

103RD CONGRESS
2^D SESSION

H. R. 4386

AMENDMENTS

In the Senate of the United States,

October 7 (legislative day, September 12), 1994.

Resolved, That the bill from the House of Representatives (H.R. 4386) entitled “An Act to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Veterans’ Benefits Improvements Act of 1994”.*

3 (b) *TABLE OF CONTENTS.*—*The table of contents of this*

4 *Act is as follows:*

Sec. 1. Short title; table of contents.

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

TITLE I—PERSIAN GULF WAR VETERANS

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Purposes.

Sec. 104. Development of medical evaluation protocol.

Sec. 105. Outreach to Persian Gulf veterans.

Sec. 106. Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War.

Sec. 107. Evaluation of health status of spouses and children of Persian Gulf War veterans.

- Sec. 108. Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries.*
- Sec. 109. Survey of Persian Gulf veterans.*
- Sec. 110. Authorization for epidemiological studies.*
- Sec. 111. Cost-savings provisions.*

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

- Sec. 201. Appointment, pay comparability, and performance reviews for members of the Board of Veterans' Appeals.*
- Sec. 202. Deadline for establishment of performance evaluation criteria for Board members.*
- Sec. 203. Continuation in office of Chairman pending appointment of successor.*

TITLE III—ADJUDICATION IMPROVEMENTS

- Sec. 301. Acceptance of certain documentation for claims purposes.*
- Sec. 302. Expedited treatment of remanded claims.*
- Sec. 303. Screening of appeals.*
- Sec. 304. Report on feasibility of reorganization of adjudication divisions in VBA regional offices.*

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

- Sec. 401. Establishment of commission.*
- Sec. 402. Duties of the commission.*
- Sec. 403. Powers of the commission.*
- Sec. 404. Commission personnel matters.*
- Sec. 405. Termination of the commission.*
- Sec. 406. Definitions.*
- Sec. 407. Funding.*

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988.*
- Sec. 502. Extension of authority to maintain regional office in the Philippines.*
- Sec. 503. Renouncement of benefit rights.*
- Sec. 504. Clarification of payment of attorney fees under contingent fee agreements.*
- Sec. 505. Codification of herbicide-exposure presumptions established administratively.*
- Sec. 506. Treatment of certain income of Alaska natives for purposes of needs-based benefits.*
- Sec. 507. Elimination of requirement for payment of certain benefits in Philippine pesos.*
- Sec. 508. Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.*
- Sec. 509. Center for Minority Veterans and Center for Women Veterans.*
- Sec. 510. Advisory Committee on Minority Veterans.*
- Sec. 511. Mailing of notices of appeal to the Court of Veterans Appeals.*

TITLE VI—EDUCATION AND TRAINING PROGRAMS

- Sec. 601. Flight training.*
- Sec. 602. Training and rehabilitation for veterans with service-connected disabilities.*

- Sec. 603. Alternative teacher certification programs.*
- Sec. 604. Education outside the United States.*
- Sec. 605. Correspondence courses.*
- Sec. 606. State approving agencies.*
- Sec. 607. Measurement of courses.*
- Sec. 608. Veterans' Advisory Committee on Education.*
- Sec. 609. Contract educational and vocational counseling.*
- Sec. 610. Service Members Occupational Conversion and Training Act of 1992.*

TITLE VII—EMPLOYMENT PROGRAMS

- Sec. 701. Job counseling, training, and placement.*
- Sec. 702. Employment and training of veterans.*
- Sec. 703. Conforming amendments to ERISA relating to the Uniformed Services Employment and Reemployment Rights Act of 1994.*

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

- Sec. 801. Eligibility for burial in national cemeteries of spouses who predecease veterans.*
- Sec. 802. Restoration of burial eligibility for unremarried spouses.*
- Sec. 803. Extension of authorization of appropriations for State cemetery grant program.*
- Sec. 804. Authority to use flat grave markers at the Willamette National Cemetery, Oregon.*

TITLE IX—HOUSING PROGRAMS

- Sec. 901. Eligibility.*
- Sec. 902. Revision in computation of aggregate guaranty.*
- Sec. 903. Public and community water and sewerage systems.*
- Sec. 904. Authority to guarantee home refinance loans for energy efficiency improvements.*
- Sec. 905. Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages.*
- Sec. 906. Manufactured home loan inspections.*
- Sec. 907. Procedures on default.*
- Sec. 908. Minimum active-duty service requirement.*

TITLE X—HOMELESS VETERANS PROGRAMS

- Sec. 1001. Reports on activities of the Department of Veterans Affairs to assist homeless veterans.*
- Sec. 1002. Report on assessment and plans for response to needs of homeless veterans.*
- Sec. 1003. Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992.*
- Sec. 1004. Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992.*
- Sec. 1005. Sense of Congress.*

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

- Sec. 1101. Findings.*
- Sec. 1102. Requirement for minimum number of full-time equivalent positions.*
- Sec. 1103. Enhanced authority to contract for necessary services.*

Sec. 1104. Study.

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS.

Sec. 1201. Amendments to title 38, United States Code.

Sec. 1202. Amendments to other laws administered by Secretary of Veterans Affairs.

Sec. 1203. Amendments to other laws.

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—PERSIAN GULF WAR**
 8 **VETERANS**

9 **SEC. 101. SHORT TITLE.**

10 *This Act may be cited as the “Persian Gulf War Veter-*
 11 *ans’ Benefits Act”.*

12 **SEC. 102. FINDINGS.**

13 *The Congress makes the following findings:*

14 *(1) During the Persian Gulf War, members of*
 15 *the Armed Forces were exposed to numerous poten-*
 16 *tially toxic substances, including fumes and smoke*
 17 *from military operations, oil well fires, diesel exhaust,*
 18 *paints, pesticides, depleted uranium, infectious*
 19 *agents, investigational drugs and vaccines, and indig-*
 20 *enous diseases, and were also given multiple immuni-*
 21 *zations. It is not known whether these servicemembers*
 22 *were exposed to chemical or biological warfare agents.*

1 *However, threats of enemy use of chemical and bio-*
2 *logical warfare heightened the psychological stress as-*
3 *sociated with the military operation.*

4 *(2) Significant numbers of veterans of the Per-*
5 *sian Gulf War are suffering from illnesses, or are ex-*
6 *hibiting symptoms of illness, that cannot now be di-*
7 *agnosed or clearly defined. As a result, many of these*
8 *conditions or illnesses are not considered to be service*
9 *connected under current law for purposes of benefits*
10 *administered by the Department of Veterans Affairs.*

11 *(3) The National Institutes of Health Technology*
12 *Assessment Workshop on the Persian Gulf Experience*
13 *and Health, held in April 1994, concluded that the*
14 *complex biological, chemical, physical, and psycho-*
15 *logical environment of the Southwest Asia theater of*
16 *operations produced complex adverse health effects in*
17 *Persian Gulf War veterans and that no single disease*
18 *entity or syndrome is apparent. Rather, it may be*
19 *that the illnesses suffered by those veterans result from*
20 *multiple illnesses with overlapping symptoms and*
21 *causes that have yet to be defined.*

22 *(4) That workshop concluded that the informa-*
23 *tion concerning the range and intensity of exposure*
24 *to toxic substances by military personnel in the*
25 *Southwest Asia theater of operations is very limited*

1 *and that such information was collected only after a*
2 *considerable delay.*

3 *(5) In response to concerns regarding the health-*
4 *care needs of Persian Gulf War veterans, particularly*
5 *those who suffer from illnesses or conditions for which*
6 *no diagnosis has been made, the Congress, in Public*
7 *Law 102–585, directed the establishment of a Persian*
8 *Gulf War Veterans Health Registry, authorized health*
9 *examinations for veterans of the Persian Gulf War,*
10 *and provided for the National Academy of Sciences to*
11 *conduct a comprehensive review and assessment of in-*
12 *formation regarding the health consequences of mili-*
13 *tary service in the Persian Gulf theater of operations*
14 *and to develop recommendations on avenues for re-*
15 *search regarding such health consequences. In Public*
16 *Law 103–210, the Congress authorized the Depart-*
17 *ment of Veterans Affairs to provide health care serv-*
18 *ices on a priority basis to Persian Gulf War veterans.*
19 *The Congress also provided in Public Law 103–160*
20 *(the National Defense Authorization Act for Fiscal*
21 *Year 1994) for the establishment of a specialized envi-*
22 *ronmental medical facility for the conduct of research*
23 *into the possible health effects of exposure to low levels*
24 *of hazardous chemicals, especially among Persian*
25 *Gulf veterans, and for research into the possible health*

1 *effects of battlefield exposure in such veterans to de-*
2 *pleted uranium.*

3 *(6) In response to concerns about the lack of ob-*
4 *jective research on Gulf War illnesses, Congress in-*
5 *cluded research provisions in the National Defense*
6 *Authorization Act for Fiscal Year 1995, which was*
7 *passed by the House and Senate in September 1994.*
8 *This legislation requires the Secretary of Defense to*
9 *provide research grants to non-Federal researchers to*
10 *support three types of studies of the Gulf War syn-*
11 *drome. The first type of study will be an epidemiolog-*
12 *ical study or studies of the incidence, prevalence, and*
13 *nature of the illness and symptoms and the risk fac-*
14 *tors associated with symptoms or illnesses. This will*
15 *include illnesses among spouses and birth defects and*
16 *illnesses among offspring born before and after the*
17 *Gulf War. The second group of studies shall be con-*
18 *ducted to determine the health consequences of the use*
19 *of pyridostigmine bromide as a pretreatment antidote*
20 *enhancer during the Persian Gulf War, alone or in*
21 *combination with exposure to pesticides, environ-*
22 *mental toxins, and other hazardous substances. The*
23 *final group of studies shall include clinical research*
24 *and other studies on the causes, possible transmission,*
25 *and treatment of Gulf War syndrome, and will in-*

1 *clude studies of veterans and their spouses and chil-*
2 *dren.*

3 *(7) Further research and studies must be under-*
4 *taken to determine the underlying causes of the ill-*
5 *nesses suffered by Persian Gulf War veterans and,*
6 *pending the outcome of such research, veterans who*
7 *are seriously ill as the result of such illnesses should*
8 *be given the benefit of the doubt and be provided com-*
9 *ensation benefits to offset the impairment in earn-*
10 *ings capacities they may be experiencing.*

11 **SEC. 103. PURPOSES.**

12 *The purposes of this title are—*

13 *(1) to provide compensation to Persian Gulf War*
14 *veterans who suffer disabilities resulting from illnesses*
15 *that cannot now be diagnosed or defined, and for*
16 *which other causes cannot be identified;*

17 *(2) to require the Secretary of Veterans Affairs*
18 *to develop at the earliest possible date case assessment*
19 *strategies and definitions or diagnoses of such ill-*
20 *nesses;*

21 *(3) to promote greater outreach to Persian Gulf*
22 *War veterans and their families to inform them of on-*
23 *going research activities, as well as the services and*
24 *benefits to which they are currently entitled; and*

1 (4) to ensure that research activities and accom-
2 panying surveys of Persian Gulf War veterans are
3 appropriately funded and undertaken by the Depart-
4 ment of Veterans Affairs.

5 **SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTO-**
6 **COL.**

7 (a) *UNIFORM MEDICAL EVALUATION PROTOCOL.—(1)*
8 *The Secretary of Veterans Affairs shall develop and imple-*
9 *ment a uniform and comprehensive medical evaluation pro-*
10 *TOCOL that will ensure appropriate medical assessment, diag-*
11 *nosis, and treatment of Persian Gulf War veterans who are*
12 *suffering from illnesses the origins of which are (as of the*
13 *date of the enactment of this Act) unknown and that may*
14 *be attributable to service in the Southwest Asia theater of*
15 *operations during the Persian Gulf War. The protocol shall*
16 *include an evaluation of complaints relating to illnesses in-*
17 *volving the reproductive system.*

18 (2) *If such a protocol is not implemented before the*
19 *end of the 120-day period beginning on the date of the en-*
20 *actment of this Act, the Secretary shall, before the end of*
21 *such period, submit to the Committees on Veterans' Affairs*
22 *of the Senate and House of Representatives a report as to*
23 *why such a protocol has not yet been developed.*

24 (3)(A) *The Secretary shall ensure that the evaluation*
25 *under the protocol developed under this section is available*

1 *at all Department medical centers that have the capability*
2 *of providing the medical assessment, diagnosis, and treat-*
3 *ment required under the protocol.*

4 *(B) The Secretary may enter into contracts with non-*
5 *Department medical facilities for the provision of the eval-*
6 *uation under the protocol.*

7 *(C) In the case of a veteran whose residence is distant*
8 *from a medical center described in subparagraph (A), the*
9 *Secretary may provide the evaluation through a Depart-*
10 *ment medical center described in that subparagraph and,*
11 *in such a case, may provide the veteran the travel and inci-*
12 *dental expenses therefor pursuant to the provisions of sec-*
13 *tion 111 of title 38, United States Code.*

14 *(4)(A) If the Secretary is unable to diagnose the symp-*
15 *toms or illness of a veteran provided an evaluation, or if*
16 *the symptoms or illness of a veteran do not respond to treat-*
17 *ment provided by the Secretary, the Secretary may use the*
18 *authority in section 1703 of title 38, United States Code,*
19 *in order to provide for the veteran to receive diagnostic tests*
20 *or treatment at a non-Department medical facility that*
21 *may have the capability of diagnosing or treating the symp-*
22 *toms or illness of the veteran. The Secretary may provide*
23 *the veteran the travel and incidental expenses therefor pur-*
24 *suant to the provisions of section 111 of title 38, United*
25 *States Code.*

1 (B) *The Secretary shall request from each non-Depart-*
2 *ment medical facility that examines or treats a veteran*
3 *under this paragraph such information relating to the diag-*
4 *nosis or treatment as the Secretary considers appropriate.*

5 (5) *In each year after the implementation of the proto-*
6 *col, the Secretary shall enter into an agreement with the*
7 *National Academy of Sciences under which agreement ap-*
8 *propriate experts shall review the adequacy of the protocol*
9 *and its implementation by the Department of Veterans Af-*
10 *fairs.*

11 (b) *RELATIONSHIP TO OTHER COMPREHENSIVE CLINI-*
12 *CAL EVALUATION PROTOCOLS.—The Secretary, in consulta-*
13 *tion with the Secretary of Defense, shall ensure that the in-*
14 *formation collected through the protocol described in this*
15 *section is collected and maintained in a manner that per-*
16 *mits the effective and efficient cross-reference of that infor-*
17 *mation with information collected and maintained through*
18 *the comprehensive clinical protocols of the Department of*
19 *Defense for Persian Gulf War veterans.*

20 (c) *CASE DEFINITIONS AND DIAGNOSES.—The Sec-*
21 *retary shall develop case definitions or diagnoses for ill-*
22 *nesses associated with the service described in subsection*
23 *(a)(1). The Secretary shall develop such definitions or diag-*
24 *noses at the earliest possible date.*

1 **SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.**

2 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
3 shall implement a comprehensive outreach program to in-
4 form Persian Gulf War veterans and their families of the
5 medical care and other benefits that may be provided by
6 the Department of Veterans Affairs and the Department of
7 Defense arising from service in the Persian Gulf War.

8 (b) *NEWSLETTER.*—(1) The outreach program shall in-
9 clude a newsletter which shall be updated and distributed
10 at least semi-annually and shall be distributed to the veter-
11 ans listed on the Persian Gulf War Veterans Health Reg-
12 istry. The newsletter shall include summaries of the status
13 and findings of Government sponsored research on illnesses
14 of Persian Gulf War veterans and their families, as well
15 as on benefits available to such individuals through the De-
16 partment of Veterans Affairs. The newsletter shall be pre-
17 pared in consultation with veterans service organizations.

18 (2) The requirement under this subsection for the dis-
19 tribution of the newsletter shall terminate on December 31,
20 1999.

21 (c) *TOLL-FREE NUMBER.*—The outreach program
22 shall include establishment of a toll-free telephone number
23 to provide Persian Gulf War veterans and their families
24 information on the Persian Gulf War Veterans Health Reg-
25 istry, health care and other benefits provided by the Depart-
26 ment of Veterans Affairs, and such other information as the

1 *Secretary considers appropriate. Such toll-free telephone*
2 *number shall be established not later than 90 days after*
3 *the date of the enactment of this Act.*

4 ***SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RE-***
5 ***SULTING FROM ILLNESS ATTRIBUTED TO***
6 ***SERVICE DURING THE PERSIAN GULF WAR.***

7 *(a) IN GENERAL.—(1) Chapter 11 is amended by add-*
8 *ing at the end of subchapter II the following new section:*

9 ***“§1117. Compensation for disabilities occurring in***
10 ***Persian Gulf War veterans***

11 *“(a) The Secretary may pay compensation under this*
12 *subchapter to any Persian Gulf veteran suffering from a*
13 *chronic disability resulting from an undiagnosed illness (or*
14 *combination of undiagnosed illnesses) that—*

15 *“(1) became manifest during service on active*
16 *duty in the Armed Forces in the Southwest Asia thea-*
17 *ter of operations during the Persian Gulf War; or*

18 *“(2) became manifest to a degree of 10 percent*
19 *or more within the presumptive period prescribed*
20 *under subsection (b).*

21 *“(b) The Secretary shall prescribe by regulation the pe-*
22 *riod of time following service in the Southwest Asia theater*
23 *of operations during the Persian Gulf War that the Sec-*
24 *retary determines is appropriate for presumption of service*
25 *connection for purposes of this section. The Secretary’s de-*

1 *termination of such period of time shall be made following*
2 *a review of any available credible medical or scientific evi-*
3 *dence and the historical treatment afforded disabilities for*
4 *which manifestation periods have been established and shall*
5 *take into account other pertinent circumstances regarding*
6 *the experiences of veterans of the Persian Gulf War.*

7 “(c)(1) *The Secretary shall prescribe regulations to*
8 *carry out this section.*

9 “(2) *Those regulations shall include the following:*

10 “(A) *A description of the period and geographi-*
11 *cal area or areas of military service in connection*
12 *with which compensation under this section may be*
13 *paid.*

14 “(B) *A description of the illnesses for which com-*
15 *ensation under this section may be paid.*

16 “(C) *A description of any relevant medical char-*
17 *acteristic (such as a latency period) associated with*
18 *each such illness.*

19 “(d) *A disability for which compensation under this*
20 *subchapter is payable shall be considered to be service con-*
21 *nected for purposes of all other laws of the United States.*

22 “(e) *For purposes of this section, the term ‘Persian*
23 *Gulf veteran’ means a veteran who served on active duty*
24 *in the Armed Forces in the Southwest Asia theater of oper-*
25 *ations during the Persian Gulf War.’.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by inserting after the item relating to section*
3 *1116 the following new item:*

“1117. Compensation for disabilities occurring in Persian Gulf War veterans.”.

