this section), and shall*
11 *prescribe the regulations required by subchapter II of that*
12 *title (as so added), not later than the effective date specified*
13 *in paragraph (1).*

14 (3) *No benefit or assistance may be provided under*
15 *subchapter II of chapter 18 of title 38, United States Code*
16 *(as so added), for any period before the effective date speci-*
17 *fied in paragraph (1) by reason of the amendments made*
18 *by this section.*

1 **Subtitle H—Other Benefits Matters**

2 **SEC. 171. REVIEW OF DOSE RECONSTRUCTION PROGRAM**
3 **OF THE DEFENSE THREAT REDUCTION AGEN-**
4 **CY.**

5 (a) *REVIEW BY NATIONAL ACADEMY OF SCIENCES.*—
6 *Not later than 30 days after the date of the enactment of*
7 *this Act, the Secretary of Defense shall enter into a contract*
8 *with the National Academy of Sciences to carry out peri-*
9 *odic reviews of the dose reconstruction program of the De-*
10 *fense Threat Reduction Agency.*

11 (b) *REVIEW ACTIVITIES.*—*The periodic reviews of the*
12 *dose reconstruction program under the contract under sub-*
13 *section (a) shall consist of the periodic selection of random*
14 *samples of doses reconstructed by the Defense Threat Reduc-*
15 *tion Agency in order to determine—*

16 (1) *whether or not the reconstruction of the sam-*
17 *pled doses is accurate;*

18 (2) *whether or not the reconstructed dosage num-*
19 *ber is accurately reported;*

20 (3) *whether or not the assumptions made regard-*
21 *ing radiation exposure based upon the sampled doses*
22 *are credible; and*

23 (4) *whether or not the data from nuclear tests*
24 *used by the Defense Threat Reduction Agency as part*
25 *of the reconstruction of the sampled doses is accurate.*

1 (c) *DURATION OF REVIEW.*—*The periodic reviews*
 2 *under the contract under subsection (a) shall occur over a*
 3 *period of 24 months.*

4 (d) *REPORT.*—(1) *Not later than 60 days after the con-*
 5 *clusion of the period referred to in subsection (c) the Na-*
 6 *tional Academy of Sciences shall submit to Congress a re-*
 7 *port on its activities under the contract under this section.*

8 (2) *The report shall include the following:*

9 (A) *A detailed description of the activities of the*
 10 *National Academy of Sciences under the contract.*

11 (B) *Any recommendations that the National*
 12 *Academy of Sciences considers appropriate regarding*
 13 *a permanent system of review of the dose reconstruc-*
 14 *tion program of the Defense Threat Reduction Agen-*
 15 *cy.*

16 **TITLE II—HEALTH CARE** 17 **MATTERS**

18 **SEC. 201. VETERANS NOT SUBJECT TO COPAYMENTS FOR** 19 **MEDICATIONS.**

20 *Subparagraph (B) of section 1722A(a)(3) is amended*
 21 *to read as follows:*

22 “(B) *to a veteran who is considered by the Sec-*
 23 *retary to be unable to defray the expenses of necessary*
 24 *care under section 1722 of this title.”.*

1 **SEC. 202. ESTABLISHMENT OF POSITION OF ADVISOR ON**
2 **PHYSICIAN ASSISTANTS WITHIN OFFICE OF**
3 **UNDERSECRETARY FOR HEALTH.**

4 (a) *ESTABLISHMENT.*—Subsection (a) of section 7306
5 is amended—

6 (1) by redesignating paragraph (9) as para-
7 graph (10); and

8 (2) by inserting after paragraph (8) the fol-
9 lowing new paragraph (9):

10 “(9) *The Advisor on Physician Assistants, who*
11 *shall carry out the responsibilities set forth in sub-*
12 *section (f).”.*

13 (b) *RESPONSIBILITIES.*—That section is further
14 amended—

15 (1) by redesignating subsection (f) as subsection
16 (g); and

17 (2) by inserting after subsection (e) the following
18 new subsection (f):

19 “(f) *The Advisor on Physician Assistants under sub-*
20 *section (a)(9) shall—*

21 “(1) *advise the Under Secretary for Health on*
22 *matters regarding the optimal utilization of physi-*
23 *cian assistants by the Veterans Health Administra-*
24 *tion;*

25 “(2) *advise the Under Secretary for Health on*
26 *the feasibility and desirability of establishing clinical*

1 *privileges and practice areas for physician assistants*
2 *in the Administration;*

3 *“(3) develop initiatives to facilitate the utiliza-*
4 *tion of the full range of clinical capabilities of the*
5 *physician assistants employed by the Administration;*

