Public Law 98-543
98th Congress

An Act

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapter 34, 35, or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes.

Oct. 24, 1984
[H.R. 5688]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Benefits Improvement Act of 1984.
38 USC 101 note.

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Benefits Improvement Act of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

Ante, p. 37.

(1) by striking out "$64" in subsection (a) and inserting in lieu thereof "$66";

(2) by striking out "$118" in subsection (b) and inserting in lieu thereof "$122";

(3) by striking out "$179" in subsection (c) and inserting in lieu thereof "$185";

(4) by striking out "$258" in subsection (d) and inserting in lieu thereof "$266";

(5) by striking out "$364" in subsection (e) and inserting in lieu thereof "$376";

(6) by striking out "$459" in subsection (f) and inserting in lieu thereof "$474";

(7) by striking out "$579" in subsection (g) and inserting in lieu thereof "$598";

(8) by striking out "$671" in subsection (h) and inserting in lieu thereof "$692";

(9) by striking out "$755" in subsection (i) and inserting in lieu thereof "$779";

(10) by striking out "$1,255" in subsection (j) and inserting in lieu thereof "$1,295";

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(11) by striking out "$1,559" and "$2,185" in subsection (k) and inserting in lieu thereof "$1,609" and "$2,255", respectively;

(12) by striking out "$1,559" in subsection (l) and inserting in lieu thereof "$1,609";

(13) by striking out "$1,719" in subsection (m) and inserting in lieu thereof "$1,774";

(14) by striking out "$1,954" in subsection (n) and inserting in lieu thereof "$2,017";

(15) by striking out "$2,185" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,255";

(16) by striking out "$938" and "$1,397" in subsection (r) and inserting in lieu thereof "$968" and "$1,442", respectively;

(17) by striking out "$1,404" in subsection (s) and inserting in lieu thereof "$1,449"; and

(18) by striking out "$271" in subsection (t) and inserting in lieu thereof "$280".

38 USC 314 note.

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC note prec. 101.

38 USC 301 *et seq.*

ADDITIONAL COMPENSATION FOR DEPENDENTS

Ante, p. 38.

SEC. 102. Section 315(1) is amended—

(1) by striking out "$77" in clause (A) and inserting in lieu thereof "$79";

(2) by striking out "$128" and "$41" in clause (B) and inserting in lieu thereof "$132" and "$42", respectively;

(3) by striking out "$52" and "$41" in clause (C) and inserting in lieu thereof "$54" and "$42", respectively;

(4) by striking out "$62" in clause (D) and inserting in lieu thereof "$64";

(5) by striking out "$139" in clause (E) and inserting in lieu thereof "$143"; and

(6) by striking out "$116" in clause (F) and inserting in lieu thereof "$120".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

Ante, p. 38.

SEC. 103. Section 362 is amended by striking out "$338" and inserting in lieu thereof "$349".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

Ante, p. 38.

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$476	W-4	$682
E-2	490	O-1	602
E-3	502	O-2	621
E-4	535	O-3	665
E-5	549	O-4	703
E-6	561	O-5	775
E-7	589	O-6	873
E-8	621	O-7	944
E-9	[1] 649	O-8	1,035
W-1	602	O-9	1,111
W-2	626	O-10	[2] 1,217
W-3	644		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $700.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,305.".

(b) Subsection (b) of such section is amended by striking out "$53" and inserting in lieu thereof "$55".

(c) Subsection (c) of such section is amended by striking out "$139" and inserting in lieu thereof "$143".

(d) Subsection (d) of such section is amended by striking out "$68" and inserting in lieu thereof "$70".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended— *Ante*, p. 39.

(1) by striking out "$233" in clause (1) and inserting in lieu thereof "$240";

(2) by striking out "$334" in clause (2) and inserting in lieu thereof "$345";

(3) by striking out "$432" in clause (3) and inserting in lieu thereof "$446"; and

(4) by striking out "$432" and "$87" in clause (4) and inserting in lieu thereof "$446" and "$90", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended— *Ante*, p. 39.

(1) by striking out "$139" in subsection (a) and inserting in lieu thereof "$143";

(2) by striking out "$233" in subsection (b) and inserting in lieu thereof "$240"; and

(3) by striking out "$118" in subsection (c) and inserting in lieu thereof "$122".

EFFECTIVE DATE

SEC. 107. Sections 101 through 106 shall take effect on December 1, 1984. 38 USC 314 note.