4 (b) *CONFORMING AMENDMENTS.—Section 1113 is*
5 *amended—*

6 (1) *by striking out “section 1112 or 1116” in the*
7 *first and third place it appears and inserting in lieu*
8 *thereof “section 1112, 1116, or 1117”;*

9 (2) *by striking out “title” the second place it ap-*
10 *pears and inserting in lieu thereof “title, or payments*
11 *of compensation pursuant to section 1117 of this*
12 *title,”; and*

13 (3) *by inserting “or disabilities” after “diseases”*
14 *both places it appears in subsection (a).*

15 (c) *REPORT.—Not later than 60 days after the date*
16 *of the enactment of this Act, the Secretary of Veterans Af-*
17 *airs shall submit to the Committees on Veterans’ Affairs*
18 *of the Senate and House of Representatives a report stating*
19 *whether or not the Secretary intends to pay compensation*
20 *as provided in section 1117 of title 38, United States Code,*
21 *as added by subsection (a).*

22 (d) *REGULATIONS.—If the Secretary states in the re-*
23 *port under subsection (c) that the Secretary intends to pay*
24 *compensation as provided in section 1117 of title 38, United*
25 *States Code, as added by subsection (a), the Secretary shall,*

1 *not later than 30 days after the date on which such report*
2 *is submitted, publish in the Federal Register proposed regu-*
3 *lations under subsections (b) and (c) of that section.*

4 ***SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES***
5 ***AND CHILDREN OF PERSIAN GULF WAR VET-***
6 ***ERANS.***

7 *(a) EVALUATION PROGRAM.—Subject to subsection (c),*
8 *the Secretary of the Veterans Affairs shall conduct a study*
9 *to evaluate the health status of spouses and children of Per-*
10 *sian Gulf War veterans. Under the study, the Secretary*
11 *shall provide for the conduct of diagnostic testing and ap-*
12 *propriate medical examinations of any individual—*

13 *(1) who is the spouse or child of a veteran who—*

14 *(A) is listed in the Persian Gulf War Veter-*
15 *ans Registry established under section 702 of*
16 *Public Law 102–585; and*

17 *(B) is suffering from an illness or disorder;*

18 *(2) who is apparently suffering from, or may*
19 *have suffered from, an illness or disorder (including*
20 *a birth defect, miscarriage, or stillbirth) which cannot*
21 *be disassociated from the veteran’s service in the*
22 *Southwest Asia theater of operations; and*

23 *(3) who, in the case of a spouse, has granted the*
24 *Secretary permission to include in the Registry rel-*
25 *evant medical data (including a medical history and*

1 *the results of diagnostic testing and medical examina-*
2 *tions) and such other information as the Secretary*
3 *considers relevant and appropriate with respect to*
4 *such individual.*

5 *Such testing and examinations shall be carried out so as*
6 *to gather such medical data as the Secretary considers rel-*
7 *evant and appropriate in order to determine the nature and*
8 *extent of the association, if any, between illness or disorder*
9 *of the spouse or child and the illness of the veteran.*

10 *(b) DURATION OF PROGRAM.—The program shall be*
11 *carried out during the period beginning on November 1,*
12 *1994, and ending on September 30, 1996.*

13 *(c) FUNDING LIMITATION.—The amount spent for the*
14 *program under subsection (a) may not exceed \$2,000,000.*

15 *(d) CONTRACTING.—The Secretary shall provide for*
16 *the conduct of testing and examinations under subsection*
17 *(a) through appropriate contract arrangements.*

18 *(e) STANDARD PROTOCOLS AND GUIDELINES.—The*
19 *Secretary shall seek to ensure uniform development of medi-*
20 *cal data through the development of standard protocols and*
21 *guidelines for such testing and examinations. If such proto-*
22 *cols and guidelines have not been adopted before the end*
23 *of the 120-day period beginning on the date of the enact-*
24 *ment of this Act, the Secretary shall, before the end of such*
25 *period, submit to the Committees on Veterans' Affairs of*

1 *the Senate and House of Representatives a report as to why*
2 *such protocols and guidelines have not yet been developed.*

3 *(f) ENTRY OF RESULTS IN REGISTRY.—The results of*
4 *diagnostic tests, medical histories, and medical examina-*
5 *tions conducted under subsection (a) shall be entered into*
6 *the Persian Gulf War Veterans Health Registry.*

7 *(g) OUTREACH.—The Secretary shall conduct such*
8 *outreach activities as the Secretary determines necessary to*
9 *ensure that implementation of this section results in suffi-*
10 *cient information to enable the Secretary—*

11 *(1) to analyze the health status of large numbers*
12 *of spouses and children of Persian Gulf veterans; and*

13 *(2) to formulate research hypotheses regarding*
14 *possible association between illnesses or disorders suf-*
15 *fered by Persian Gulf veterans and illnesses or dis-*
16 *orders (including birth defects, miscarriages, and*
17 *stillbirths) suffered by their spouses and children.*

18 *(h) USE OUTSIDE DEPARTMENT OF STANDARD PRO-*
19 *TOCOLS AND GUIDELINES.—The Secretary shall—*

20 *(1) make the standard protocols and guidelines*
21 *developed under this section available to any entity*
22 *which requests a copy of such protocols and guide-*
23 *lines; and*

24 *(2) enter into the registry the results of any ex-*
25 *amination of the spouse or child of a veteran who*

1 *served in the Persian Gulf theater which a licensed*
2 *physician certifies was conducted using those stand-*
3 *ard protocols and guidelines.*

4 *(i) REPORTS TO CONGRESS.—(1) The Secretary shall*
5 *submit to Congress no later than October 31, 1995, a report*
6 *on the Secretary's implementation of this section.*

7 *(2) The Secretary shall analyze the data entered into*
8 *the registry under this section and shall submit to Congress,*
9 *not later than March 1, 1997, a report on that analysis*
10 *and on the Secretary's recommendation for any further leg-*
11 *islation or studies regarding the health status of spouses*
12 *and children of Persian Gulf War veterans.*

13 *(j) DEFINITIONS.—For purposes of this section, the*
14 *terms "child" and "spouse" have the meanings given those*
15 *terms in paragraphs (4) and (31), respectively, of section*
16 *101 of title 38, United States Code.*

17 **SEC. 108. CLARIFICATION OF SCOPE OF HEALTH EXAMINA-**
18 **TIONS PROVIDED FOR VETERANS ELIGIBLE**
19 **FOR INCLUSION IN HEALTH-RELATED REG-**
20 **ISTRIES.**

21 *Section 703 of the Persian Gulf War Veterans' Health*
22 *Status Act (title VII of Public Law 102-585; 38 U.S.C. 527*
23 *note) is amended—*

1 (1) by inserting “(including diagnostic tests)”
2 after “examination” each place it appears other than
3 in subsection (a)(1)(A);

4 (2) in subsection (a)(1)(A)—

5 (A) by inserting “(including any appro-
6 priate diagnostic tests)” after “a health exam-
7 ination”; and

8 (B) by inserting “and the tests” after “the
9 examination”; and

10 (3) in subsection (a)(2), by inserting “(including
11 any diagnostic tests)” after “examinations”.

12 **SEC. 109. SURVEY OF PERSIAN GULF VETERANS.**

13 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
14 may carry out a survey of Persian Gulf veterans to gather
15 information on the incidence and nature of health problems
16 occurring in Persian Gulf veterans and their families.

17 (b) *COORDINATION WITH DEPARTMENT OF DE-*
18 *FENSE.*—Any survey under subsection (a) shall be carried
19 out in coordination with the Secretary of Defense.

20 (c) *PERSIAN GULF VETERAN.*—For purposes of this
21 section, a Persian Gulf veteran is an individual who served
22 on active duty in the Armed Forces in the Southwest Asia
23 theater of operations during the Persian Gulf War as de-
24 fined in section 101(33) of title 38, United States Code.

1 **SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUD-**
2 **IES.**

3 (a) *STUDY OF HEALTH CONSEQUENCES OF PERSIAN*
4 *GULF SERVICE.*—If the National Academy of Sciences in-
5 cludes in the report required by section 706(b) of the Veter-
6 ans Health Care Act of 1992 (Public Law 102–585) a find-
7 ing that there is a sound basis for an epidemiological study
8 or studies on the health consequences of service in the Per-
9 sian Gulf theater of operations during the Persian Gulf War
10 and recommends the conduct of such a study or studies, the
11 Secretary of Veterans Affairs is authorized to carry out such
12 study.

13 (b) *OVERSIGHT.*—(1) *The Secretary shall seek to enter*
14 *into an agreement with the Medical Follow-Up Agency*
15 *(MFUA) of the Institute of Medicine of the National Acad-*
16 *emy of Sciences for (A) the review of proposals to conduct*
17 *the research referred to in subsection (a), (B) oversight of*
18 *such research, and (C) review of the research findings.*

19 (2) *If the Secretary is unable to enter into an agree-*
20 *ment under paragraph (1) with the entity specified in that*
21 *paragraph, the Secretary shall enter into an agreement de-*
22 *scribed in that paragraph with another appropriate sci-*
23 *entific organization which does not have a connection to*
24 *the Department of Veterans Affairs. In such a case, the Sec-*
25 *retary shall submit to the Committees on Veterans' Affairs*
26 *of the Senate and House of Representatives, at least 90 days*

1 *before the date on which the agreement is entered into, no-*
2 *tice in writing identifying the organization with which the*
3 *Secretary intends to enter into the agreement.*

4 (c) *ACCESS TO DATA.*—*The Secretary shall enter into*
5 *agreements with the Secretary of Defense and the Secretary*
6 *of Health and Human Services to make available for the*
7 *purposes of any study described in subsection (a) all data*
8 *that the Secretary, in consultation with the National Acad-*
9 *emy of Sciences and the contractor for the study, considers*
10 *relevant to the study.*

11 (d) *AUTHORIZATION.*—*There are authorized to be ap-*
12 *propriated to the Department such sums as are necessary*
13 *for the conduct of studies described in subsection (a).*

14 **SEC. 111. COST-SAVINGS PROVISIONS.**

15 (a) *ELECTION OF DEATH PENSION BY SURVIVING*
16 *SPOUSE.*—*Section 1317 is amended—*

17 (1) *by striking out “No person” and inserting in*
18 *lieu thereof “(a) Except as provided in subsection (b),*
19 *no person”;* and

20 (2) *by adding at the end the following:*

21 *“(b) A surviving spouse who is eligible for dependency*
22 *and indemnity compensation may elect to receive death*
23 *pension instead of such compensation.”.*

24 (b) *POLICY REGARDING COST-OF-LIVING ADJUSTMENT*
25 *IN COMPENSATION RATES FOR FISCAL YEAR 1995.*—*The*

1 *fiscal year 1995 cost-of-living adjustments in the rates of*
2 *and limitations for compensation payable under chapter 11*
3 *of title 38, United States Code, and of dependency and in-*
4 *demnity compensation payable under chapter 13 of such*
5 *title will be no more than a percentage equal to the percent-*
6 *age by which benefit amounts payable under title II of the*
7 *Social Security Act (42 U.S.C. 401 et seq.) are increased*
8 *effective December 1, 1994, as a result of a determination*
9 *under section 215(i) of such Act (42 U.S.C. 415(i)), with*
10 *all increased monthly rates and limitations (other than in-*
11 *creased rates or limitations equal to a whole dollar amount)*
12 *rounded down to the next lower dollar.*

13 ***TITLE II—BOARD OF VETERANS’***
14 ***APPEALS ADMINISTRATION***

15 ***SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PER-***
16 ***FORMANCE REVIEWS FOR MEMBERS OF THE***
17 ***BOARD OF VETERANS’ APPEALS.***

18 *(a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chapter*
19 *71 is amended by inserting after section 7101 the following*
20 *new section:*

21 ***“§ 7101A. Members of Board: appointment; pay; per-***
22 ***formance review***

23 *“(a) The members of the Board of Veterans’ Appeals*
24 *other than the Chairman (and including the Vice Chair-*
25 *man) shall be appointed by the Secretary, with the approval*

1 *of the President, based upon recommendations of the Chair-*
2 *man.*

3 “(b) *Members of the Board (other than the Chairman*
4 *and any member of the Board who is a member of the Sen-*
5 *ior Executive Service) shall, in accordance with regulations*
6 *prescribed by the Secretary, be paid basic pay at rates*
7 *equivalent to the rates payable under section 5372 of title*
8 *5.*

9 “(c)(1)(A) *The Chairman shall establish a panel to re-*
10 *view the performance of members of the Board. The panel*
11 *shall be comprised of the Chairman and two other members*
12 *of the Board (other than the Vice Chairman). The Chair-*
13 *man shall periodically rotate membership on the panel so*
14 *as to ensure that each member of the Board (other than*
15 *the Vice Chairman) serves as a member of the panel for*
16 *and within a reasonable period.*

17 “(B) *Not less than one year after the job performance*
18 *standards under subsection (f) are initially established, and*
19 *not less often than once every three years thereafter, the per-*
20 *formance review panel shall determine, with respect to each*
21 *member of the Board (other than the Chairman or a mem-*
22 *ber who is a member of the Senior Executive Service),*
23 *whether that member’s job performance as a member of the*
24 *Board meets the performance standards for a member of*

1 *the Board established under subsection (f). Each such deter-*
2 *mination shall be in writing.*

3 “(2) *If the determination of the performance review*
4 *panel in any case is that the member’s job performance as*
5 *a member of the Board meets the performance standards*
6 *for a member of the Board established under subsection (f),*
7 *the Chairman shall recertify the member’s appointment as*
8 *a member of the Board.*

9 “(3) *If the determination of the performance review*
10 *panel in any case is that the member’s job performance does*
11 *not meet the performance standards for a member of the*
12 *Board established under subsection (f), the Chairman shall,*
13 *based upon the individual circumstances, either—*

14 “(A) *grant the member a conditional*
15 *recertification; or*

16 “(B) *recommend to the Secretary that the mem-*
17 *ber be noncertified.*

18 “(4) *In the case of a member of the Board who is*
19 *granted a conditional recertification under paragraph*
20 *(3)(A) or (5)(A), the performance review panel shall review*
21 *the member’s job performance record and make a further*
22 *determination under paragraph (1) concerning that mem-*
23 *ber not later than one year after the date of the conditional*
24 *recertification. If the determination of the performance re-*
25 *view panel at that time is that the member’s job perform-*

1 *ance as a member of the Board still does not meet the per-*
2 *formance standards for a member of the Board established*
3 *under subsection (f), the Chairman shall recommend to the*
4 *Secretary that the member be noncertified.*

5 *“(5) In a case in which the Chairman recommends to*
6 *the Secretary under paragraph (3) or (4) that a member*
7 *be noncertified, the Secretary, after considering the rec-*
8 *ommendation of the Chairman, may either—*

9 *“(A) grant the member a conditional*
10 *recertification; or*

11 *“(B) determine that the member should be*
12 *noncertified.*

13 *“(d)(1) If the Secretary, based upon the recommenda-*
14 *tion of the Chairman, determines that a member of the*
15 *Board should be noncertified, that member’s appointment*
16 *as a member of the Board shall be terminated and that*
17 *member shall be removed from the Board.*

18 *“(2) Upon removal from the Board under paragraph*
19 *(1), a member of the Board (other than the Chairman) who*
20 *was a career or career-conditional employee in the civil*
21 *service before commencement of service as a member of the*
22 *Board shall revert to the civil service grade and series held*
23 *by the member immediately before the appointment of the*
24 *member to the Board.*

1 “(e)(1) A member of the Board (other than the Chair-
2 man or a member of the Senior Executive Service) may
3 be removed as a member of the Board by reason of job per-
4 formance only as provided in subsections (c) and (d). Such
5 a member may be removed by the Secretary, upon the rec-
6 ommendation of the Chairman, for any other reason as de-
7 termined by the Secretary.

8 “(2) In the case of a removal of a member under this
9 section for a reason other than job performance that would
10 be covered by section 7521 of title 5 in the case of an admin-
11 istrative law judge, the removal of the member of the Board
12 shall be carried out subject to the same requirements as
13 apply to removal of an administrative law judge under that
14 section. Section 554(a)(2) of title 5 shall not apply to a
15 removal action under this subsection. In such a removal ac-
16 tion, a member shall have the rights set out in section
17 7513(b) of that title.