6 *“(4) provide advice on policies affecting the em-*
7 *ployment of physician assistants by the Administra-*
8 *tion, including policies on educational requirements,*
9 *national certification, recruitment and retention, staff*
10 *development, and the availability of educational as-*
11 *sistance (including scholarship, tuition reimburse-*
12 *ment, and loan repayment assistance); and*

13 *“(5) carry out such other responsibilities as the*
14 *Under Secretary for Health shall specify.”*

15 **SEC. 203. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**
16 **TAIN MEDICAL PERSONNEL.**

17 *(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION*
18 *OR LICENSURE.—Paragraph (2) of section 7405(c) is*
19 *amended—*

20 *(1) by striking “nursing,” and inserting “nurs-*
21 *ing”;* and

22 *(2) by inserting “who have successfully completed*
23 *a full course of training as a physician assistant in*
24 *a recognized school approved by the Secretary,” before*
25 *“or who”.*

1 (b) *MEDICAL SUPPORT PERSONNEL.*—*That section is*
2 *further amended—*

3 (1) *by redesignating paragraph (3) as para-*
4 *graph (4); and*

5 (2) *by inserting after paragraph (2) the fol-*
6 *lowing new paragraph (3):*

7 “(3)(A) *Temporary full-time appointments of persons*
8 *in positions referred to in subsection (a)(1)(D) shall not ex-*
9 *ceed three years.*

10 “(B) *Temporary full-time appointments under this*
11 *paragraph may be renewed for one or more additional peri-*
12 *ods not in excess of three years each.”.*

13 ***TITLE III—CONSTRUCTION AND***
14 ***FACILITIES MATTERS***

15 ***Subtitle A—Construction Matters***

16 ***SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY***
17 ***PROJECTS FOR FISCAL YEAR 2001.***

18 *The Secretary of Veterans Affairs may carry out the*
19 *following major medical projects, with each project to be*
20 *carried out in the amount specified for that project:*

21 (1) *Construction of a 120-bed gero-psychiatric*
22 *facility at the Department of Veterans Affairs Palo*
23 *Alto Health Care System, Menlo Park Division, Cali-*
24 *fornia, \$26,600,000.*

1 (2) *Construction of a nursing home at the De-*
 2 *partment of Veterans Affairs Medical Center, Beckley,*
 3 *West Virginia, \$9,500,000.*

4 **SEC. 302. AUTHORIZATION OF ADDITIONAL MAJOR MED-**
 5 **ICAL FACILITY PROJECT FOR FISCAL YEAR**
 6 **2000.**

7 *Section 401 of the Veterans Millennium Health Care*
 8 *and Benefits Act (Public Law 106–117; 113 Stat. 1572)*
 9 *is amended by adding at the end the following:*

10 “(7) *Renovation of psychiatric nursing units at*
 11 *the Department of Veterans Affairs Medical Center,*
 12 *Murfreesboro, Tennessee, in an amount not to exceed*
 13 *\$14,000,000.”.*

14 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) *AUTHORIZATION OF APPROPRIATIONS FOR FISCAL*
 16 *YEAR 2001 PROJECTS.—There are authorized to be appro-*
 17 *priated to the Secretary of Veterans Affairs for fiscal year*
 18 *2001 and for fiscal year 2002, \$36,100,000 for the Construc-*
 19 *tion, Major Projects, account for the projects authorized in*
 20 *section 301.*

21 (b) *AUTHORIZATION OF APPROPRIATIONS FOR ADDI-*
 22 *TIONAL FISCAL YEAR 2000 PROJECT.—Section 403 of the*
 23 *Veterans Millennium Health Care and Benefits Act (Public*
 24 *Law 106–117; 113 Stat. 1573) is amended—*

1 **SEC. 312. LAND CONVEYANCE, MILES CITY VETERANS AD-**
2 **MINISTRATION MEDICAL COMPLEX, MILES**
3 **CITY, MONTANA.**

4 (a) *CONVEYANCE REQUIRED.*—*The Secretary of Vet-*
5 *erans Affairs shall convey, without consideration, to Custer*
6 *County, Montana (in this section referred to as the “Coun-*
7 *ty”), all right, title, and interest of the United States in*
8 *and to the parcels of real property consisting of the Miles*
9 *City Veterans Administration Medical Center complex,*
10 *which has served as a medical and support complex for the*
11 *Department of Veterans Affairs in Miles City, Montana.*

12 (b) *TIMING OF CONVEYANCE.*—*The conveyance re-*
13 *quired by subsection (a) shall be made as soon as prac-*
14 *ticable after the date of the enactment of this Act.*

15 (c) *CONDITIONS OF CONVEYANCE.*—*The conveyance re-*
16 *quired by subsection (a) shall be subject to the condition*
17 *that the County—*

18 (1) *use the parcels conveyed, whether directly or*
19 *through an agreement with a public or private entity,*
20 *for veterans activities, community and economic de-*
21 *velopment, or such other public purposes as the Coun-*
22 *ty considers appropriate; or*