PART B—COMPENSATION PROGRAM AMENDMENTS

TRIAL WORK PERIOD AND VOCATIONAL REHABILITATION PILOT PROJECT

SEC. 111. (a)(1) Subchapter VI of chapter 11 is amended by adding at the end the following new section:

38 USC 363.

"§ 363. Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings

"(a)(1) The disability rating of a qualified veteran who begins to engage in a substantially gainful occupation during the program period may not be reduced on the basis of the veteran having secured and followed a substantially gainful occupation unless the veteran maintains such an occupation for a period of 12 consecutive months.

"(2) For purposes of this section:

"(A) The term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

"(B) The term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.

"(b) During the program period, the Administrator shall make counseling services described in section 1504(a)(2) of this title and placement and postplacement services described in section 1504(a)(5) of this title available to each qualified veteran (whether or not the veteran is participating in a vocational rehabilitation program under chapter 31 of this title).

38 USC 1500 *et seq.*

"(c)(1)(A) Except as provided in paragraph (4) of this subsection, in the case of each award during the program period of a rating of total disability described in subsection (a)(2)(A) of this section to a veteran, the Administrator shall provide to the veteran, at the time that notice of the award is provided to the veteran, a statement providing—

"(i) notice of the provisions of this section;

"(ii) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title; and

"(iii) a summary description of the scope of services and assistance available under that chapter.

"(B) After providing the notice required under subparagraph (A) of this paragraph to a veteran, the Administrator shall arrange as promptly as is practical for the veteran to be provided an evaluation in order to make a determination as to whether the achievement of a vocational goal by the veteran is reasonably feasible. Such evaluation shall include a personal interview of the veteran by a Veterans' Administration employee who is trained in vocational counseling. The Administrator shall provide the veteran with reasonable notice of the schedule for the evaluation.

"(2) If the veteran fails, for reasons other than those beyond the veteran's control, to participate in an evaluation under paragraph (1)(B) of this subsection in the manner required by the Administrator in order to make the determination described in that paragraph, the Administrator shall reduce the veteran's disability rating to the

rating that would be applicable to the veteran but for the determination of the veteran's inability to secure or follow a substantially gainful occupation. Any such reduction shall remain in effect for the duration of such failure.

"(3)(A) If, after completion of an evaluation under paragraph (1)(B) of this subsection, the Administrator determines that achievement of a vocational goal by the veteran is reasonably feasible, the Administrator shall formulate an individualized written plan of vocational rehabilitation for the veteran under chapter 31 of this title.

38 USC 1500 *et seq.*

"(B) If the Administrator determines that the veteran has failed to pursue (or to continue to pursue) the vocational rehabilitation program described in such plan, the Administrator shall provide the veteran with notice that, if the veteran fails, for reasons other than those beyond the veteran's control, to initiate or resume pursuit of such program within 60 days after the Administrator provided such notice (or such longer period as the Administrator determines is the shortest period within which it is reasonably feasible for the veteran to initiate or resume pursuit), the Administrator will provide for the results of the evaluation to be considered in the next scheduled review of the veteran's eligibility for a rating of total disability based on inability to secure or follow a substantially gainful occupation. Unless the veteran initiates or resumes such pursuit within such 60 days (or such longer period, if applicable), the Administrator shall provide for such results to be so considered.

"(4) This subsection does not apply with respect to a veteran as to whom the Administrator determines that an evaluation of vocational rehabilitation potential or achievement of a vocational goal is not reasonably feasible.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"363. Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings.".

(b)(1) Not later than April 1, 1985, the Administrator of Veterans' Affairs shall provide to each veteran described in paragraph (2) a statement providing—

38 USC 363 note.

(A) information explaining the provisions of section 363(b) of title 38, United States Code (as added by subsection (a)(1));

(B) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of such title; and

(C) a summary description of the scope of services and assistance available under that chapter.

(2)(A) A veteran to whom a statement is to be provided under paragraph (1) is a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who, as of January 31, 1985, has been awarded a rating of total disability by reason of a determination of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

(B) Notice under paragraph (1) need not be provided to a veteran who has a rating of total disability described in subparagraph (A) which is protected by the first sentence of section 110 of title 38, United States Code.