18 “(f) The Chairman, subject to the approval of the Sec-
19 retary, shall establish standards for the performance of the
20 job of a member of the Board (other than the Chairman
21 or a member of the Senior Executive Service). Those stand-
22 ards shall establish objective and fair criteria for evaluation
23 of the job performance of a member of the Board.

1 “(g) *The Secretary shall prescribe procedures for the*
2 *administration of this section, including deadlines and time*
3 *schedules for different actions under this section.*”.

4 (2) *The table of sections at the beginning of such chap-*
5 *ter is amended by inserting after the item relating to section*
6 *7101 the following new item:*

“7101A. Members of Board: appointment; pay; performance review.”.

7 (b) *SAVE PAY PROVISION.—The rate of basic pay pay-*
8 *able to an individual who is a member of the Board of Vet-*
9 *erans’ Appeals on the date of the enactment of this Act may*
10 *not be reduced by reason of the amendments made by this*
11 *section to a rate below the rate payable to such individual*
12 *on the day before such date.*

13 (c) *EFFECTIVE DATE.—Section 7101A(b) of title 38,*
14 *United States Code, as added by subsection (a), shall take*
15 *effect on the first day of the first pay period beginning after*
16 *December 31, 1994.*

17 (d) *CONFORMING AMENDMENTS.—Section 7101(b) is*
18 *amended—*

19 (1) *by striking out paragraph (2);*

20 (2) *by designating as paragraph (2) the text in*
21 *paragraph (1) beginning “The Chairman may be re-*
22 *moved”; and*

23 (3) *by striking out “Members (including the*
24 *Chairman)” in paragraph (3) and inserting in lieu*
25 *thereof “The Chairman”.*

1 **SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORM-**
2 **ANCE EVALUATION CRITERIA FOR BOARD**
3 **MEMBERS.**

4 (a) *DEADLINE.*—The job performance standards re-
5 quired to be established by section 7101A(f) of title 38, Unit-
6 ed States Code, as added by section 201(a), shall be estab-
7 lished not later than 90 days after the date of the enactment
8 of this Act.

9 (b) *SUBMISSION TO CONGRESSIONAL COMMITTEES.*—
10 Not later than the date on which the standards referred to
11 in subsection (a) take effect, the Secretary of Veterans Af-
12 fairs shall submit to the Committees on Veterans' Affairs
13 of the Senate and House of Representatives a report describ-
14 ing the standards established by the Chairman of the Board
15 of Veterans' Appeals.

16 **SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PEND-**
17 **ING APPOINTMENT OF SUCCESSOR.**

18 Section 7101(b)(3) is amended by adding at the end
19 the following new sentence: "If, upon the expiration of the
20 term of office for which the Chairman was appointed, the
21 position of Chairman would become vacant, the individual
22 serving as Chairman may, with the approval of the Sec-
23 retary, continue to serve as Chairman until either ap-
24 pointed to another term or a successor is appointed, but
25 not beyond the end of the Congress during which the term
26 of office expired."

1 **TITLE III—ADJUDICATION**
2 **IMPROVEMENTS**

3 **SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR**
4 **CLAIMS PURPOSES.**

5 (a) *STATEMENTS OF CLAIMANT TO BE ACCEPTED AS*
6 *PROOF OF RELATIONSHIPS.*—Chapter 51 is amended by
7 *adding at the end the following new section:*

8 **“§5124. Acceptance of claimant’s statement as proof**
9 **of relationship**

10 “(a) *For purposes of benefits under laws administered*
11 *by the Secretary, the Secretary may accept the written*
12 *statement of a claimant as proof of the existence of any*
13 *relationship specified in subsection (b) for the purpose of*
14 *acting on such individual’s claim for benefits.*

15 “(b) *Subsection (a) applies to proof of the existence of*
16 *any of the following relationships between a claimant and*
17 *another person:*

18 “(1) *Marriage.*

19 “(2) *Dissolution of a marriage.*

20 “(3) *Birth of a child.*

21 “(4) *Death of any family member.*

22 “(c) *The Secretary may require the submission of doc-*
23 *umentation in support of the claimant’s statement if—*

24 “(1) *the claimant does not reside within a State;*

1 **SEC. 302. EXPEDITED TREATMENT OF REMANDED CLAIMS.**

2 *The Secretary of Veterans Affairs shall take such ac-*
3 *tions as may be necessary to provide for the expeditious*
4 *treatment, by the Board of Veterans' Appeals and by the*
5 *regional offices of the Veterans Benefits Administration, of*
6 *any claim that has been remanded by the Board of Veter-*
7 *ans' Appeals or by the United States Court of Veterans Ap-*
8 *peals for additional development or other appropriate ac-*
9 *tion.*

10 **SEC. 303. SCREENING OF APPEALS.**

11 *Section 7107 is amended—*

12 *(1) in subsection (a)(1), by striking out "Each*
13 *case" and inserting in lieu thereof "Except as pro-*
14 *vided in subsection (f), each case"; and*

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

17 *"(f) Nothing in this section shall preclude the screening*
18 *of cases for purposes of—*

19 *"(1) determining the adequacy of the record for*
20 *decisional purposes; or*

21 *"(2) the development, or attempted development,*
22 *of a record found to be inadequate for decisional*
23 *purposes."*

1 **SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION OF**
2 **ADJUDICATION DIVISIONS IN VBA REGIONAL**
3 **OFFICES.**

4 *Not later than 180 days after the date of the enactment*
5 *of this Act, the Secretary of Veterans Affairs shall submit*
6 *to the Committees on Veterans' Affairs of the Senate and*
7 *House of Representatives a report addressing the feasibility*
8 *and impact of a reorganization of the adjudication divi-*
9 *sions located within the regional offices of the Veterans Ben-*
10 *efits Administration to a number of such divisions that*
11 *would result in improved efficiency in the processing of*
12 *claims filed by veterans, their survivors, or other eligible*
13 *persons for benefits administered by the Secretary.*

14 **TITLE IV—VETERANS' CLAIMS**
15 **ADJUDICATION COMMISSION**

16 **SEC. 401. ESTABLISHMENT OF COMMISSION.**

17 (a) *ESTABLISHMENT OF COMMISSION.*—*There is here-*
18 *by established a commission to be known as the Veterans'*
19 *Claims Adjudication Commission (hereinafter in this title*
20 *referred to as the "commission").*

21 (b) *MEMBERSHIP.*—(1) *The commission shall be com-*
22 *posed of nine members, appointed by the Secretary of Veter-*
23 *ans Affairs as follows:*

24 (A) *One member shall be appointed from among*
25 *former officials of the Department of Veterans Affairs*
26 *(or the Veterans' Administration).*

1 (B) Two members shall be appointed from
2 among individuals in the private sector who have ex-
3 pertise in the adjudication of claims relating to in-
4 surance or similar benefits.

5 (C) Two members shall be appointed from among
6 individuals employed in the Federal Government
7 (other than the Department of Veterans Affairs) who
8 have expertise in the adjudication of claims for bene-
9 fits under Federal law other than under laws admin-
10 istered by the Secretary of Veterans Affairs.

11 (D) Two members shall be appointed from
12 among individuals recommended to the Secretary by
13 representatives of veterans service organizations.

14 (E) One member shall be appointed based on a
15 recommendation of the American Bar Association or
16 a similar private organization from among individ-
17 uals who have expertise in the field of administrative
18 law.

19 (F) One member shall be appointed from among
20 current officials of the Department of Veterans Af-
21 fairs.

22 (2) The appointment of members of the commission
23 under this subsection shall be made not later than February
24 1, 1995.

1 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—Members
2 of the commission shall be appointed for the life of the com-
3 mission. A vacancy in the commission shall not affect its
4 powers, but shall be filled in the same manner as the origi-
5 nal appointment.

6 (d) *INITIAL MEETING.*—The commission shall hold its
7 first meeting not later than 30 days after the date on which
8 all members of the commission have been appointed.

9 (e) *MEETINGS.*—The commission shall meet at the call
10 of the chairman.

11 (f) *QUORUM.*—A majority of the members of the com-
12 mission shall constitute a quorum, but a lesser number may
13 hold hearings.

14 (g) *CHAIRMAN.*—The Secretary shall designate a mem-
15 ber of the commission (other than the commission member
16 who is a current official of the Department of Veterans Af-
17 fairs) to be chairman of the commission.

18 **SEC. 402. DUTIES OF THE COMMISSION.**

19 (a) *IN GENERAL.*—The commission shall carry out a
20 study of the Department of Veterans Affairs system for the
21 disposition of claims for veterans benefits.

22 (b) *PURPOSE OF STUDY.*—The purpose of the study is
23 to evaluate the Department of Veterans Affairs system for
24 the disposition of claims for veterans benefits in order to
25 determine the following:

1 (1) *The efficiency of current processes and proce-*
2 *dures under the system for the adjudication, resolu-*
3 *tion, review, and final disposition of claims for veter-*
4 *ans benefits, including the effect of judicial review on*
5 *the system, and means of increasing the efficiency of*
6 *the system.*

7 (2) *Means of reducing the number of claims*
8 *under the system for which final disposition is pend-*
9 *ing.*

10 (3) *Means of enhancing the ability of the Depart-*
11 *ment of Veterans Affairs to achieve final determina-*
12 *tion regarding claims under the system in a prompt*
13 *and appropriate manner.*

14 (c) *CONTENTS OF STUDY.*—*The study to be carried out*
15 *by the commission under this section is a comprehensive*
16 *evaluation and assessment of the Department of Veterans*
17 *Affairs system for the disposition of claims for veterans ben-*
18 *efits (as defined in section 406) and of the system for the*
19 *delivery of such benefits, together with any related issues*
20 *that the commission determines are relevant to the study.*
21 *The study shall include an evaluation and assessment of*
22 *the following:*

23 (1) *The preparation and submission of claims by*
24 *veterans under the system.*

1 (2) *The processes and procedures under the sys-*
2 *tem for the disposition of claims, including—*

3 (A) *the scope and nature of the review un-*
4 *dertaken with respect to a claim at each stage in*
5 *the claims disposition process, including the role*
6 *of hearings throughout the process;*

7 (B) *the number, Federal employment grade,*
8 *and experience and qualifications required of the*
9 *persons undertaking such review at each such*
10 *stage;*

11 (C) *opportunities for the submittal of new*
12 *evidence; and*

13 (D) *the availability of alternative means of*
14 *completing claims.*

15 (3) *The effect on the system of the participation*
16 *of attorneys, members of veterans service organiza-*
17 *tions, and other advocates on behalf of veterans.*

18 (4) *The effect on the system of actions taken by*
19 *the Secretary to modernize the information manage-*
20 *ment system of the Department, including the use of*
21 *electronic data management systems.*

22 (5) *The effect on the system of any work per-*
23 *formance standards used by the Secretary at regional*
24 *offices of the Department and at the Board of Veter-*
25 *ans' Appeals.*

1 (6) *The extent of the implementation in the sys-*
2 *tem of the recommendations of the Blue Ribbon Panel*
3 *on Claims Processing submitted to the Committees on*
4 *Veterans' Affairs of the Senate and House of Rep-*
5 *resentatives on December 2, 1993, and the effect of*
6 *such implementation on the system.*

7 (7) *The effectiveness in improving the system of*
8 *any pilot programs carried out by the Secretary at*
9 *regional offices of the Department and of efforts by*
10 *the Secretary to implement such programs throughout*
11 *the system.*

12 (8) *The effectiveness of the quality control prac-*
13 *tices and quality assurance practices under the sys-*
14 *tem in achieving the goals of such practices.*

15 (d) *COOPERATION OF SECRETARY.*—*Upon the request*
16 *of the chairman of the commission, the Secretary shall,*
17 *within 30 days of such request, submit to the commission,*
18 *and to the Committees on Veterans' Affairs of the Senate*
19 *and House of Representatives, such information as the*
20 *chairman shall determine is necessary for the commission*
21 *to carry out the study required under this section.*

22 (e) *REPORTS.*—(1) *Not later than one year after the*
23 *date of the enactment of this Act, the commission shall sub-*
24 *mit to the Secretary and to the Committees on Veterans'*
25 *Affairs of the Senate and House of Representatives a pre-*

1 *liminary report on the study required under subsection (c).*
2 *The report shall contain the preliminary findings and con-*
3 *clusions of the commission with respect to the evaluation*
4 *and assessment required under the study.*

5 (2) *Not later than 18 months after such date, the com-*
6 *mission shall submit to the Secretary and to such commit-*
7 *tees a report on such study. The report shall include the*
8 *following:*

9 (A) *The findings and conclusions of the commis-*
10 *sion, including its findings and conclusions with re-*
11 *spect to the matters referred to in subsection (c).*

12 (B) *The recommendations of the commission for*
13 *means of improving the Department of Veterans Af-*
14 *airs system for the disposition of claims for veterans*
15 *benefits.*

16 (C) *Such other information and recommenda-*
17 *tions with respect to the system as the commission*
18 *considers appropriate.*

19 **SEC. 403. POWERS OF THE COMMISSION.**

20 (a) *HEARINGS.*—*The commission may hold such hear-*
21 *ings, sit and act at such times and places, take such testi-*
22 *mony, and receive such evidence as the commission consid-*
23 *ers advisable to carry out the purposes of this title.*

24 (b) *INFORMATION FROM FEDERAL AGENCIES.*—*In ad-*
25 *dition to the information referred to in section 402(d), the*

1 *commission may secure directly from any Federal depart-*
2 *ment or agency such information as the commission consid-*
3 *ers necessary to carry out the provisions of this title. Upon*
4 *request of the chairman of the commission, the head of such*
5 *department or agency shall furnish such information to the*
6 *commission.*

7 (c) *POSTAL SERVICES.*—*The commission may use the*
8 *United States mails in the same manner and under the*
9 *same conditions as other departments and agencies of the*
10 *Federal Government.*

11 (d) *GIFTS.*—*The commission may accept, use, and dis-*
12 *pose of gifts or donations of services or property.*

13 ***SEC. 404. COMMISSION PERSONNEL MATTERS.***

14 (a) *COMPENSATION OF MEMBERS.*—*Each member of*
15 *the commission who is not an officer or employee of the*
16 *Federal Government shall be compensated at a rate equal*
17 *to the daily equivalent of the annual rate of basic pay pre-*
18 *scribed for level IV of the Executive Schedule under section*
19 *5315 of title 5, United States Code, for each day (including*
20 *travel time) during which such member is engaged in the*
21 *performance of the duties of the commission. All members*
22 *of the commission who are officers or employees of the Unit-*
23 *ed States shall serve without compensation in addition to*
24 *that received for their services as officers or employees of*
25 *the United States.*

1 (b) *TRAVEL EXPENSES.*—*The members of the commis-*
2 *sion shall be allowed travel expenses, including per diem*
3 *in lieu of subsistence, at rates authorized for employees of*
4 *agencies under subchapter I of chapter 57 of title 5, United*
5 *States Code, while away from their homes or regular places*
6 *of business in the performance of services for the commis-*
7 *sion.*

8 (c) *STAFF.*—(1) *The chairman of the commission may,*
9 *without regard to the civil service laws and regulations, ap-*
10 *point an executive director and such other personnel as may*
11 *be necessary to enable the commission to perform its duties.*
12 *The appointment of an executive director shall be subject*
13 *to approval by the commission.*

14 (2) *The chairman of the commission may fix the com-*
15 *penetration of the executive director and other personnel with-*
16 *out regard to the provisions of chapter 51 and subchapter*
17 *III of chapter 53 of title 5, United States Code, relating*
18 *to classification of positions and General Schedule pay*
19 *rates, except that the rate of pay for the executive director*
20 *and other personnel may not exceed the rate payable for*
21 *level V of the Executive Schedule under section 5316 of such*
22 *title.*

23 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Upon re-*
24 *quest of the chairman of the commission, the head of any*
25 *Federal department or agency may detail, on a*

1 *nonreimbursable basis, any personnel of the department or*
2 *agency to the commission to assist it in carrying out its*
3 *duties.*

4 *(e) PROCUREMENT OF TEMPORARY AND INTERMIT-*
5 *TENT SERVICES.—The chairman of the commission may*
6 *procure temporary and intermittent services under section*
7 *3109(b) of title 5, United States Code, at rates for individ-*
8 *uals which do not exceed the daily equivalent of the annual*
9 *rate of basic pay prescribed for level V of the Executive*
10 *Schedule under section 5316 of such title.*

11 **SEC. 405. TERMINATION OF THE COMMISSION.**

12 *The commission shall terminate 90 days after the date*
13 *on which the commission submits its report under section*
14 *402(e)(2).*

15 **SEC. 406. DEFINITIONS.**

16 *For the purposes of this title:*

17 *(1) The term “Department of Veterans Affairs*
18 *system for the disposition of claims for veterans bene-*
19 *fits” means the processes and procedures of the De-*
20 *partment of Veterans Affairs for the adjudication, res-*
21 *olution, review, and final disposition of claims for*
22 *benefits under the laws administered by the Secretary.*

23 *(2) The term “Secretary” means the Secretary of*
24 *Veterans Affairs.*

1 (3) *The term “veterans service organizations”*
2 *means any organization approved by the Secretary*
3 *under section 5902(a) of title 38, United States Code.*

4 **SEC. 407. FUNDING.**

5 (a) *FISCAL YEAR 1995.—From amounts appropriated*
6 *to the Department of Veterans Affairs for fiscal year 1995*
7 *for the payment of compensation and pension, the amount*
8 *of \$400,000 is hereby made available for the activities of*
9 *the commission under this title.*

10 (b) *AVAILABILITY.—Any sums appropriated to the*
11 *commission shall remain available until expended.*

12 **TITLE V—MISCELLANEOUS**
13 **PROVISIONS**

14 **SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CON-**
15 **CERNING COVERAGE OF RADIATION-EX-**
16 **POSED VETERANS COMPENSATION ACT OF**
17 **1988.**

18 (a) *RESTATEMENT OF ABSENCE OF STATUTORY LIMI-*
19 *TATION TO UNITED STATES TESTS.—Clause (i) of section*
20 *1112(c)(3)(B) is amended by inserting “(without regard to*
21 *whether the nation conducting the test was the United*
22 *States or another nation)” after “nuclear device”.*

23 (b) *PROOF OF SERVICE CONNECTION OF DISABILITIES*
24 *RELATING TO EXPOSURE TO IONIZING RADIATION.—(1)*
25 *Section 1113(b) is amended—*

1 **SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES**
2 **UNDER CONTINGENT FEE AGREEMENTS.**

3 (a) *CLARIFICATION.*—Subparagraph (A) of section
4 5904(d)(2) is amended to read as follows:

5 “(A) A fee agreement referred to in paragraph (1) is
6 one under which the total amount of the fee payable to the
7 attorney—

8 “(i) is to be paid to the attorney by the Sec-
9 retary directly from any past-due benefits awarded on
10 the basis of the claim; and

11 “(ii) is contingent on whether or not the matter
12 is resolved in a manner favorable to the claimant.”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
14 section (a) shall apply with respect to fee agreements en-
15 tered into on or after the date of the enactment of this Act.