23 (2) *convey the parcels to an appropriate public*
24 *or private entity for use for the purposes specified in*
25 *paragraph (1).*

1 (d) *CONVEYANCE OF IMPROVEMENTS.*—(1) *As part of*
2 *the conveyance required by subsection (a), the Secretary*
3 *may also convey to the County any improvements, equip-*
4 *ment, fixtures, and other personal property located on the*
5 *parcels conveyed under that subsection that are not required*
6 *by the Secretary.*

7 (2) *Any conveyance under this subsection shall be*
8 *without consideration.*

9 (e) *USE PENDING CONVEYANCE.*—*Until such time as*
10 *the real property to be conveyed under subsection (a) is con-*
11 *veyed by deed under this section, the Secretary may con-*
12 *tinue to lease the real property, together with any improve-*
13 *ments thereon, under the terms and conditions of the cur-*
14 *rent lease of the real property.*

15 (f) *MAINTENANCE PENDING CONVEYANCE.*—*The Sec-*
16 *retary shall be responsible for maintaining the real prop-*
17 *erty to be conveyed under subsection (a), and any improve-*
18 *ments, equipment, fixtures, and other personal property to*
19 *be conveyed under subsection (d), in its condition as of the*
20 *date of the enactment of this Act until such time as the*
21 *real property, and such improvements, equipment, fixtures,*
22 *and other personal property are conveyed by deed under*
23 *this section.*

24 (g) *LEGAL DESCRIPTION.*—*The exact acreage and legal*
25 *description of the real property to be conveyed under sub-*

1 *section (a) shall be determined by a survey satisfactory to*
 2 *the Secretary.*

3 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 4 *retary may require such additional terms and conditions*
 5 *in connection with the conveyance under this section as the*
 6 *Secretary determines appropriate to protect the interests of*
 7 *the United States.*

8 **SEC. 313. CONVEYANCE OF FT. LYON DEPARTMENT OF VET-**
 9 **ERANS AFFAIRS MEDICAL CENTER, COLO-**
 10 **RADO, TO THE STATE OF COLORADO.**

11 *(a) CONVEYANCE AUTHORIZED.—Notwithstanding*
 12 *any other provision of law and subject to the provisions*
 13 *of this section, the Secretary of Veterans Affairs may con-*
 14 *vey, without consideration, to the State of Colorado all*
 15 *right, title, and interest of the United States in and to a*
 16 *parcel of real property, including improvements thereon,*
 17 *consisting of approximately 512 acres and comprising the*
 18 *location of the Ft. Lyon Department of Veterans Affairs*
 19 *Medical Center. The purpose of the conveyance is to permit*
 20 *the State of Colorado to utilize the property for purposes*
 21 *of a correctional facility.*

22 *(b) PUBLIC ACCESS.—(1) The Secretary may not make*
 23 *the conveyance of real property authorized by subsection (a)*
 24 *unless the State of Colorado agrees to provide appropriate*
 25 *public access to Kit Carson Chapel, which is located on the*

1 *real property, and the cemetery located adjacent to the real*
2 *property.*

3 (2) *The State of Colorado may satisfy the condition*
4 *specified in paragraph (1) with respect to Kit Carson Chap-*
5 *el by relocating the chapel to Fort Lyon National Cemetery,*
6 *Colorado, or another appropriate location approved by the*
7 *Secretary.*

8 (c) *PLAN REGARDING CONVEYANCE.—(1) The Sec-*
9 *retary may not make the conveyance authorized by sub-*
10 *section (a) before the date on which the Secretary imple-*
11 *ments a plan providing the following:*

12 (A) *Notwithstanding sections 1720(a)(3) and*
13 *1741 of title 38, United States Code, that veterans*
14 *who are receiving inpatient or institutional long-term*
15 *care at Ft. Lyon Department of Veterans Affairs Med-*
16 *ical Center as of the date of the enactment of this Act*
17 *are provided appropriate inpatient or institutional*
18 *long-term care under the same terms and conditions*
19 *as such veterans are receiving inpatient or institu-*
20 *tional long-term care as of that date.*

21 (B) *That the conveyance of the Ft. Lyon Depart-*
22 *ment of Veterans Affairs Medical Center does not re-*
23 *sult in a reduction of health care services available to*
24 *veterans in the catchment area of the Medical Center.*

1 (C) *Improvements in veterans' overall access to*
2 *health care in the catchment area through, for exam-*
3 *ple, the opening of additional outpatient clinics.*

4 (2) *The Secretary shall prepare the plan referred to*
5 *in paragraph (1) in consultation with appropriate rep-*
6 *resentatives of veterans service organizations and other ap-*
7 *propriate organizations.*