(c) Not later than April 15, 1988, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the

Report.
38 USC 363 note.

implementation of section 363 of title 38, United States Code (as added by subsection (a)(1)), during the three-year period beginning on February 1, 1985. The report shall include—

(1) information regarding—

(A) the number of veterans with a disability rating of total based on inability to secure or follow a substantially gainful occupation who during such period followed a substantially gainful occupation for a period of twelve consecutive months and the work experience of those veterans and their disability ratings after completing such twelve-month period and (if known) the number of veterans with such a rating who during the period covered by the report followed a substantially gainful occupation but did not maintain employment in it for a period of twelve consecutive months,

(B) the number of veterans who during the period covered by the report were provided with evaluations under subsection (b) of such section,

(C) the number of veterans provided such evaluations for whom a plan of vocational rehabilitation was formulated pursuant to such subsection,

(D) the number of veterans for whom such a plan was formulated who elected, and who did not elect, to pursue a vocational rehabilitation program,

(E) the extent to which those veterans who elected to pursue such a program completed the program, and

(F) the subsequent work experience and disability ratings of the veterans who were provided such evaluations;

(2) a tabulation of the reasons given by such veterans for not electing to pursue such a program by those who did not elect to pursue such a program; and

(3) the Administrator's assessment of the value (including the cost-effectiveness) and effect of such implementation and any recommendations of the Administrator for administrative and legislative action based on such results and assessment.

TECHNICAL AMENDMENT

38 USC 335.

SEC. 112. (a) Section 335 is amended by striking out "50 per centum" and inserting in lieu thereof "30 percent".

Effective date.
38 USC 335 note.

(b) The amendment made by subsection (a) shall take effect as of October 1, 1978.

TITLE II—VETERANS' REHABILITATION, EDUCATION, AND EMPLOYMENT PROGRAMS

PART A—RATE INCREASES

RATES OF REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

38 USC 1508.

SEC. 201. The table contained in section 1508(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$310	$384	$452	$33
Three-quarter time.	233	288	339	25
Half-time	155	193	227	17
Farm cooperative, apprentice, or other on-job training:				
Full-time	271	327	377	24
Extended evaluation:				
Full-time	310	384	452	33
Independent living training:				
Full-time	310	384	452	33
Three-quarter time.	233	288	339	25
Half-time	155	193	227	17".

RATES OF GI BILL EDUCATIONAL ASSISTANCE FOR VIETNAM-ERA VETERANS

SEC. 202. Chapter 34 is amended as follows:

(1) The table contained in paragraph (1) of section 1682(a) is amended to read as follows: 38 USC 1682.

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$376	$448	$510	$32
Three-quarter time.	283	336	383	24
Half-time	188	224	255	17
Cooperative	304	355	404	23".

(2) Section 1682(b) is amended by striking out "$342" and inserting in lieu thereof "$376".

(3) The table contained in section 1682(c) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$304	$355	$404	$23
Three-quarter time	228	266	303	18
Half-time	152	178	202	12".

38 USC 1692.

(4) Section 1692(b) is amended by striking out "$76" and "$911" and inserting in lieu thereof "$84" and "$1,008", respectively.

RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

SEC. 203. Chapter 35 is amended—

38 USC 1732.

(1) by striking out "$276" in section 1732(b) and inserting in lieu thereof "$304"; and

38 USC 1742.

(2) by striking out "$342", "$108", "$108", and "$11.44" in section 1742(a) and inserting in lieu thereof "$376", "$119", "$119", and "$12.58", respectively.

RATES OF TRAINING ALLOWANCES FOR APPRENTICESHIP OR OTHER ON-JOB TRAINING

SEC. 204. Chapter 36 is amended as follows:

38 USC 1786.

(1) Section 1786(a)(2) is amended by striking out "$342" and inserting in lieu thereof "$376".

38 USC 1787.

(2) The table contained in section 1787(b)(1) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$274	$307	$336	$14
Second 6 months	205	239	267	14
Third 6 months	136	171	198	14
Fourth and any succeeding 6-month periods.	68	101	131	14".

38 USC 1798.

(3) Section 1798(b)(3) is amended by striking out "$342" and inserting in lieu thereof "$376".

EFFECTIVE DATE

SEC. 205. The amendments made by this part shall take effect as of October 1, 1984. 38 USC 1508 note.

PART B—VETERANS' EMPLOYMENT PROGRAMS

EXTENSION AND REVISION OF VETERANS READJUSTMENT APPOINTMENT PROGRAM

SEC. 211. (a) Subsection (a) of section 2014 is amended— 38 USC 2014.

(1) by inserting "(1)" after "(a)"; and

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

"(2) For the purposes of this section, the term 'agency' means a department, agency, or instrumentality in the executive branch.".