16 **SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRE-**
17 **SUMPTIONS ESTABLISHED ADMINISTRA-**
18 **TIVELY.**

19 Section 1116(a)(2) is amended by adding at the end
20 the following new subparagraphs:

21 “(D) Hodgkin’s disease becoming manifest to a
22 degree of disability of 10 percent or more.

23 “(E) Porphyria cutanea tarda becoming mani-
24 fest to a degree of disability of 10 percent or more
25 within a year after the last date on which the veteran

1 *performed active military, naval, or air service in the*
2 *Republic of Vietnam during the Vietnam era.*

3 “(F) *Respiratory cancers (cancer of the lung,*
4 *bronchus, larynx, or trachea) becoming manifest to a*
5 *degree of 10 percent or more within 30 years after the*
6 *last date on which the veteran performed active mili-*
7 *tary, naval, or air service in the Republic of Vietnam*
8 *during the Vietnam era.*

9 “(G) *Multiple myeloma becoming manifest to a*
10 *degree of disability of 10 percent or more.*”

11 ***SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NA-***
12 ***TIVES FOR PURPOSES OF NEEDS-BASED BEN-***
13 ***EFITS.***

14 *Any receipt by an individual from a Native Corpora-*
15 *tion under the Alaska Native Claims Settlement Act (43*
16 *U.S.C. 1601 et seq.) of cash, stock, land, or other interests*
17 *referred to in subparagraphs (A) through (E) of section*
18 *29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt*
19 *is attributable to the disposition of real property, profits*
20 *from the operation of real property, or otherwise) shall not*
21 *be countable as income for purposes of any law adminis-*
22 *tered by the Secretary of Veterans Affairs.*

1 **SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT**
2 **OF CERTAIN BENEFITS IN PHILIPPINE PESOS.**

3 (a) *GENERAL RULE.*—The second sentence of each of
4 subsections (a) and (b) of section 107 is amended—

5 (1) by striking out “rate in pesos as is equiva-
6 lent to” and inserting in lieu thereof “rate of”; and

7 (2) by striking out “rate in Philippine pesos as
8 is equivalent to” and inserting in lieu thereof “rate
9 of”.

10 (b) *SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL AS-*
11 *SISTANCE.*—Sections 3532(d) and 3565(b)(1) are amended
12 by striking out “a rate in Philippine pesos equivalent to”
13 and inserting in lieu thereof “the rate of”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall apply with respect to payments made after De-
16 cember 31, 1994.

17 **SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY**
18 **MEMBERS OF ATOMIC VETERANS OF EXPO-**
19 **SURE OF ATOMIC VETERANS TO IONIZING RA-**
20 **DIATION.**

21 (a) *INTERAGENCY AGREEMENT.*—The Secretary of Vet-
22 erans Affairs shall enter into an agreement with the Medical
23 Follow-Up Agency of the Institute of the Medicine of the
24 National Academy of Sciences under which that agency
25 shall convene a panel of appropriate individuals to carry
26 out the evaluation described in subsection (b).

1 (b) *EVALUATION OF FEASIBILITY OF STUDY.*—(1) *The*
2 *panel convened under subsection (a) shall evaluate the fea-*
3 *sibility of carrying out a study as described in subsection*
4 *(c).*

5 (2) *The panel shall submit the results of the evaluation*
6 *under paragraph (1) to the Secretary not later than 180*
7 *days after the date of the enactment of this Act. The Sec-*
8 *retary shall promptly notify the Committees on Veterans'*
9 *Affairs of the Senate and the House of Representatives of*
10 *such results.*

11 (c) *DESCRIPTION OF STUDY TO BE EVALUATED.*—*The*
12 *study referred to in subsection (b) (the feasibility of which*
13 *is to be evaluated under that subsection by the panel con-*
14 *vened under subsection (a)) is one which would determine*
15 *the nature and extent, if any, of the relationship between*
16 *the exposure of veterans described in subsection (d) to ioniz-*
17 *ing radiation and the following:*

18 (1) *Genetic defects and illnesses in the children*
19 *and grandchildren of such veterans.*

20 (2) *Untoward pregnancy outcomes experienced*
21 *by the wives of such veterans, including premature*
22 *births, stillbirths, miscarriages, neonatal illnesses and*
23 *deaths.*

1 (3) *Periparturient diseases of the mother which*
2 *are the direct result of such untoward pregnancy out-*
3 *comes.*

4 (d) *COVERED VETERANS.—Subsection (c) applies to—*

5 (1) *any veteran who was exposed (as determined*
6 *by the Secretary) to ionizing radiation as a result*
7 *of—*

8 (A) *participation while on active duty in*
9 *the Armed Forces in an atmospheric nuclear test*
10 *that included the detonation of a nuclear device;*

11 (B) *service in the Armed Forces with the*
12 *United States occupation force of Hiroshima or*
13 *Nagasaki, Japan, before July 1, 1946; or*

14 (C) *internment or detention as a prisoner of*
15 *war of Japan before that date in circumstances*
16 *providing the opportunity for exposure to ioniz-*
17 *ing radiation comparable to the exposure of indi-*
18 *viduals who served with such occupation force*
19 *before that date; and*

20 (2) *any other veteran who the Secretary des-*
21 *ignates for coverage under the study.*

1 **SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER**
2 **FOR WOMEN VETERANS.**

3 (a) *IN GENERAL.*—Chapter 3 is amended by striking
4 out section 317 and inserting in lieu thereof the following
5 new sections:

6 **“§ 317. Center for Minority Veterans**

7 “(a) *There is in the Department a Center for Minority*
8 *Veterans. There is at the head of the Center a Director.*

9 “(b) *The Director shall be a noncareer appointee in*
10 *the Senior Executive Service. The Director shall be ap-*
11 *pointed for a term of six years.*

12 “(c) *The Director reports directly to the Secretary or*
13 *the Deputy Secretary concerning the activities of the Center.*

14 “(d) *The Director shall perform the following functions*
15 *with respect to veterans who are minorities:*

16 “(1) *Serve as principal adviser to the Secretary*
17 *on the adoption and implementation of policies and*
18 *programs affecting veterans who are minorities.*

19 “(2) *Make recommendations to the Secretary, the*
20 *Under Secretary for Health, the Under Secretary for*
21 *Benefits, and other Department officials for the estab-*
22 *lishment or improvement of programs in the Depart-*
23 *ment for which veterans who are minorities are eligi-*
24 *ble.*

25 “(3) *Promote the use of benefits authorized by*
26 *this title by veterans who are minorities and the con-*

1 *duct of outreach activities to veterans who are mi-*
2 *norities, in conjunction with outreach activities car-*
3 *ried out under chapter 77 of this title.*

4 *“(4) Disseminate information and serve as a re-*
5 *source center for the exchange of information regard-*
6 *ing innovative and successful programs which im-*
7 *prove the services available to veterans who are mi-*
8 *norities.*

9 *“(5) Conduct and sponsor appropriate social*
10 *and demographic research on the needs of veterans*
11 *who are minorities and the extent to which programs*
12 *authorized under this title meet the needs of those vet-*
13 *erans, without regard to any law concerning the col-*
14 *lection of information from the public.*

15 *“(6) Analyze and evaluate complaints made by*
16 *or on behalf of veterans who are minorities about the*
17 *adequacy and timeliness of services provided by the*
18 *Department and advise the appropriate official of the*
19 *Department of the results of such analysis or evalua-*
20 *tion.*

21 *“(7) Consult with, and provide assistance and*
22 *information to, officials responsible for administering*
23 *Federal, State, local, and private programs that assist*
24 *veterans, to encourage those officials to adopt policies*

1 *which promote the use of those programs by veterans*
2 *who are minorities.*

3 “(8) Advise the Secretary when laws or policies
4 *have the effect of discouraging the use of benefits by*
5 *veterans who are minorities.*

6 “(9) Publicize the results of medical research
7 *which are of particular significance to veterans who*
8 *are minorities.*

9 “(10) Perform such other duties consistent with
10 *this section as the Secretary shall prescribe.*

11 “(e) The Secretary shall ensure that the Director is fur-
12 *nished sufficient resources to enable the Director to carry*
13 *out the functions of the Center in a timely manner.*

14 “(f) The Secretary shall include in documents submit-
15 *ted to Congress by the Secretary in support of the Presi-*
16 *dent’s budget for each fiscal year—*

17 “(1) detailed information on the budget for the
18 *Center;*

19 “(2) the Secretary’s opinion as to whether the re-
20 *sources (including the number of employees) proposed*
21 *in the budget for that fiscal year are adequate to en-*
22 *able the Center to comply with its statutory and regu-*
23 *latory duties; and*

1 “(3) a report on the activities and significant
2 accomplishments of the Center during the preceding
3 fiscal year.

4 **“§ 318. Center for Women Veterans**

5 “(a) There is in the Department a Center for Women
6 Veterans. There is at the head of the Center a Director.

7 “(b) The Director shall be a noncareer appointee in
8 the Senior Executive Service. The Director shall be ap-
9 pointed for a term of six years.

10 “(c) The Director reports directly to the Secretary or
11 the Deputy Secretary concerning the activities of the Center.

12 “(d) The Director shall perform the following functions
13 with respect to veterans who are women:

14 “(1) Serve as principal adviser to the Secretary
15 on the adoption and implementation of policies and
16 programs affecting veterans who are women.

17 “(2) Make recommendations to the Secretary, the
18 Under Secretary for Health, the Under Secretary for
19 Benefits, and other Department officials for the estab-
20 lishment or improvement of programs in the Depart-
21 ment for which veterans who are women are eligible.

22 “(3) Promote the use of benefits authorized by
23 this title by veterans who are women and the conduct
24 of outreach activities to veterans who are women, in

1 *conjunction with outreach activities carried out under*
2 *chapter 77 of this title.*

3 “(4) Disseminate information and serve as a re-
4 source center for the exchange of information regard-
5 ing innovative and successful programs which im-
6 prove the services available to veterans who are
7 women.

8 “(5) Conduct and sponsor appropriate social
9 and demographic research on the needs of veterans
10 who are women and the extent to which programs au-
11 thorized under this title meet the needs of those veter-
12 ans, without regard to any law concerning the collec-
13 tion of information from the public.

14 “(6) Analyze and evaluate complaints made by
15 or on behalf of veterans who are women about the
16 adequacy and timeliness of services provided by the
17 Department and advise the appropriate official of the
18 Department of the results of such analysis or evalua-
19 tion.

20 “(7) Consult with, and provide assistance and
21 information to, officials responsible for administering
22 Federal, State, local, and private programs that assist
23 veterans, to encourage those officials to adopt policies
24 which promote the use of those programs by veterans
25 who are women.

1 “(8) Advise the Secretary when laws or policies
2 have the effect of discouraging the use of benefits by
3 veterans who are women.

4 “(9) Publicize the results of medical research
5 which are of particular significance to veterans who
6 are women.

7 “(10) Advise the Secretary and other appro-
8 priate officials on the effectiveness of the Department’s
9 efforts to accomplish the goals of section 492B of the
10 Public Health Service Act (relating to the inclusion
11 of women and minorities in clinical research) and of
12 particular health conditions affecting womens’ health
13 which should be studied as part of the Department’s
14 medical research program and promote cooperation
15 between the Department and other sponsors of medi-
16 cal research of potential benefit to veterans who are
17 women.

18 “(11) Provide support and administrative serv-
19 ices to the Advisory Committee on Women Veterans
20 established under section 542 of this title.

21 “(12) Perform such other duties consistent with
22 this section as the Secretary shall prescribe.

23 “(e) The Secretary shall ensure that the Director is fur-
24 nished sufficient resources to enable the Director to carry
25 out the functions of the Center in a timely manner.

1 “(f) The Secretary shall include in documents submit-
2 ted to Congress by the Secretary in support of the Presi-
3 dent’s budget for each fiscal year—

4 “(1) detailed information on the budget for the
5 Center;

6 “(2) the Secretary’s opinion as to whether the re-
7 sources (including the number of employees) proposed
8 in the budget for that fiscal year are adequate to en-
9 able the Center to comply with its statutory and regu-
10 latory duties; and

11 “(3) a report on the activities and significant
12 accomplishments of the Center during the preceding
13 fiscal year.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of such chapter is amended by striking out
16 the item relating to section 317 and and inserting in lieu
17 thereof the following new items:

 “317. Center for Minority Veterans.

 “318. Center for Women Veterans.”.

18 **SEC. 510. ADVISORY COMMITTEE ON MINORITY VETERANS.**

19 (a) *ESTABLISHMENT.*—Subchapter III of chapter 5 is
20 amended by adding at the end the following new section:

21 **“§ 544. Advisory Committee on Minority Veterans**

22 “(a)(1) The Secretary shall establish an advisory com-
23 mittee to be known as the Advisory Committee on Minority

1 *Veterans (hereinafter in this section referred to as ‘the Com-*
2 *mittee’).*

3 “(2)(A) *The Committee shall consist of members ap-*
4 *pointed by the Secretary from the general public, includ-*
5 *ing—*

6 “(i) *representatives of veterans who are minority*
7 *group members;*

8 “(ii) *individuals who are recognized authorities*
9 *in fields pertinent to the needs of veterans who are*
10 *minority group members;*

11 “(iii) *veterans who are minority group members*
12 *and who have experience in a military theater of op-*
13 *erations; and*

14 “(iv) *veterans who are minority group members*
15 *and who do not have such experience.*

16 “(B) *The Committee shall include, as ex officio mem-*
17 *bers, the following:*

18 “(i) *The Secretary of Labor (or a representative*
19 *of the Secretary of Labor designated by the Secretary*
20 *after consultation with the Assistant Secretary of*
21 *Labor for Veterans’ Employment).*

22 “(ii) *The Secretary of Defense (or a representa-*
23 *tive of the Secretary of Defense designated by the Sec-*
24 *retary of Defense).*

1 “(iii) *The Secretary of the Interior (or a rep-*
2 *resentative of the Secretary of the Interior designated*
3 *by the Secretary of the Interior).*

4 “(iv) *The Secretary of Commerce (or a represent-*
5 *ative of the Secretary of Commerce designated by the*
6 *Secretary of Commerce).*

7 “(v) *The Secretary of Health and Human Serv-*
8 *ices (or a representative of the Secretary of Health*
9 *and Human Services designated by the Secretary of*
10 *Health and Human Services).*

11 “(vi) *The Under Secretary for Health and the*
12 *Under Secretary for Benefits, or their designees.*

13 “(C) *The Secretary may invite representatives of other*
14 *departments and agencies of the United States to partici-*
15 *pate in the meetings and other activities of the Committee.*

16 “(3) *The Secretary shall determine the number, terms*
17 *of service, and pay and allowances of members of the Com-*
18 *mittee appointed by the Secretary, except that a term of*
19 *service of any such member may not exceed three years. The*
20 *Secretary may reappoint any such member for additional*
21 *terms of service.*

22 “(4) *The Committee shall meet as often as the Sec-*
23 *retary considers necessary or appropriate, but not less often*
24 *than twice each fiscal year.*

1 “(b) The Secretary shall, on a regular basis, consult
2 with and seek the advice of the Committee with respect to
3 the administration of benefits by the Department for veter-
4 ans who are minority group members, reports and studies
5 pertaining to such veterans and the needs of such veterans
6 with respect to compensation, health care, rehabilitation,
7 outreach, and other benefits and programs administered by
8 the Department.

9 “(c)(1) Not later than July 1 of each year, the Commit-
10 tee shall submit to the Secretary a report on the programs
11 and activities of the Department that pertain to veterans
12 who are minority group members. Each such report shall
13 include—

14 “(A) an assessment of the needs of veterans who
15 are minority group members with respect to com-
16 pensation, health care, rehabilitation, outreach, and
17 other benefits and programs administered by the De-
18 partment;

19 “(B) a review of the programs and activities of
20 the Department designed to meet such needs; and

21 “(C) such recommendations (including rec-
22 ommendations for administrative and legislative ac-
23 tion) as the Committee considers appropriate.