8 (3) *The Secretary shall publish a copy of the plan re-*
9 *ferred to in paragraph (1) before implementation of the*
10 *plan.*

11 (d) *ENVIRONMENTAL RESTORATION.—The Secretary*
12 *may not make the conveyance authorized by subsection (a)*
13 *until the Secretary completes the evaluation and perform-*
14 *ance of any environmental restoration activities required*
15 *by the Comprehensive Environmental Response, Compensa-*
16 *tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.),*
17 *and by any other provision of law.*

18 (e) *PERSONAL PROPERTY.—As part of the conveyance*
19 *authorized by subsection (a), the Secretary may convey,*
20 *without consideration, to the State of Colorado any fur-*
21 *niture, fixtures, equipment, and other personal property as-*
22 *sociated with the property conveyed under that subsection*
23 *that the Secretary determines is not required for purposes*
24 *of the Department of Veterans Affairs health care facilities*

1 *to be established by the Secretary in southern Colorado or*
 2 *for purposes of Fort Lyon National Cemetery.*

3 *(f) LEGAL DESCRIPTION.—The exact acreage and legal*
 4 *description of the real property to be conveyed under sub-*
 5 *section (a) shall be determined by a survey satisfactory to*
 6 *the Secretary. Any costs associated with the survey shall*
 7 *be borne by the State of Colorado.*

8 *(g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 9 *retary may require such other terms and conditions in con-*
 10 *nection with the conveyances authorized by subsections (a)*
 11 *and (e) as the Secretary considers appropriate to protect*
 12 *the interests of the United States.*

13 **SEC. 314. EFFECT OF CLOSURE OF FT. LYON DEPARTMENT**
 14 **OF VETERANS AFFAIRS MEDICAL CENTER ON**
 15 **ADMINISTRATION OF HEALTH CARE FOR VET-**
 16 **ERANS.**

17 *(a) PAYMENT FOR NURSING HOME CARE.—Notwith-*
 18 *standing any limitation under section 1720 or 1741 of title*
 19 *38, United States Code, the Secretary of Veterans Affairs*
 20 *may pay the State of Colorado, or any private nursing*
 21 *home care facility, for costs incurred in providing nursing*
 22 *home care to any veteran who is relocated from the Ft. Lyon*
 23 *Department of Veterans Affairs Medical Center, Colorado,*
 24 *to the State of Colorado or such private facility, as the case*

1 *may be, as a result of the closure of the Ft. Lyon Depart-*
2 *ment of Veterans Affairs Medical Center.*

3 **(b) OBLIGATION TO PROVIDE EXTENDED CARE SERV-**
4 *ICES.—Nothing in section 313 of this Act or this section*
5 *may be construed to alter or otherwise effect the obligation*
6 *of the Secretary to meet the requirements of section*
7 *1710B(b) of title 38, United States Code, relating to staffing*
8 *and levels of extended care services in fiscal years after fis-*
9 *cal year 1998.*

10 **(c) EXTENSION OF VOLUNTARY EARLY RETIREMENT**
11 *AUTHORITY.—Notwithstanding section 1109(a) of the De-*
12 *partment of Veterans Affairs Employment Reduction As-*
13 *sistance Act of 1999 (title XI of Public Law 106–117; 113*
14 *Stat. 1599; 5 U.S.C. 5597 note), the authority to pay vol-*
15 *untary separation incentive payments under that Act to*
16 *employees of the Ft. Lyon Department of Veterans Affairs*
17 *Medical Center shall apply to eligible employees (as defined*
18 *by section 1110 of that Act) at the Ft. Lyon Department*
19 *of Veterans Affairs Medical Center whose separation occurs*
20 *before June 30, 2001.*

21 **(d) REPORT ON VETERANS HEALTH CARE IN SOUTH-**
22 *ERN COLORADO.—Not later than one year after the convey-*
23 *ance, if any, authorized by section 313, the Under Secretary*
24 *for Health of the Department of Veterans Affairs, acting*
25 *through the Director of Veterans Integrated Service Network*

1 *(VISN) 19, shall submit to the Committees on Veterans' Af-*
2 *fairs of the Senate and the House of Representatives a re-*
3 *port on the status of the health care system for veterans*
4 *under the Network in the Southern Colorado. The report*
5 *shall describe any improvements to the system in Southern*
6 *Colorado that have been put into effect in the period begin-*
7 *ning on the date of the conveyance and ending on the date*
8 *of the report.*

Amend the title to read as follows: “A Bill to amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.”.

Calendar No. 787

106TH CONGRESS
2D SESSION

S. 1810

[Report No. 106-397]

A BILL

To amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

SEPTEMBER 6, 2000

Reported with an amendment and an amendment to the title

106TH CONGRESS
2D SESSION

S.

A BILL

Read twice and referred to the Committee on