(b) Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "GS-7" in clause (A) and inserting in lieu thereof "GS-9";

(B) by striking out "and" at the end of clause (B);

(C) by striking out the period at the end of clause (C) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end the following new clause:

"(D) a veteran given an appointment under the authority of this subsection whose employment under the appointment is terminated within one year after the date of such appointment shall have the same right to appeal that termination to the Merit Systems Protection Board as a career or career-conditional employee has during the first year of employment."; and

(2) in paragraph (2), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

(c) Subsection (c) of such section is amended—

(1) by striking out "department, agency, and instrumentality in the executive branch" and inserting in lieu thereof "agency"; and

(2) by striking out "such department, agency, or instrumentality" and inserting in lieu thereof "such agency".

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) The Office of Personnel Management shall be responsible for the review and evaluation of the implementation of this section and the activities of each agency to carry out the purpose and provisions of this section. The Office shall periodically obtain (on at least an annual basis) information on the implementation of this section by each agency and on the activities of each agency to carry out the purpose and provisions of this section. The information obtained shall include specification of the use and extent of appointments made by each agency under subsection (b) of this section and the results of the plans required under subsection (c) of this section.

"(e)(1) The Office of Personnel Management shall submit to the Congress annually a report on activities carried out under this section. Each such report shall include the following information with respect to each agency: Report.

"(A) The number of appointments made under subsection (b) of this section since the last such report and the grade levels in which such appointments were made.

"(B) The number of individuals receiving appointments under such subsection whose appointments were converted to career or career-conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into each such category.

"(C) The number of such terminations since the last such report that were initiated by the agency involved and the number of such terminations since the last such report that were initiated by the individual involved.

"(D) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

"(2) Information shown for an agency under clauses (A) through (D) of paragraph (1) of this subsection—

"(A) shall be shown for all veterans; and

"(B) shall be shown separately (i) for veterans of the Vietnam era who are entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty, and (ii) for other veterans.".

EXTENSION OF EMERGENCY VETERANS' JOB TRAINING ACT PROGRAM

29 USC 1721 note.

SEC. 212. (a) Section 5(b)(3)(A) of the Emergency Veterans' Job Training Act of 1983 (Public Law 98-77; 97 Stat. 445) is amended by striking out "60 days" and inserting in lieu thereof "90 days".

29 USC 1721 note.

(b) Section 16 of such Act is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1987".

29 USC 1721 note.

(c) The text of section 17 of such Act is amended to read as follows:

"SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after February 28, 1985; or

"(2) for any such program which begins after September 1, 1985.".

TITLE III—OTHER BENEFIT RATE INCREASES AND PROGRAM IMPROVEMENTS

VOCATIONAL TRAINING AND HEALTH-CARE ELIGIBILITY PROTECTION FOR PENSION RECIPIENTS

SEC. 301. (a)(1) Subchapter II of chapter 15 is amended by adding at the end the following new sections:

38 USC 524.

"§ 524. Temporary program of vocational training for certain new pension recipients

"(a)(1) Subject to paragraph (3) of this subsection, in the case of a veteran under the age of 50 who is awarded pension during the program period, the Administrator shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after evaluation of the veteran's potential for rehabilitation, and any such evaluation shall include a personal interview of the veteran by a

Veterans' Administration employee who is trained in vocational counseling. If the veteran fails, for reasons other than those beyond the veteran's control, to participate in the evaluation in the manner required by the Administrator in order to make such determination, the Administrator shall suspend the veteran's pension for the duration of such failure.

"(2) Subject to paragraph (3) of this subsection, if a veteran who is 50 years of age or older and who is awarded pension during the program period applies for vocational training under this section and the Administrator makes a preliminary finding on the basis of information in the application that, with the assistance of a vocational training program under subsection (d) of this section, the veteran has a good potential for achieving employment, the Administrator shall provide the veteran with an evaluation in order to determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such evaluation shall include a personal interview by a Veterans' Administration employee trained in vocational counseling.

"(3) Not more than 2,500 veterans may be given evaluations under this subsection during any 12-month period beginning on February 1 of a year.

"(4) For the purposes of this section, the term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.

"(b)(1) If the Administrator, based upon an evaluation under subsection (a) of this section, determines that the achievement of a vocational goal by a veteran is reasonably feasible, the veteran shall be offered and may elect to pursue a vocational training program under this subsection. If the veteran elects to pursue such a program, the program shall be designed in consultation with the veteran in order to meet the veteran's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation of the kind described in section 1507 of this title.