24 “(2) The Secretary shall, within 60 days after receiv-
25 ing each report under paragraph (1), submit to Congress

1 *a copy of the report, together with any comments concern-*
2 *ing the report that the Secretary considers appropriate.*

3 “(3) *The Committee may also submit to the Secretary*
4 *such other reports and recommendations as the Committee*
5 *considers appropriate.*

6 “(4) *The Secretary shall submit with each annual re-*
7 *port submitted to the Congress pursuant to section 529 of*
8 *this title a summary of all reports and recommendations*
9 *of the Committee submitted to the Secretary since the pre-*
10 *vious annual report of the Secretary submitted pursuant*
11 *to such section.*

12 “(d) *In this section, the term ‘minority group member’*
13 *means an individual who is—*

14 “(1) *Asian American;*

15 “(2) *Black;*

16 “(3) *Hispanic;*

17 “(4) *Native American (including American In-*
18 *dian, Alaskan Native, and Native Hawaiian); or*

19 “(5) *Pacific-Islander American.*

20 “(e) *The Committee shall cease to exist December 31,*
21 *1997.”.*

22 (b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of such chapter is amended by adding after*
24 *the item relating to section 543 the following new item:*

“544. Advisory Committee on Minority Veterans.”.

1 **SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT**
2 **OF VETERANS APPEALS.**

3 (a) *IN GENERAL.*—Section 7266(a) is amended to read
4 as follows:

5 “(a)(1) *In order to obtain review by the Court of Veter-*
6 *ans Appeals of a final decision of the Board of Veterans’*
7 *Appeals, a person adversely affected by such decision shall*
8 *file a notice of appeal with the Court within 120 days after*
9 *the date on which notice of the decision is mailed pursuant*
10 *to section 7104(e) of this title.*

11 “(2) *An appellant shall file a notice of appeal under*
12 *this section by delivering or mailing the notice to the Court.*

13 “(3) *A notice of appeal shall be deemed to be received*
14 *by the Court as follows:*

15 “(A) *On the date of receipt by the Court, if the*
16 *notice is delivered.*

17 “(B) *On the date of the United States Post Serv-*
18 *ice postmark stamped on the cover in which the notice*
19 *is posted, if the notice is properly addressed to the*
20 *Court and is mailed.*

21 “(4) *For a notice of appeal mailed to the Court to be*
22 *deemed to be received under paragraph (3)(B) on a particu-*
23 *lar date, the United States Postal Service postmark on the*
24 *cover in which the notice is posted must be legible. The*
25 *Court shall determine the legibility of any such postmark*

1 *and the Court's determination as to legibility shall be final*
2 *and not subject to review by any other Court."*

3 (b) *APPLICATION.—The amendment made by sub-*
4 *section (a) shall take effect on the date of the enactment*
5 *of this Act and shall apply to notices of appeal that are*
6 *delivered or mailed to the United States Court of Veterans*
7 *Appeals on or after that date.*

8 ***TITLE VI—EDUCATION AND***
9 ***TRAINING PROGRAMS***

10 ***SEC. 601. FLIGHT TRAINING.***

11 (a) *ACTIVE DUTY PROGRAM.—Section 3034(d) is*
12 *amended—*

13 (1) *by striking out paragraph (2);*

14 (2) *by striking out "(1)" after "(d)"; and*

15 (3) *by redesignating subparagraphs (A), (B),*
16 *and (C) as paragraphs (1), (2), and (3), respectively.*

17 (b) *POST-VIETNAM ERA.—Section 3241(b) is amend-*
18 *ed—*

19 (1) *by striking out paragraph (2);*

20 (2) *by striking out "(1)" after "(b)"; and*

21 (3) *by redesignating subparagraphs (A), (B),*
22 *and (C) as paragraphs (1), (2), and (3), respectively.*

23 (c) *RESERVE PROGRAM.—Section 2136(c) of title 10,*
24 *United States Code, is amended—*

25 (1) *by striking out paragraph (2);*

1 (2) by striking out “(1)” after “(c)”; and

2 (3) by redesignating subparagraphs (A), (B),
3 and (C) as paragraphs (1), (2), and (3), respectively.

4 (d) *EFFECTIVE DATE*.—The amendments made by this
5 section shall take effect as of October 1, 1994.

6 **SEC. 602. TRAINING AND REHABILITATION FOR VETERANS**

7 **WITH SERVICE-CONNECTED DISABILITIES.**

8 (a) *REHABILITATION RESOURCES*.—Section 3115 is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking out “or” after “(includ-
13 ing the Department of Veterans Affairs),”;
14 and

15 (ii) by inserting “or of any federally
16 recognized Indian tribe,” after “financial
17 assistance,”; and

18 (B) in paragraph (4), by inserting “any
19 federally recognized Indian tribe,” after “con-
20 tributions,”; and

21 (2) by adding at the end the following:

22 “(c) For purposes of this section, the term ‘federally
23 recognized Indian tribe’ means any Indian tribe, band, na-
24 tion, pueblo, or other organized group or community, in-
25 cluding any Alaska Native village or regional corporation

1 *as defined in or established pursuant to the Alaska Native*
2 *Claims Settlement Act, which is recognized as eligible for*
3 *the special programs and services provided by the United*
4 *States to Indians because of their status as Indians.”.*

5 (b) *ALLOWANCES.*—Section 3108(c)(2) is amended by
6 inserting “or federally recognized Indian tribe” after “local
7 government agency”.

8 (c) *TECHNICAL CORRECTION.*—(1) Section 404(b) of
9 the Veterans’ Benefits Act of 1992 (106 Stat. 4338) is
10 amended by striking out the period at the end and inserting
11 in lieu thereof “, but shall not apply to veterans and other
12 persons who originally applied for assistance under chapter
13 31 of title 38, United States Code, before November 1,
14 1990.”.

15 (2) The amendment made by paragraph (1) shall take
16 effect as of October 29, 1992.

17 **SEC. 603. ALTERNATIVE TEACHER CERTIFICATION PRO-**
18 **GRAMS.**

19 (a) *IN GENERAL.*—Section 3452(c) is amended by add-
20 ing at the end the following: “For the period ending on Sep-
21 tember 30, 1996, such term includes any entity that pro-
22 vides training required for completion of any State-ap-
23 proved alternative teacher certification program (as deter-
24 mined by the Secretary).”.

1 (b) *CLARIFYING AMENDMENT.*—Section 3002 is
2 amended by adding at the end the following new paragraph:

3 “(8) The term ‘educational institution’ has the mean-
4 ing given such term in section 3452(c) of this title.”.

5 **SEC. 604. EDUCATION OUTSIDE THE UNITED STATES.**

6 (a) *IN GENERAL.*—The first sentence of section 3476
7 is amended to read as follows: “An eligible veteran may
8 not enroll in any course offered by an educational institu-
9 tion not located in a State unless that educational institu-
10 tion is an approved institution of higher learning and the
11 course is approved by the Secretary.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall apply with respect to courses approved on
14 or after the date of the enactment of this Act.

15 **SEC. 605. CORRESPONDENCE COURSES.**

16 (a) *APPROVAL OF PROGRAMS OF EDUCATION.*—(1)
17 Section 3672 is amended by adding at the end the following
18 new subsection:

19 “(e) A program of education exclusively by correspond-
20 ence, and the correspondence portion of a combination cor-
21 respondence-residence course leading to a vocational objec-
22 tive, that is offered by an educational institution (as de-
23 fined in section 3452(c) of this title) may be approved only
24 if (1) the educational institution is accredited by an entity
25 recognized by the Secretary of Education, and (2) at least

1 50 percent of those pursuing such a program or course re-
2 quire six months or more to complete the program or
3 course.”.

4 (2)(A) Section 3675(a)(2)(B) is amended by striking
5 out “A State” and inserting in lieu thereof “Except as pro-
6 vided in section 3672(e) of this title, a State”.

7 (B) Section 3680(a) is amended—

8 (i) by inserting “or” at the end of paragraph
9 (2);

10 (ii) by striking out “; or” at the end of para-
11 graph (3) and inserting in lieu thereof a period; and

12 (iii) by striking out paragraph (4).

13 (C) Section 3686(c) is amended by striking out “(other
14 than one subject to the provisions of section 3676 of this
15 title)”.

16 (b) *EFFECTIVE DATE.*—The amendments made by sub-
17 section (a) shall apply with respect to programs of edu-
18 cation exclusively by correspondence and to correspondence-
19 residence courses commencing more than 90 days after the
20 date of the enactment of this Act.

21 **SEC. 606. STATE APPROVING AGENCIES.**

22 (a) *REIMBURSEMENT.*—(1) Section 3674(a)(4) is
23 amended by striking out “\$12,000,000” each place it ap-
24 pears and inserting in lieu thereof “\$13,000,000”.

1 (2) *The amendments made by subsection (a) shall*
2 *apply with respect to services provided under such section*
3 *after September 30, 1994.*

4 (b) *ELIMINATION OF REQUIREMENT FOR QUARTERLY*
5 *REPORT TO CONGRESS.—Section 3674(a)(3) is amended—*

6 (1) *by striking out subparagraph (B); and*

7 (2) *by striking out “(A)” after “(3)”.*

8 (c) *EVALUATION OF AGENCY PERFORMANCE.—Section*
9 *3674A is amended—*

10 (1) *in subsection (a)—*

11 (A) *by striking out paragraph (3); and*

12 (B) *by redesignating paragraphs (4) and*
13 *(5) as paragraphs (3) and (4), respectively; and*

14 (2) *in subsection (b)—*

15 (A) *by striking out “subsection (a)(5) of*
16 *this section” both places it appears and inserting*
17 *in lieu thereof “subsection (a)(4)”;* and

18 (B) *by inserting “of this title” after “section*
19 *3674(a)” both places it appears.*

20 **SEC. 607. MEASUREMENT OF COURSES.**

21 Section 3688(b) is amended—

22 (1) *by striking out “this chapter or” and insert-*
23 *ing in lieu thereof “this chapter,”;* and

24 (2) *by inserting before the period at the end*
25 *thereof the following: “, or chapter 106 of title 10”.*

1 **SEC. 608. VETERANS' ADVISORY COMMITTEE ON EDU-**
2 **CATION.**

3 *Section 3692 is amended—*

4 *(1) in the first sentence of subsection (a)—*

5 *(A) by striking out “34,”; and*

6 *(B) by inserting “and chapter 106 of title*
7 *10” before the period at the end;*

8 *(2) in the first sentence of subsection (b), by*
9 *striking out “this chapter” and all that follows*
10 *through “of this title” and inserting in lieu thereof*
11 *“this chapter, chapter 30, 32, and 35 of this title, and*
12 *chapter 106 of title 10”; and*

13 *(3) in subsection (c), by striking out “December*
14 *31, 1994” and inserting in lieu thereof “December 31,*
15 *2003”.*

16 **SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL**
17 **COUNSELING.**

18 *(a) PAYMENT LIMITATION.—Section 3697(b) is*
19 *amended by striking out “\$5,000,000” and inserting in lieu*
20 *thereof “\$6,000,000”.*

21 *(b) EFFECTIVE DATE.—The amendment made by sub-*
22 *section (a) shall take effect on October 1, 1994.*

23 **SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION**
24 **AND TRAINING ACT OF 1992.**

25 *(a) PERIOD OF TRAINING.—(1) Section 4485(d) of the*
26 *Service Members Occupational Conversion and Training*

1 *Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is*
2 *amended by striking out “or more than 18 months”.*

3 *(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760;*
4 *10 U.S.C. 1143 note) is amended by striking out the period*
5 *at the end thereof and inserting in lieu thereof the following:*
6 *“in the community for the entire period of training of the*
7 *eligible person.”.*

8 *(B) The amendment made by subparagraph (A) shall*
9 *apply with respect to programs of training under the Serv-*
10 *ice Members Occupational Conversion and Training Act of*
11 *1992 beginning after the date of the enactment of this Act.*

12 *(b) PAYMENTS.—Section 4487 of such Act (106 Stat.*
13 *2762; 10 U.S.C. 1143 note) is amended—*

14 *(1) in subsection (a)(1)—*

15 *(A) by striking out “subparagraph (B)” in*
16 *subparagraph (A) and inserting in lieu thereof*
17 *“subparagraphs (B) and (C)”;*

18 *(B) by inserting before the period at the end*
19 *of subparagraph (A) the following: “but in no*
20 *event to exceed hours equivalent to 18 months of*
21 *training”;* and

22 *(C) by adding at the end the following new*
23 *subparagraph:*

24 *“(C) Assistance may be paid under this subtitle on be-*
25 *half of an eligible person to that person’s employer for*

1 *training under two or more programs of job training under*
2 *this subtitle if such employer has not received (or is not*
3 *due) on that person's behalf assistance in an amount aggre-*
4 *gating the applicable amount set forth in subparagraph*
5 *(B)."; and*

6 *(2) in subsection (b)(3), by inserting before the*
7 *period at the end thereof “, or upon the completion*
8 *of the 18th month of training under the last training*
9 *program approved for the person's pursuit with that*
10 *employer under this subtitle, whichever is earlier”.*

11 *(c) ENTRY INTO PROGRAM OF JOB TRAINING.—Sec-*
12 *tion 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143*
13 *note) is amended by striking out the third sentence thereof*
14 *and inserting in lieu thereof “The eligible person may begin*
15 *such program of job training with the employer on the day*
16 *that notice is transmitted to such official by means pre-*
17 *scribed by such official. However, assistance under this sub-*
18 *title may not be provided to the employer if such official,*
19 *within two weeks after the date on which such notice is*
20 *transmitted, disapproves the eligible person's entry into*
21 *that program of job training in accordance with this sec-*
22 *tion.”.*

1 **TITLE VII—EMPLOYMENT**
2 **PROGRAMS**

3 **SEC. 701. JOB COUNSELING, TRAINING, AND PLACEMENT.**

4 (a) *DEPUTY ASSISTANT SECRETARY OF LABOR FOR*
5 *VETERANS’ EMPLOYMENT AND TRAINING.*—Section
6 *4102A(a)* is amended—

7 (1) by striking out “(1)” and “(2)” and insert-
8 ing in lieu thereof “(A)” and “(B)”, respectively;

9 (2) by inserting “(1)” after “(a)”; and

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

11 “(2) There shall be within the Department of Labor
12 a Deputy Assistant Secretary of Labor for Veterans’ Em-
13 ployment and Training. The Deputy Assistant Secretary
14 shall perform such functions as the Assistant Secretary of
15 Labor for Veterans’ Employment and Training prescribes.
16 The Deputy Assistant Secretary shall be a veteran.”.

17 (b) *DVOP SPECIALISTS COMPENSATION RATES.*—Sec-
18 *tion 4103A(a)(1)* is amended by striking out “a rate not
19 less than the rate prescribed for an entry level professional”
20 and inserting in lieu thereof “rates comparable to those
21 paid other professionals performing essentially similar du-
22 ties”.

23 (c) *SPECIAL UNEMPLOYMENT STUDY.*—Subsection (a)
24 of section 4110A is amended to read as follows:

1 “(a)(1) *The Secretary, through the Bureau of Labor*
2 *Statistics, shall conduct a study every two years of unem-*
3 *ployment among each of the following categories of veterans:*

4 “(A) *Special disabled veterans.*

5 “(B) *Veterans of the Vietnam era who served in*
6 *the Vietnam theater of operations during the Vietnam*
7 *era.*

8 “(C) *Veterans who served on active duty during*
9 *the Vietnam era who did not serve in the Vietnam*
10 *theater of operations.*

11 “(D) *Veterans who served on active duty after*
12 *the Vietnam era.*

13 “(E) *Veterans discharged or released from active*
14 *duty within four years of the applicable study.*

15 “(2) *Within each of the categories of veterans specified*
16 *in paragraph (1), the Secretary shall include a separate*
17 *category for women who are veterans.*

18 “(3) *The Secretary shall promptly submit to Congress*
19 *a report on the results of each study under paragraph (1).”.*

20 **SEC. 702. EMPLOYMENT AND TRAINING OF VETERANS.**

21 (a) *FEDERAL CONTRACTS.*—Section 4212(a) is
22 *amended by striking out “all of its suitable employment*
23 *openings,” in clause (1) of the third sentence and inserting*
24 *in lieu thereof “all of its employment openings except that*
25 *the contractor may exclude openings for executive and top*

1 *management positions, positions which are to be filled from*
2 *within the contractor's organization, and positions lasting*
3 *three days or less,".*

4 (b) *ELIGIBILITY REQUIREMENTS FOR VETERANS*
5 *UNDER FEDERAL EMPLOYMENT AND TRAINING PRO-*
6 *GRAMS.—Section 4213 is amended—*

7 (1) *by striking out "chapters 11, 13, 31, 34, 35,*
8 *and 36 of this title by an eligible veteran and" and*
9 *inserting in lieu thereof "chapters 11, 13, 30, 31, 35,*
10 *and 36 of this title by an eligible veteran,";*

11 (2) *by inserting "and any amounts received by*
12 *an eligible person under chapter 106 of title 10," after*
13 *"chapters 13 and 35 of such title, and"; and*

14 (3) *by striking out "the needs or qualifications*
15 *of participants in" and inserting in lieu thereof "eli-*
16 *gibility under".*

17 **SEC. 703. CONFORMING AMENDMENTS TO ERISA RELATING**
18 **TO THE UNIFORMED SERVICES EMPLOYMENT**
19 **AND REEMPLOYMENT RIGHTS ACT OF 1994.**

20 (a) *PERIOD OF CONTINUATION COVERAGE.—Section*
21 *602(2)(A) of the Employee Retirement Income Security Act*
22 *of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at*
23 *the end the following new clause:*

24 (vi) *SPECIAL RULE FOR ABSENCE*
25 *FROM EMPLOYMENT BY REASON OF SERVICE*

1 *IN THE UNIFORMED SERVICES.*—*In the case*
2 *of a qualifying event described in section*
3 *603(2), resulting in an absence from em-*
4 *ployment by reason of service in the uni-*
5 *formed services to which section 4317 of*
6 *title 38, United States Code, applies, if the*
7 *covered employee makes an election under*
8 *such section 4317, the date which is the ear-*
9 *lier of—*

10 *“(I) 18 months after the date of*
11 *the qualifying event, or*

12 *“(II) the day after the date on*
13 *which the covered employee fails to*
14 *apply for or return to a position of*
15 *employment, as determined under sec-*
16 *tion 4312(e) of such title 38.”.*

17 *(b) PREMIUM REQUIREMENTS.*—*Section 602(3) of*
18 *such Act (29 U.S.C. 1162(3)) is amended—*

19 *(1) by redesignating subparagraphs (A) and (B)*
20 *as clauses (i) and (ii), respectively;*

21 *(2) by striking “The plan may require” and in-*
22 *serting the following:*

23 *“(A) IN GENERAL.—The plan may require”;*

1 (3) by adjusting the left-hand margination of
2 subparagraph (A) and clauses (i) and (ii) thereof (as
3 redesignated by paragraphs (1) and (2)) accordingly;

4 (4) in the last sentence of subparagraph (A) (as
5 redesignated), by striking “subparagraph (A) of this
6 paragraph” and inserting “clause (i) of this subpara-
7 graph”; and

8 (5) by adding at the end the following new sub-
9 paragraph:

10 “(B) *SPECIAL RULE FOR ABSENCE FROM*
11 *EMPLOYMENT BY REASON OF SERVICE IN THE*
12 *UNIFORMED SERVICES.—*

13 “(i) *LIMITATION ON EMPLOYEE PRE-*
14 *MIUM.—In the case of a qualifying event de-*
15 *scribed in section 603(2), resulting in an*
16 *absence from employment by reason of serv-*
17 *ice in the uniformed services to which sec-*
18 *tion 4317 of title 38, United States Code,*
19 *applies, if the covered employee makes an*
20 *election under such section 4317 and the*
21 *covered employee performed such service for*
22 *less than 31 days, the portion of the pre-*
23 *mium which the covered employee is re-*
24 *quired to pay may not exceed the portion (if*
25 *any) of the premium which the covered em-*

1 *ployee would have been required to pay but*
2 *for the qualifying event.*

3 *“(ii) TREATMENT OF MULTIEMPLOYER*
4 *PLANS.—In the case of a group health plan*
5 *that is a multiemployer plan, any liability*
6 *under the plan for the portion of the pre-*
7 *mium payable by the employer shall be allo-*
8 *cated by the plan in such manner as the*
9 *plan sponsor shall provide, except that, if*
10 *the plan sponsor does not so provide, such*
11 *liability shall be allocated by the plan—*

12 *“(I) to the last employer employ-*
13 *ing the covered employee before the pe-*
14 *riod served by the covered employee in*
15 *the uniformed services, or*

16 *“(II) if such last employer is no*
17 *longer functional, to the plan.”.*

18 *(c) ENFORCEMENT OF CONTINUATION COVERAGE RE-*
19 *QUIREMENTS.—Section 607 of such Act (29 U.S.C. 1167)*
20 *is amended by adding at the end the following new para-*
21 *graph:*

22 *“(6) ENFORCEMENT OF PROVISIONS RELATING*
23 *TO ABSENCE FROM EMPLOYMENT BY REASON OF*
24 *SERVICE IN THE UNIFORMED SERVICES.—For pur-*
25 *poses of part 5, the provisions of section 4317 of title*

1 38, United States Code (as in effect on the effective
2 date of this paragraph) shall be treated as provisions
3 of this title to the extent such provisions relate to
4 group health plans covered under this title. The rem-
5 edies provided pursuant to this paragraph shall be in
6 addition to remedies otherwise available under such
7 title 38. An action or proceeding commenced under
8 part 5 shall not preclude further recourse to remedies
9 otherwise available under such title 38. The Secretary
10 shall ensure that covered employees and other quali-
11 fied beneficiaries commencing actions or proceedings
12 under part 5 are informed of remedies also available
13 under such title 38.”

14 (d) *ENFORCEMENT OF RULES RELATING TO PENSION*
15 *PLAN COVERAGE.*—Section 204 of such Act (29 U.S.C.
16 1054) is amended—

17 (1) by redesignating subsection (i) as subsection
18 (j); and

19 (2) by inserting after subsection (h) the following
20 new subsection:

21 “(i) *ENFORCEMENT OF PROVISIONS RELATING TO AB-*
22 *SENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE*
23 *UNIFORMED SERVICES.*—For purposes of part 5, the provi-
24 sions of section 4318 of title 38, United States Code (as
25 in effect on the effective date of this subsection) shall be

1 *treated as provisions of this title to the extent such provi-*
2 *sions relate to pension plans covered under this title. The*
3 *remedies provided pursuant to this subsection shall be in*
4 *addition to remedies otherwise available under such title*
5 *38. An action or proceeding commenced under part 5 shall*
6 *not preclude further recourse to remedies otherwise available*
7 *under such title 38. The Secretary shall ensure that partici-*
8 *pants and beneficiaries commencing actions or proceedings*
9 *under part 5 are informed of remedies also available under*
10 *such title 38.”.*

11 *(e) EFFECTIVE DATE AND TRANSITION RULES.—*

12 *(1) EFFECTIVE DATE.—The amendments made*
13 *by this section shall take effect as if included in the*
14 *enactment of section 2 of the Uniformed Services Em-*
15 *ployment and Reemployment Rights Act of 1994.*

16 *(2) TRANSITION RULES.—Section 8 of the Uni-*
17 *formed Services Employment and Reemployment*
18 *Rights Act of 1994 shall apply with respect to the*
19 *amendments made by this section in the same manner*
20 *and to the same extent as such section applies with*
21 *respect to sections 4317 and 4318 of title 38, United*
22 *States Code (as amended by such Act).*

1 **TITLE VIII—CEMETERIES AND**
2 **MEMORIAL AFFAIRS**

3 **SEC. 801. ELIGIBILITY FOR BURIAL IN NATIONAL CEME-**
4 **TERIES OF SPOUSES WHO PREDECEASE VET-**
5 **ERANS.**

6 *Section 2402(5) is amended by inserting “spouse,”*
7 *after “The”.*

8 **SEC. 802. RESTORATION OF BURIAL ELIGIBILITY FOR**
9 **UNREMARIED SPOUSES.**

10 *Section 2402(5), as amended by section 801, is further*
11 *amended by inserting after “surviving spouse” the follow-*
12 *ing: “(which for purposes of this chapter includes an*
13 *unremarried surviving spouse who had a subsequent remar-*
14 *riage which was terminated by death or divorce)”.*

15 **SEC. 803. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
16 **TIONS FOR STATE CEMETERY GRANT PRO-**
17 **GRAM.**

18 *Paragraph (2) of section 2408(a) is amended by strik-*
19 *ing out “nine” and inserting in lieu thereof “fourteen”.*

20 **SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT**
21 **THE WILLAMETTE NATIONAL CEMETERY, OR-**
22 **EGON.**

23 *Notwithstanding section 2404(c)(2) of title 38, United*
24 *States Code, the Secretary of Veterans Affairs may provide*

1 *for flat grave markers at the Willamette National Cemetery,*
2 *Oregon.*

3 **TITLE IX—HOUSING PROGRAMS**

4 **SEC. 901. ELIGIBILITY.**

5 *(a) RESERVISTS DISCHARGED BECAUSE OF A SERV-*
6 *ICE-CONNECTED DISABILITY.—Section 3701(b)(5)(A) is*
7 *amended—*

8 *(1) by inserting “(i)” before “who has”; and*

9 *(2) by striking out the period at the end and in-*
10 *serting in lieu thereof “, or (ii) who was discharged*
11 *or released from the Selected Reserve before complet-*
12 *ing 6 years of service because of a service-connected*
13 *disability.”.*

14 *(b) SURVIVING SPOUSES OF RESERVISTS WHO DIED*
15 *WHILE IN ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—*
16 *The second sentence of section 3701(b)(2) is amended—*

17 *(1) by inserting “or service in the Selected Re-*
18 *serve” after “duty” each place it appears; and*

19 *(2) by striking out “spouse shall” and inserting*
20 *in lieu thereof “deceased spouse shall”.*

21 **SEC. 902. REVISION IN COMPUTATION OF AGGREGATE**
22 **GUARANTY.**

23 *Section 3702(b) is amended—*

1 (1) in the matter preceding paragraph (1), by
2 striking out “loan, if—” and inserting in lieu thereof
3 “loan under the following circumstances:”;

4 (2) in paragraph (1)—

5 (A) by striking out “the property” at the be-
6 ginning of subparagraph (A) and inserting in
7 lieu thereof “The property”;

8 (B) by striking out the semicolon at the end
9 and inserting in lieu thereof a period;

10 (3) in paragraph (2)—

11 (A) by striking out “a veteran-transferee”
12 at the beginning and inserting in lieu thereof “A
13 veteran-transferee”;

14 (B) by striking out “; or” at the end and
15 inserting in lieu thereof a period;

16 (4) in paragraph (3), by striking out “the loan”
17 at the beginning of subparagraph (A) and inserting
18 in lieu thereof “The loan”;

19 (5) by inserting after paragraph (3) the follow-
20 ing new paragraph:

21 “(4) In a case not covered by paragraph (1) or
22 (2)—

23 “(A) the loan has been repaid in full and,
24 if the Secretary has suffered a loss on the loan,
25 the loss has been paid in full; or

1 “(B) the Secretary has been released from
2 liability as to the loan and, if the Secretary has
3 suffered a loss on the loan, the loss has been paid
4 in full.”;

5 (6) in the last sentence, by striking out “clause
6 (1) of the preceding sentence” and inserting in lieu
7 thereof “paragraph (1)”; and

8 (7) by adding at the end the following new sen-
9 tence: “The authority of the Secretary under this sub-
10 section to exclude an amount of guaranty or insur-
11 ance housing loan entitlement previously used by a
12 veteran may be exercised only once for that veteran
13 under the authority of paragraph (4).”.

14 **SEC. 903. PUBLIC AND COMMUNITY WATER AND SEWERAGE**
15 **SYSTEMS.**

16 Section 3704 is amended—

17 (1) by striking out subsection (e); and

18 (2) by redesignating subsections (f) and (g) as
19 subsections (e) and (f), respectively.

20 **SEC. 904. AUTHORITY TO GUARANTEE HOME REFINANCE**
21 **LOANS FOR ENERGY EFFICIENCY IMPROVE-**
22 **MENTS.**

23 (a) LOANS.—Section 3710(a) is amended by inserting
24 after paragraph (10) the following new paragraph:

1 “(11) To refinance in accordance with subsection
2 (e) an existing loan guaranteed, insured, or made
3 under this chapter, and to improve the dwelling se-
4 curing such loan through energy efficiency improve-
5 ments, as provided in subsection (d).”.

6 (b) AMOUNT OF GUARANTY.—Section 3710(e)(1) is
7 amended—

8 (1) in the matter preceding subparagraph (A),
9 by inserting “or for the purpose specified in sub-
10 section (a)(11)” after “subsection (a)(8)”; and

11 (2) in subparagraph (C), by striking out “may
12 not exceed” and all that follows in such subparagraph
13 and inserting in lieu thereof “may not exceed—

14 “(i) an amount equal to the sum of the bal-
15 ance of the loan being refinanced and such clos-
16 ing costs (including any discount permitted pur-
17 suant to section 3703(c)(3)(A) of this title) as
18 may be authorized by the Secretary (under regu-
19 lations which the Secretary shall prescribe) to be
20 included in the loan; or

21 “(ii) in the case of a loan for the purpose
22 specified in subsection (a)(11), an amount equal
23 to the sum of the amount referred to with respect
24 to the loan under clause (i) and the amount
25 specified under subsection (d)(2);”.

1 (c) *FEE*.—Section 3729(a)(2)(E) is amended by in-
2 serting “3710(a)(11),” after “3710(a)(9)(B)(i),”.

3 **SEC. 905. AUTHORITY TO GUARANTEE LOANS TO REFI-**
4 **NANCE ADJUSTABLE RATE MORTGAGES TO**
5 **FIXED RATE MORTGAGES.**

6 Section 3710(e)(1)(A) is amended by inserting before
7 the semicolon at the end the following: “or, in a case in
8 which the loan is a fixed rate loan and the loan being refi-
9 nanced is an adjustable rate loan, the loan bears interest
10 at a rate that is agreed upon by the veteran and the mortga-
11 gee”.

12 **SEC. 906. MANUFACTURED HOME LOAN INSPECTIONS.**

13 (a) *CERTIFICATION OF CONFORMITY WITH STAND-*
14 *ARDS*.—Paragraph (2) of subsection (h) of section 3712 is
15 amended to read as follows:

16 “(2) Any manufactured housing unit properly dis-
17 playing a certification of conformity to all applicable Fed-
18 eral manufactured home construction and safety standards
19 pursuant to section 616 of the National Manufactured
20 Housing Construction and Safety Standards Act of 1974
21 (42 U.S.C. 5415) shall be deemed to meet the standards re-
22 quired by paragraph (1).”.

23 (b) *REPEAL OF INSPECTION REQUIREMENTS*.—Sub-
24 section (j) of such section is amended by striking out “in

1 *the case of” the first place it appears and all that follows*
2 *and inserting in lieu thereof “in the case of—*

3 *“(1) manufactured homes constructed by a man-*
4 *ufacturer who fails or is unable to discharge the man-*
5 *ufacturer’s obligations under the warranty;*

6 *“(2) manufactured homes which are determined*
7 *by the Secretary not to conform to the standards pro-*
8 *vided for in subsection (h); or*

9 *“(3) a manufacturer of manufactured homes who*
10 *has engaged in procedures or practices determined by*
11 *the Secretary to be unfair or prejudicial to veterans*
12 *or the Government.”.*

13 *(c) ELIMINATION OF REPORTING REQUIREMENT.—*
14 *Subsection (l) of such section is amended—*

15 *(1) by striking out “the results of inspections re-*
16 *quired by subsection (h) of this section,”; and*

17 *(2) by striking out “of this section,”.*

18 **SEC. 907. PROCEDURES ON DEFAULT.**

19 *(a) IN GENERAL.—Paragraph (7) of section 3732(c)*
20 *is amended—*

21 *(1) in the matter preceding subparagraph (A),*
22 *by striking out “that was the minimum amount for*
23 *which, under applicable State law, the property was*
24 *permitted to be sold at the liquidation sale”;*

25 *(2) in subparagraph (A)—*

1 (A) by striking out “the Secretary may ac-
2 cept conveyance of the property to the United
3 States for a price not exceeding” and inserting
4 in lieu thereof “(i) the amount was the mini-
5 mum amount for which, under applicable State
6 law, the property was permitted to be sold at the
7 liquidation sale, the holder shall have the option
8 to convey the property to the United States in
9 return for payment by the Secretary of an
10 amount equal to”; and

11 (B) by striking out “and” after “loan;” and
12 inserting in lieu thereof “or”;

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

14 “(ii) there was no minimum amount for which
15 the property had to be sold at the liquidation sale
16 under applicable State law, the holder shall have the
17 option to convey the property to the United States in
18 return for payment by the Secretary of an amount
19 equal to the lesser of such net value or total indebted-
20 ness; and”; and

21 (3) in subparagraph (B), by striking out “para-
22 graph (6)(B)” and inserting in lieu thereof “para-
23 graph (6)”.

24 (b) *CONFORMING AMENDMENT.*—Paragraph (6) of
25 such section is amended—

1 (1) by striking out “either”;

2 (2) by striking out “sale or acquires” and all
3 that follows through “(B) the” and inserting in lieu
4 thereof “sale, the”; and

5 (3) by redesignating clauses (i) and (ii) as
6 clauses (A) and (B), respectively.

7 **SEC. 908. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.**

8 Subparagraph (F) of section 5303A(b)(3) is amended
9 by inserting “or chapter 37” after “chapter 30” in the mat-
10 ter preceding clause (i).

11 **TITLE X—HOMELESS VETERANS**
12 **PROGRAMS**

13 **SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT**
14 **OF VETERANS AFFAIRS TO ASSIST HOMELESS**
15 **VETERANS.**

16 (a) *ANNUAL REPORT.*—(1) Not later than April 15 of
17 each year, the Secretary of Veterans Affairs shall submit
18 to the Committees on Veterans’ Affairs of the Senate and
19 House of Representatives a report on the activities of the
20 Department of Veterans Affairs during the year preceding
21 the report under programs of the Department for the provi-
22 sion of assistance to homeless veterans.