"(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of vocationally oriented services and assistance of the kind provided under chapter 31 of this title and such other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

38 USC 1500 *et seq.*

"(B) A vocational training program under this subsection—

"(i) may not exceed 24 months unless, based on a determination by the Administrator that an extension is necessary in order for the veteran to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the veteran, the Administrator grants an extension for a period not to exceed 24 months;

"(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment of the kind provided under chapter 39 of this title; and

38 USC 1901 *et seq.*

"(iii) may include a program of education at an institution of higher learning (as defined in sections 1652(b) and 1652(f), respectively, of this title) only in a case in which the Administrator determines that the program involved is predominantly vocational in content.

"(3) When a veteran completes a vocational training program under this subsection, the Administrator may provide the veteran with counseling of the kind described in section 1504(a)(2) of this

title, placement and postplacement services of the kind described in section 1504(a)(5) of this title, and training of the kind described in section 1504(a)(6) of this title during a period not to exceed 18 months beginning on the date of such completion.

"(4) A veteran may not begin pursuit of a vocational training program under this subsection after the later of (A) January 31, 1989, or (B) the end of a reasonable period of time, as determined by the Administrator, following either the evaluation of the veteran under subsection (a)(1) of this section or the award of pension to the veteran as described in subsection (a)(2) of this section. Any determination by the Administrator of such a reasonable period of time shall be made pursuant to regulations which the Administrator shall prescribe.

"(c) Notwithstanding subsection (c) of section 525 of this title, a veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the provisions of subsection (a) of section 525 of this title beginning at such time as the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b) of that section).

Infra.

"(d) Payments by the Administrator for education, training, and other services and assistance under subsection (b) of this section (other than the services of Veterans' Administration employees) shall be made from the Veterans' Administration appropriations account from which payments for pension are made.

38 USC 525.

"§ 525. Temporary protection of health-care eligibility

"(a) In the case of a veteran whose entitlement to pension under section 521 of this title is terminated during the program period by reason of income from work or training, the veteran shall retain for a period of three years beginning on the date of such termination all eligibility for care and services under such chapter that the veteran would have had if the veteran's entitlement to pension had not been terminated. Care and services for which such a veteran retains eligibility include, when applicable, drugs and medicines under section 612(h) of this title and special priority with respect to such care and services under section 612(i)(5) of this title.

"(b) For the purposes of this section:

"(1) The term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

"(2) The term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new items:

"524. Temporary vocational training for certain new pension recipients.
"525. Temporary protection of health-care eligibility.".

Report.
38 USC 524 note.

(b) Not later than April 15, 1988, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the implementation of sections 524 and 525 of title 38, United States Code (as added by subsection (a)(1)), during the period beginning on

February 1, 1985, and ending on January 31, 1988. The report shall include—

(1) information regarding—

(A) the number of veterans who during the period covered by the report were provided with evaluations under paragraphs (1) and (2) of subsection (a) of such section 524,

(B) the number of such veterans for whom a vocational goal was determined to be feasible,

(C) the number of such veterans who elected, and who did not elect, to pursue a vocational training program under subsection (b) of that section,

(D) the extent to which those veterans who elected to pursue such a program completed the program,

(E) the subsequent work and pension-eligibility experience of the veterans who were provided with such evaluations, shown according to their participation in and completion of vocational training programs, and

(F) the number of veterans who received the benefit of such section 525;

Ante, p. 2746.

(2) a tabulation of the reasons given by such veterans for not electing to pursue such a program by those for whom a vocational goal was determined to be reasonably feasible but who did not elect to pursue such program; and

(3) the Administrator's assessment of the value (including the cost-effectiveness) and effect of such implementation and any recommendations of the Administrator for administrative and legislative action based on such results and assessment.

REPORT ON MEDICAL EXAMINATIONS OF CERTAIN PENSION RECIPIENTS

SEC. 302. (a) Not later than twenty-eight months after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a statistical tabulation of the results of the medical examinations conducted under subsection (b)(1)(A) and the determinations made under subsection (b)(1)(B). 38 USC 521 note.

(b)(1) The Administrator—

(A) shall provide for the selection of a sampling of the class of pension recipients described in paragraph (3) to undergo, and each recipient in such sampling shall undergo, a medical examination of the kind provided a veteran under 65 years of age who is applying for pension under section 521 of title 38, United States Code; and

(B) shall determine what, if any, percentage rating would be applicable to the recipient under the schedule of ratings adopted pursuant to section 355 of such title.