23 (2) The report shall—

24 (A) set forth the number of homeless veterans
25 provided assistance under those programs;

1 (1) by striking out “REPORT.—” and inserting
2 in lieu thereof “REPORTS.—(1)”; and

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

4 “(2) Not later than December 31, 1994, the Secretary
5 shall submit to such committees a report that—

6 “(A) describes the results of the assessment car-
7 ried out under subsection (b);

8 “(B) sets forth the lists developed under para-
9 graph (1) of subsection (c); and

10 “(C) describes the progress, if any, made by the
11 directors of the medical centers and the directors of
12 the benefits offices referred to in such subsection (c) in
13 developing the plan referred to in paragraph (2) of
14 such subsection (c).

15 “(3) Not later than December 31 of each of 1995, 1996,
16 and 1997, the Secretary shall submit to such committees
17 a report that describes the update to the assessment that
18 is carried out under subsection (b)(6) in the year preceding
19 the report.”.

20 **SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION PRO-**
21 **GRAMS UNDER HOMELESS VETERANS COM-**
22 **PREHENSIVE SERVICE PROGRAMS ACT OF**
23 **1992.**

24 Section 2(b) of the Homeless Veterans Comprehensive
25 Service Programs Act of 1992 (38 U.S.C. 7721 note) is

1 *amended in the first sentence by striking out “four” and*
2 *inserting in lieu thereof “eight”.*

3 **SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF HOME-**
4 **LESS VETERANS COMPREHENSIVE SERVICE**
5 **PROGRAMS ACT OF 1992.**

6 *Section 12 of the Homeless Veterans Comprehensive*
7 *Service Programs Act of 1992 (38 U.S.C. 7721 note) is*
8 *amended by striking out the second sentence.*

9 **SEC. 1005. SENSE OF CONGRESS.**

10 *It is the sense of Congress that—*

11 *(1) of the funds appropriated for any fiscal year*
12 *to support Federal programs which are designed to*
13 *assist homeless individuals, a share more closely ap-*
14 *proximating the proportion of the population of*
15 *homeless individuals who are veterans should be ap-*
16 *propriated to the Secretary of Veterans Affairs for*
17 *programs to assist homeless veterans that are admin-*
18 *istered by that Secretary;*

19 *(2) of the Federal grants made available to assist*
20 *community organizations that assist homeless indi-*
21 *viduals, a share of such grants more closely approxi-*
22 *mating the proportion of the population of homeless*
23 *individuals who are veterans should be provided to*
24 *community organizations that provide assistance pri-*
25 *marily to homeless veterans; and*

1 (3) *the Secretary of Veterans Affairs should take*
2 *such actions as are necessary to ensure that Federal*
3 *agencies that provide assistance, either directly or in-*
4 *directly, to homeless individuals, including homeless*
5 *veterans, are aware of and encouraged to make appro-*
6 *prate referrals to facilities of the Department of Vet-*
7 *erans Affairs for benefits and services, such as health*
8 *care, substance abuse treatment, counseling, and in-*
9 *come assistance.*

10 ***TITLE XI—REDUCTIONS IN DE-***
11 ***PARTMENT OF VETERANS AF-***
12 ***FAIRS PERSONNEL***

13 ***SEC. 1101. FINDINGS.***

14 *Congress makes the following findings:*

15 (1) *Under proposals for national health care re-*
16 *form, the Department of Veterans Affairs will be re-*
17 *quired to provide health care services to veterans on*
18 *a competitive basis with other health care providers.*

19 (2) *The elimination of positions from the De-*
20 *partment that the Office of Management and Budget*
21 *has scheduled to occur in fiscal years 1995 through*
22 *1999 would prevent the Department from meeting the*
23 *responsibilities of the Department to provide health*
24 *care to veterans under law and from maintaining the*

1 “(1) the number of such positions in the Depart-
2 ment during that fiscal year, reduced by

3 “(2) the sum of—

4 “(A) the number of such positions in the
5 Department during that fiscal year that are
6 filled by employees whose salaries and benefits
7 are paid primarily from funds other than appro-
8 priated funds; and

9 “(B) the number of such positions held dur-
10 ing that fiscal year by persons involved in medi-
11 cal care cost recovery activities under section
12 1729 of this title.

13 “(c) The Secretary shall not be required to make a re-
14 duction in the number of full-time equivalent positions in
15 the Department unless such reduction—

16 “(1) is necessary due to a reduction in funds
17 available to the Department; or

18 “(2) is required under a law that is enacted after
19 the date of the enactment of this section and that re-
20 fers specifically to this section.

21 “(d) The Secretary shall submit to the Committees on
22 Veterans’ Affairs of the Senate and House of Representa-
23 tives an annual report, through the year 2000, on the num-
24 ber and type of full-time equivalent positions in the Depart-
25 ment that are reduced under this section. The report shall

1 *include a justification for the reductions and shall be sub-*
2 *mitted with the materials provided in support of the budget*
3 *for the Department contained in the President's budget sub-*
4 *mitted to Congress for a fiscal year pursuant to section*
5 *1105 of title 31."*

6 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
7 *the beginning of such chapter is amended by adding at the*
8 *end the following new item:*

"712. Full-time equivalent positions: limitation on reduction."

9 **SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NEC-**
10 **CESSARY SERVICES.**

11 *Section 8110(c) is amended by striking out paragraph*
12 *(7) and inserting in lieu thereof the following:*

13 *"(7) Paragraphs (1) through (6) shall not be in effect*
14 *during fiscal years 1995 through 1999.*

15 *"(8) During the period covered by paragraph (7),*
16 *whenever an activity at a Department health-care facility*
17 *is converted from performance by Federal employees to per-*
18 *formance by employees of a contractor of the Government,*
19 *the Secretary shall—*

20 *"(A) require in the contract for the performance*
21 *of such activity that the contractor, in hiring employ-*
22 *ees for the performance of the contract, give priority*
23 *to former employees of the Department who have been*
24 *displaced by the award of the contract; and*

1 “(B) provide to such former employees of the De-
2 partment all possible assistance in obtaining other
3 Federal employment or entrance into job training
4 and retraining programs.

5 “(9) The Secretary shall include in the Secretary’s an-
6 nual report to Congress under section 529 of this title, for
7 each fiscal year covered by paragraph (7), a report on the
8 use during the year covered by the report of contracting-
9 out authority made available by reason of paragraph (7).
10 The Secretary shall include in each such report a descrip-
11 tion of each use of such authority, together with the ration-
12 ale for the use of such authority and the effect of the use
13 of such authority on patient care and on employees of the
14 Department.”.

15 **SEC. 1104. STUDY.**

16 (a) *REQUIREMENT.*—The Secretary of Veterans Affairs
17 shall enter into an agreement with an appropriate non-Fed-
18 eral entity under which the entity shall carry out a study
19 of the feasibility and advisability of alternative organiza-
20 tional structures, such as the establishment of a wholly-
21 owned Government corporation or a Government-sponsored
22 enterprise, for the effective provision of health care services
23 to veterans.

24 (b) *SUBMISSION OF REPORT.*—The Secretary shall
25 submit to the Committees on Veterans’ Affairs of the Senate

1 *and House of Representatives a report on the study required*
2 *under subsection (a). The report shall be submitted not later*
3 *than one year after the date of the enactment of this Act.*

4 (c) *AUTHORIZATION OF FUNDS.—There is hereby au-*
5 *thorized to be appropriated for the Department of Veterans*
6 *Affairs the sum of \$1,000,000 for the purposes of carrying*
7 *out the study required under subsection (a).*

8 **TITLE XII—TECHNICAL AND** 9 **CLERICAL AMENDMENTS**

10 **SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES** 11 **CODE.**

12 (a) *REFERENCES TO “SECRETARY” AND “DEPART-*
13 *MENT”.—Title 38, United States Code, is amended as fol-*
14 *lows:*

15 (1) *Paragraph (1) of section 101 is amended to*
16 *read as follows:*

17 “(1) *The terms ‘Secretary’ and ‘Department’ mean the*
18 *Secretary of Veterans Affairs and the Department of Veter-*
19 *ans Affairs, respectively.”.*

20 (2) *Section 1532(c) is amended by striking out*
21 *“Secretary” and inserting in lieu thereof “Veterans’*
22 *Administration”.*

23 (3) *Section 3745(a) is amended by striking out*
24 *“Secretary” after “consult with the” and inserting in*
25 *lieu thereof “Administrator”.*

1 (4) *Section 4102A(e) is amended by striking out*
2 *“Regional Secretary” both places it appears and in-*
3 *serting in lieu thereof “Regional Administrator”.*

4 (5) *Section 4110(d)(9) is amended by striking*
5 *out “Secretary of the Small Business Administration”*
6 *and inserting in lieu thereof “Administrator of the*
7 *Small Business Administration”.*

8 (b) *REFERENCES TO DEPARTMENT OF MEDICINE AND*
9 *SURGERY.—*

10 (1) *The following sections of title 38, United*
11 *States Code, are amended by striking out “Depart-*
12 *ment of Medicine and Surgery” each place it appears*
13 *and inserting in lieu thereof “Veterans Health Ad-*
14 *ministration”: sections 3120(a), 3120(f), 3121(a)(3),*
15 *7603(a), 7603(c)(1)(B), 7604(1)(B), 7604(2)(D),*
16 *7612(c)(1)(B), 7615, 7616(b)(2), 7616(c), 7622(b)(1),*
17 *7622(c)(2)(A), 7623(b), 7635(a)(1), 7635(a)(2), and*
18 *8110(a).*

19 (2) *Section 7622(c)(2)(B) of such title is amend-*
20 *ed by striking out “such Department” and inserting*
21 *in lieu thereof “the Veterans Health Administration”.*

22 (c) *CONFORMING AMENDMENTS RELATING TO CON-*
23 *VERSION OF POSITIONS OF CHIEF MEDICAL DIRECTOR AND*
24 *CHIEF BENEFITS DIRECTOR TO UNDER SECRETARY POSI-*

1 TIONS.—Title 38, United States Code, is amended as fol-
2 lows:

3 (1) Section 305 is amended—

4 (A) in subsection (a)(1), by striking out “a
5 Under Secretary” and inserting in lieu thereof
6 “an Under Secretary”; and

7 (B) in subsection (d)(2)(F), by striking out
8 “Under Secretary” the second place it appears
9 and all that follows through the closing paren-
10 thesis and inserting in lieu thereof “Chief Medi-
11 cal Director of the Veterans’ Administration)”.

12 (2) Section 306 is amended—

13 (A) in subsection (a), by striking out “a
14 Under Secretary” and inserting in lieu thereof
15 “an Under Secretary”; and

16 (B) in subsection (d)(2)(F), by striking out
17 “Under Secretary” the second place it appears
18 and all that follows through the closing paren-
19 thesis and inserting in lieu thereof “Chief Bene-
20 fits Director of the Veterans’ Administration)”.

21 (3) Section 7306 is amended—

22 (A) in subsection (a)—

23 (i) in paragraph (3), by striking out
24 “Assistant Chief Medical Directors” and in-

1 *serting in lieu thereof “Assistant Under*
2 *Secretaries for Health”;*

3 *(ii) by redesignating the last three*
4 *paragraphs as paragraphs (8), (7), and (9)*
5 *respectively;*

6 *(iii) by reversing the order in which*
7 *the penultimate and antepenultimate para-*
8 *graphs appear; and*

9 *(iv) in paragraph (8), as so redesign-*
10 *ated, by striking out “Chief Medical Direc-*
11 *tor” and inserting in lieu thereof “Under*
12 *Secretary for Health”;*

13 *(B) in subsection (b), by striking out “As-*
14 *stant Chief Medical Directors” in the matter*
15 *preceding paragraph (1) and inserting in lieu*
16 *thereof “Assistant Under Secretaries for Health”;*
17 *and*

18 *(C) in subsection (c), by striking out “and*
19 *(7)” and inserting in lieu thereof “and (8)”.*

20 *(4) Section 7314(d) is amended—*

21 *(A) in paragraph (1)—*

22 *(i) by striking out “the Chief Medical*
23 *Director and the Secretary to carry out”*
24 *and inserting in lieu thereof “the Secretary*

1 *and the Under Secretary for Health in car-*
2 *rying out”;* and

3 (ii) *by striking out “the Assistant*
4 *Chief Medical Director described in section*
5 *7306(b)(3)” and inserting in lieu thereof*
6 *“the Assistant Under Secretary for Health*
7 *described in section 7306(b)(3)”;* and

8 (B) *in paragraph (3), by striking out “As-*
9 *stant Chief Medical Director” both places it*
10 *appears and inserting in lieu thereof “Assistant*
11 *Under Secretary”.*

12 (5) *Section 7318 is amended by striking out*
13 *“Chief Medical Director” each place it appears and*
14 *inserting in lieu thereof “Under Secretary for*
15 *Health”.*

16 (6) *Section 7440(1) is amended by striking out*
17 *“Chief Medical Director’s” and inserting in lieu*
18 *thereof “Under Secretary for Health’s”.*

19 (7) *Section 7451(g)(1) is amended by striking*
20 *out “Chief Medical Director’s” and inserting in lieu*
21 *thereof “Under Secretary for Health’s”.*

22 (d) *CROSS REFERENCE AMENDMENTS TO PROVISIONS*
23 *OF TITLE 38.—Title 38, United States Code, is amended*
24 *as follows:*

1 (1) *Section 115 is amended by striking out “sec-*
2 *tions 230” and inserting in lieu thereof “sections 314,*
3 *315, 316.”.*

4 (2) *Section 1710(f)(3)(E) is amended by striking*
5 *out “section 1712(f)” and “section 1712(f)(4)” insert-*
6 *ing in lieu thereof “section 1712(a)” and “section*
7 *1712(f)”, respectively.*

8 (3) *Section 1712 is amended—*

9 (A) *in subsection (i)(5), by striking out*
10 *“section 1722(a)(1)(C)” and inserting in lieu*
11 *thereof “section 1722(a)(3)”;* and

12 (B) *in subsection (j), by striking out “Sec-*
13 *tion 4116” and inserting in lieu thereof “Section*
14 *7316”.*

15 (4) *Section 3018A(d)(3) is amended by striking*
16 *out “section 3015(e)” and inserting in lieu thereof*
17 *“section 3015(f)”.*

18 (5) *Section 3018B(d)(3) is amended by striking*
19 *out “section 3015(e)” and inserting in lieu thereof*
20 *“section 3015(f)”.*

21 (6) *Section 3032(f)(3) is amended by striking*
22 *out “(c), or (d)(1)” and inserting in lieu thereof “(d),*
23 *or (e)(1)”.*

24 (7) *Section 3035(b) is amended—*

1 (A) in paragraph (2), by striking out “sec-
2 tion 3015(c)” and inserting in lieu thereof “sec-
3 tion 3015(d)”;

4 (B) in paragraph (3)(C), by striking out
5 “section 3015(e)” and inserting in lieu thereof
6 “section 3015(f)”.

7 (8) Section 3103(b)(3) is amended by striking
8 out “section 3102(1)(A)” and inserting in lieu thereof
9 “section 3102(1)(A)(i)”.

10 (9) Section 3106(a) is amended by striking out
11 “section 3102(1)(A) or (B)” and inserting in lieu
12 thereof “clause (i) or (ii) of section 3102(1)(A)”.

13 (10) Section 3113(a) is amended by striking out
14 “section 3102(1)(B) and (2)” and inserting in lieu
15 thereof “subparagraphs (A)(ii) and (B) of section
16 3102(1)”.

17 (11) Section 3120(b) is amended by striking out
18 “section 3012(1)(A)” and inserting in lieu thereof
19 “section 3102(1)(A)(i)”.

20 (12) Section 3241(c) is amended by striking out
21 “1663,”.

22 (13) Section 3735(a)(1)(A) is amended by strik-
23 ing out “section 3402” and inserting in lieu thereof
24 “section 5902”.

1 (14) *Section 4103(c)(2) is amended by striking*
2 *out “subchapter IV of chapter 3” and inserting in*
3 *lieu thereof “subchapter II of chapter 77”.*

4 (15) *Section 5104(a) is amended by striking out*
5 *“section 211(a)” and inserting in lieu thereof “section*
6 *511”.*

7 (16) *Section 8103(d)(6)(A) is amended by strik-*
8 *ing out “section 230(c)” and inserting in lieu thereof*
9 *“section 316”.*

10 (17) *Section 8110(c)(3)(B) is amended by strik-*
11 *ing out “section 213 or 4117” and inserting in lieu*
12 *thereof “section 513 or 7409”.*

13 (18) *Section 8135(a)(3) is amended by striking*
14 *out “section 8134(2)” and inserting in lieu thereof*
15 *“section 8134(a)(2)”.*

16 (19) *Section 8155(a) is amended by striking out*
17 *“section 4112” and inserting in lieu thereof “section*
18 *7312”.*

19 (20) *Section 8201(c) is amended by striking out*
20 *“section 4112(a)” and inserting in lieu thereof “sec-*
21 *tion 7312(a)”.*

22 (e) *PUNCTUATION, CAPITALIZATION, SPELLING,*
23 *ETC.—Title 38, United States Code, is amended as follows:*

1 (1) *Section 111(b)(3)(B) is amended by striking*
2 *out “the Department facility” and inserting in lieu*
3 *thereof “a Department facility”.*

4 (2) *Sections 305(d)(2)(F) and 306(d)(2)(F) are*
5 *amended by striking out “Commission” and inserting*
6 *in lieu thereof “commission”.*

7 (3) *Section 312(a) is amended by striking out*
8 *“(5 U.S.C. App. 3)” and inserting in lieu thereof “(5*
9 *U.S.C. App.)”.*

10 (4) *Section 317(b)(2) is amended by striking out*
11 *“provided, by the” and inserting in lieu thereof “pro-*
12 *vided by, the”.*

13 (5) *Section 711(d) is amended by striking out*
14 *“Committees” and inserting in lieu thereof “commit-*
15 *tees”.*

16 (6) *Section 1116(a)(1)(B) is amended by strik-*
17 *ing out “(1)” and “(2)” and inserting in lieu thereof*
18 *“(i)” and “(ii)”, respectively.*

19 (7) *Section 1722A(a)(1) is amended by striking*
20 *out the closing parenthesis after “veteran” in the first*
21 *sentence.*

22 (8) *Section 1969(e) is amended—*

23 (A) *by striking out “sections 1971 (a) and*
24 *(c)” and inserting in lieu thereof “subsections*
25 *(a) and (c) of section 1971”; and*

1 (B) by striking out “sections 1971 (d) and
2 (e)” and inserting in lieu thereof “subsections (d)
3 and (e) of section 1971”.

4 (9) Section 1977(f) is amended by striking out
5 “sections 1971 (d) and (e)” and inserting in lieu
6 thereof “subsections (d) and (e) of section 1971”.

7 (10) Section 3011(f)(1) is amended by striking
8 out “whose length” and inserting in lieu thereof “the
9 length of which”.

10 (11) Section 3018B(d) is amended—

11 (A) in paragraph (1), by striking out
12 “(a)(2)(D) of this subsection” and inserting in
13 lieu thereof “(a)(2)(D) of this section”; and

14 (B) in paragraph (3)—

15 (i) by striking out “such Account” and
16 inserting in lieu thereof “such account”;
17 and

18 (ii) by striking out “this chapter” and
19 inserting in lieu thereof “this title”.

20 (12) Section 3688(a)(6) is amended by inserting
21 a comma after “3241(a)(2)”.

22 (13) Section 3706 is amended by striking out “of
23 this chapter” the second and third places it appears
24 and inserting in lieu thereof “of this title”.

25 (14) Section 3712 is amended—

1 (A) in subsection (c)(3)—

2 (i) by inserting “of” in subparagraph

3 (D) after “subparagraph (B)”; and

4 (ii) by striking out “of this subsection”

5 in subparagraph (E) and inserting in lieu

6 thereof “of this paragraph”; and

7 (B) in subsection (m), by striking out “sec-

8 tion 3704(d) and section 3721 of this chapter”

9 and inserting in lieu thereof “sections 3704(d)

10 and 3721 of this title”.

11 (15) Section 3713(b) is amended in the last sen-

12 tence by striking out “subsection 5302(b) of this title,

13 if eligible thereunder” and inserting in lieu thereof

14 “section 5302(b) of this title, if the veteran is eligible

15 for relief under that section”.

16 (16) Section 5702 is amended—

17 (A) by inserting “(a)” before “Any person

18 desiring”;

19 (B) by striking out “custody of” and all

20 that follows through “stating” and inserting in

21 lieu thereof “custody of the Secretary that may

22 be disclosed under section 5701 of this title must

23 submit to the Secretary an application in writ-

24 ing for such copy. The application shall state”;

25 and

1 (C) in subsection (c), by striking out “is au-
2 thorized to fix” and inserting in lieu thereof
3 “may establish”.

4 (17) Section 6101(a) is amended by inserting a
5 comma after “title 18”.

6 (18) Section 6103(d)(1) is amended in the second
7 sentence—

8 (A) by striking out “(a)” and “(b)” and in-
9 serting in lieu thereof “(A)” and “(B)”, respec-
10 tively; and

11 (B) by striking out “prior to” and inserting
12 in lieu thereof “before”.

13 (19) Section 6105(c) is amended—

14 (A) in the first sentence, by striking out
15 “clauses (2), (3), or (4) of subsection (b) of this
16 section” and inserting in lieu thereof “paragraph
17 (2), (3), or (4) of subsection (b)”;

18 (B) in the second sentence, by striking out
19 “clause (1) of that subsection” and inserting in
20 lieu thereof “paragraph (1) of subsection (b)”;
21 and

22 (C) by transposing the two sentences of that
23 subsection (as so amended).

1 (20) Section 7312(d) is amended by striking out
2 “the advisory groups activities” and inserting in lieu
3 thereof “the activities of the advisory group”.

4 (21) Section 7408(a) is amended by striking out
5 “civil-service” and inserting in lieu thereof “civil
6 service”.

7 (22) Sections 7433(b)(3)(A) and 7435(b)(3)(A)
8 are amended by striking out “nation-wide” and in-
9 serting in lieu thereof “nationwide”.

10 (23) Section 7451(d)(3)(C)(i)(I) is amended by
11 striking out “labor market area” and inserting in
12 lieu thereof “labor-market area”.

13 (24) Section 7453 is amended by striking out
14 “subsections” in subsections (f) and (g) and inserting
15 in lieu thereof “subsection”.

16 (25) Section 7601(a) is amended by striking out
17 the comma at the end of paragraph (1) and inserting
18 in lieu thereof a semicolon.

19 (26) Section 7604 is amended by striking out
20 “subchapters” in paragraphs (1)(A), (2)(D), and (5)
21 and inserting in lieu thereof “subchapter”.

22 (27) Section 8126 is amended—

23 (A) in subsection (e)(1)(A), by striking out
24 “1-year” and inserting in lieu thereof “one-
25 year”; and

1 (B) in subsection (f)(2), by striking out “,
2 and” and inserting in lieu thereof a period.

3 (f) *DATE OF ENACTMENT REFERENCES.*—Title 38,
4 *United States Code, is amended as follows:*

5 (1) Section 1922A(b) is amended by striking out
6 “insurance not later than” and all that follows
7 through “that the Department” and inserting in lieu
8 thereof “insurance. Such application must be filed not
9 later than (1) October 31, 1993, or (2) the end of the
10 one-year period beginning on the date on which the
11 Secretary”.

12 (2) Sections 3011(e) and 3012(f) are amended by
13 striking out “the end of the 24-month period begin-
14 ning on the date of the enactment of this subsection”
15 and inserting in lieu thereof “October 28, 1994,”.

16 (3) Section 3018B(a)(2)(A) is amended by strik-
17 ing out “the date of enactment of this section” and
18 inserting in lieu thereof “October 23, 1992,”.

19 (4) Section 3702(a)(2)(E) is amended by strik-
20 ing out “For the 7-year period beginning on the date
21 of enactment of this subparagraph,” and inserting in
22 lieu thereof “For the period beginning on October 28,
23 1992, and ending on October 27, 1999,”.

1 (5) Section 6103(d)(2) is amended by striking
2 out “the date of enactment of this amendatory Act”
3 and inserting in lieu thereof “June 30, 1972”.

4 (6) Section 8126 is amended—

5 (A) in subsection (e)(1)(A), by striking out
6 “30 days after the date of the enactment of this
7 section” and inserting in lieu thereof “December
8 4, 1992”; and

9 (B) in subsection (g), by striking out “the
10 date of the enactment of this section” in para-
11 graphs (1) and (2) and inserting in lieu thereof
12 “November 4, 1992”.

13 (g) *OBSOLETE OR EXECUTED PROVISIONS.*—Title 38,
14 *United States Code*, is amended as follows:

15 (1) Section 312(b) is amended by striking out
16 paragraph (3).

17 (2) Section 1524(a)(2) is amended by striking
18 out “Subject to paragraph (3) of this subsection, if”
19 and inserting in lieu thereof “If”.

20 (3) Section 4110(c)(1) is amended by striking
21 out “shall, within 90 days after the date of the enact-
22 ment of this section, appoint” and inserting in lieu
23 thereof “shall appoint”.

24 (4)(A) Section 5505 is repealed.

1 (B) *The table of sections at the beginning of*
2 *chapter 55 is amended by striking out the item relat-*
3 *ing to section 5505.*

4 (5) *Section 7311 is amended by striking out sub-*
5 *sections (f) and (g).*

6 (6) *Section 7453(i)(3) is amended by striking*
7 *out “of title 5”.*

8 (7) *Section 8110(c) is amended by striking out*
9 *paragraph (7).*

10 (8) *Section 8111(b) is amended—*

11 (A) *in paragraph (2)—*

12 (i) *by striking out “During fiscal years*
13 *1982 and 1983” in the second sentence and*
14 *inserting in lieu thereof “During odd-num-*
15 *bered fiscal years”;*

16 (ii) *by striking out “During fiscal year*
17 *1984” in the third sentence and inserting in*
18 *lieu thereof “During even-numbered fiscal*
19 *years”; and*

20 (iii) *by striking out the fourth sen-*
21 *tence; and*

22 (B) *in paragraph (4), by striking out*
23 *“Within nine months of the date of the enact-*
24 *ment of this subsection and at such times there-*

1 *after as” and inserting in lieu thereof “At such*
 2 *times as”.*

3 *(h) AMENDMENTS TO HEADINGS AND TABLES OF CON-*
 4 *TENTS.—Title 38, United States Code, is amended as fol-*
 5 *lows:*

6 *(1) The table of chapters before part I and the*
 7 *table of chapters at the beginning of part III are*
 8 *amended by striking out the item relating to chapter*
 9 *42 and inserting in lieu thereof the following:*

“42. Employment and Training of Veterans 4211”.

10 *(2) The heading of section 2106 is amended by*
 11 *revising each word after the first word so that the ini-*
 12 *tial letter of each such word is lower case.*

13 *(3) The item relating to subchapter III in the*
 14 *table of sections at the beginning of chapter 73 is*
 15 *amended to read as follows:*

“SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS”.

16 *(4) The heading of section 7458 is amended to*
 17 *read as follows:*

18 **“§ 7458. Recruitment and retention bonus pay”.**

19 *(5) The heading of chapter 81 is amended by in-*
 20 *serting “**ENHANCED-USE**” before “**LEASES OF***
 21 ***REAL*”.**

22 *(6) The item relating to section 8126 in the table*
 23 *of sections at the beginning of chapter 81 is amended*
 24 *to read as follows:*

“8126. Limitation on prices of drugs procured by Department and certain other Federal agencies.”.

1 (i) *OTHER MISCELLANEOUS CORRECTIONS.—Title 38,*
2 *United States Code, is amended as follows:*

3 (1) *Section 1718(c)(1) is amended by inserting*
4 *“of Veterans Affairs” after “Department” in the first*
5 *sentence.*

6 (2) *Section 1922(b)(4) is amended by striking*
7 *out “Notwithstanding” and all that follows through*
8 *“title,” and inserting in lieu thereof “Notwithstand-*
9 *ing section 1917 of this title.”.*

10 (3) *Section 1969(d)(3) is amended by striking*
11 *out ““General Operating Expenses, Department”” and*
12 *inserting in lieu thereof ““General Operating Ex-*
13 *penses, Department of Veterans Affairs””.*

14 (4) *Section 3018A(a)(1) is amended by striking*
15 *“after December 31, 1990,” and all that follows*
16 *through “whichever is later,” and inserting in lieu*
17 *thereof “after February 2, 1991,”.*

18 (5) *Section 3121(a)(3) is amended by striking*
19 *out “Department of Veterans’ Benefits” and inserting*
20 *in lieu thereof “Veterans Benefits Administration”.*

21 (6) *Section 3680(a)(C) is amended by striking*
22 *out “1 full” and inserting in lieu thereof “one full”.*

23 (7) *Section 4110(e)(3)(B) is amended—*

1 (A) by striking out “, United States Code,”;
2 and

3 (B) by striking out “the Board” and insert-
4 ing in lieu thereof “the advisory committee”.

5 (8) Section 5110 is amended by striking out sub-
6 section (m).

7 (9) Section 7315(b)(2) is amended by striking
8 out “Department” and inserting in lieu thereof “Vet-
9 erans’ Administration”.

10 (10) Section 8111(f)(6) is amended by inserting
11 “of Defense” after “the Secretary” the second place it
12 appears.

13 (11) Section 8502(d) is amended by striking out
14 “General Post Fund, National Homes, Department,”
15 and inserting in lieu thereof “General Post Fund, Na-
16 tional Homes, Department of Veterans Affairs,”.

17 **SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED**
18 **BY SECRETARY OF VETERANS AFFAIRS.**

19 (a) PUBLIC LAW 102-54.—Effective as of June 13,
20 1991, and as if included in the enactment of Public Law
21 102-54, Public Law 102-54 is amended as follows:

22 (1) Section 13(e) (105 Stat. 275) is amended by
23 striking out “subsection (b)(10)” and inserting in lieu
24 thereof “subsection (c)(10)”.

1 (2) Section 15(a)(1)(A) (105 Stat. 289) is
2 amended by inserting “the first place it appears” be-
3 fore “in the first sentence”.

4 (b) PUBLIC LAW 102–83.—Effective as of August 6,
5 1991, and as if included in the enactment of Public Law
6 102–83, section 4(a) of Public Law 102–83 (105 Stat. 403)
7 is amended as follows:

8 (1) Paragraph (2)(E) is amended by striking out
9 “Section 601(4)” and inserting in lieu thereof “Sec-
10 tion 601(3)”.

11 (2) Paragraph (4) is amended by adding at the
12 end the following:

13 “(E) Sections 7314(b)(1) and 7315(b)(2).”.

14 (c) PUBLIC LAW 102–86.—Section 403(b)(4) of the
15 Veterans’ Benefits Programs Improvement Act of 1991
16 (Public Law 102–86; 105 Stat. 423; 36 U.S.C. 493(b)(4))
17 is amended by striking out “section 235” and inserting in
18 lieu thereof “section 707”.

19 (d) PUBLIC LAW 102–547.—Section 10(b)(2) of the
20 Veterans Home Loan Program Amendments of 1992 (106
21 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking
22 out “paragraph 4” and inserting in lieu thereof “paragraph
23 (4)”.

24 (e) PUBLIC LAW 102–585.—The Veterans Health Care
25 Act of 1992 (Public Law 102–585) is amended as follows:

1 (1) *Section 202 (38 U.S.C. 8111 note) is amend-*
2 *ed by striking out “the Chief Medical Director” and*
3 *inserting in lieu thereof “the Under Secretary for*
4 *Health of the Department of Veterans Affairs”.*

5 (2) *Section 511(c) (38 U.S.C. 7318 note) is*
6 *amended by striking out “Chief Medical Director”*
7 *each place it appears and inserting in lieu thereof*
8 *“Under Secretary for Health”.*

9 **SEC. 1203. AMENDMENTS TO OTHER LAWS.**

10 (a) *PUBLIC HEALTH SERVICE ACT.—The Public*
11 *Health Service Act is amended as follows:*

12 (1) *Section 502(b)(2)(D) (42 U.S.C. 290aa-*
13 *1(b)(2)(D)) is amended to read as follows:*

14 *“(D) the Under Secretary for Health of the*
15 *Department of Veterans Affairs;”.*

16 (2) *Section 542(b)(2) (42 U.S.C. 290dd-1(b)(2))*
17 *is amended by striking out “Chief Medical Director”*
18 *and inserting in lieu thereof “Under Secretary for*
19 *Health”.*

20 (3) *Section 2604(b)(2)(A) (42 U.S.C. 300ff-*
21 *14(b)(2)(A)) is amended by striking out “Veterans*
22 *Administration facilities” and inserting in lieu there-*
23 *of “Department of Veterans Affairs facilities”.*

24 (b) *MISCELLANEOUS DEPARTMENT AND SECRETARY*
25 *REFERENCES.—Section 5102(c)(3) of title 5, United States*

1 *Code, is amended by striking out the comma after “Depart-*
2 *ment of Veterans Affairs”.*

3 (c) *MISCELLANEOUS CROSS-REFERENCE CORREC-*
4 *TIONS.—*

5 (1) *Section 1204(a)(1) of title 5, United States*
6 *Code, is amended by striking out “section 4323” and*
7 *inserting in lieu thereof “section 4303”.*

8 (2) *Section 441(b)(2)(B) of the Job Training*
9 *Partnership Act (29 U.S.C. 1721(b)(2)(B)) is amend-*
10 *ed—*

11 (A) *by striking out “subchapter IV of chap-*
12 *ter 3” and inserting in lieu thereof “subchapter*
13 *II of chapter 77”; and*

14 (B) *by striking out “sections 612A, 620A,*
15 *1787, and 2003A” and inserting in lieu thereof*
16 *“sections 1712A, 1720A, 3687, and 4103A”.*

17 (3) *Section 107 of the Local Public Works Cap-*
18 *ital Development and Investment Act of 1976 (42*
19 *U.S.C. 6706) is amended by striking out “section*
20 *4211(2)(A)” and “section 2011(1)” inserting in lieu*
21 *thereof “section 4211(2)” and “section 4211(1)”, re-*
22 *spectively.*

23 (4) *Section 4(g)(2) of the Employment Act of*
24 *1946 (15 U.S.C. 1022a(g)(2)) is amended—*

1 (A) by striking out “this subsection” and
2 inserting in lieu thereof “this section”; and

3 (B) by striking out “section 2011(1) or
4 (2)(A)” and inserting in lieu thereof “section
5 4211(1) or (2)”.

Amend the title so as to read: “An Act to amend title 38, United States Code, to revise and improve veterans’ benefits programs, and for other purposes.”.

Attest:

Secretary.

HR 4386 EAS—2

HR 4386 EAS—3

HR 4386 EAS—4

HR 4386 EAS—5

HR 4386 EAS—6

HR 4386 EAS—7

HR 4386 EAS—8

HR 4386 EAS—9

HR 4386 EAS—11

HR 4386 EAS—12