(2) The sampling of pension recipients selected under paragraph (1)(A) shall be selected in a manner that is statistically valid for the purpose of estimating the disability ratings of all recipients in the class described in paragraph (3).

(3) The class of pension recipients referred to in paragraphs (1) and (2) are those individuals who, during the two-year period beginning on the date of the enactment of this Act, are awarded pension under section 521 of title 38, United States Code, by reason of being considered, under section 502(a) of such title, to be permanently and

totally disabled by reason of being 65 years of age or older or becoming unemployable after age 65.

PARTICIPATION IN THERAPEUTIC OR REHABILITATIVE ACTIVITIES

38 USC 618.

SEC. 303. Section 618 is amended by adding at the end the following new subsection:

"(f) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of remuneration as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.".

SPECIALLY ADAPTED HOUSING ASSISTANCE

38 USC 802.

SEC. 304. (a) Section 802 is amended—

(1) in subsection (a), by striking out "$32,500" and inserting in lieu thereof "$35,500"; and

(2) in subsection (b), by striking out "$5,000" and inserting in lieu thereof "$6,000".

Effective date. 38 USC 802 note.

(b) The amendments made by subsection (a) shall take effect on January 1, 1985.

AUTOMOBILE AND ADAPTIVE EQUIPMENT ASSISTANCE

38 USC 1902.

SEC 305. (a) Section 1902(a) is amended by striking out "$4,400" and inserting in lieu thereof "$5,000".

38 USC 1903.

(b) Subsection (c) of section 1903 is amended to read as follows:

"(c)(1) An eligible person shall not be entitled to adaptive equipment under this chapter for more than two automobiles or other conveyances at any one time or (except as provided in paragraph (2) of this subsection) during any four-year period.

"(2) In a case in which the four-year limitation in paragraph (1) of this subsection precludes an eligible person from being entitled to adaptive equipment under this chapter, if the Administrator determines that, due to circumstances beyond the control of such person, one of the automobiles or other conveyances for which adaptive equipment was provided to such person during the applicable four-year period is no longer available for the use of such person, the Administrator may provide adaptive equipment to such person for an additional automobile or other conveyance during such period. Provision of adaptive equipment under this paragraph is within the discretion of the Administrator. Any action to provide adaptive equipment under this paragraph shall be made pursuant to regulations which the Administrator shall prescribe.".

Effective date. 38 USC 1903 note.

(c)(1) The amendments made by this section shall take effect on January 1, 1985.

(2) In the case of a person who during the four-year period ending on December 31, 1984, was provided adaptive equipment under chapter 39 of title 38, United States Code, for an automobile or other conveyance and who has such automobile or other conveyance available for use on the date of the enactment of this Act, the first four-year period applicable to such person under subsection (c) of section 1903 of such title (as amended by subsection (a)) shall begin on the most recent date before January 1, 1985, on which such person was provided such equipment.

38 USC 1901 *et seq.*

TITLE IV—MISCELLANEOUS PROVISIONS

REPEAL OF ANNUAL REPORTING REQUIREMENT

SEC 401. Section 1796 is amended by striking out subsection (d). 38 USC 1796.

SUSPENSION OF COMPENSATION AND PENSION PAYMENTS TO CERTAIN INSTITUTIONALIZED VETERANS; WAIVER

SEC. 402. (a) Section 3203(b)(1) is amended— 97 Stat. 1010. 38 USC 3203.

(1) by designating the first and second sentences as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A), as so designated—

(A) by striking out the comma after "treatment" in the first sentence and inserting in lieu thereof "or";

(B) by striking out "by reason of mental illness"; and

(C) by inserting "(excluding the value of the veteran's home unless there is no reasonable likelihood that the veteran will again reside in such home)," after "the veteran's estate"; and

(3) by adding at the end the following new subparagraph: "(C) The Administrator may waive the discontinuance under this paragraph of payments to a veteran with respect to not more than 60 days of care of the veteran during any calendar year if the Administrator determines that the waiver is necessary in order to avoid a hardship for the veteran. Any such waiver shall be made pursuant to regulations which the Administrator shall prescribe.". Waiver.

(b) The Administrator shall prescribe regulations under subparagraph (C) of section 3203(b)(1) of title 38, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act. Regulations. 38 USC 3203 note.

Approved October 24, 1984.

LEGISLATIVE HISTORY—H.R. 5688 (S. 2736):

HOUSE REPORT No. 98-828 (Comm. on Veterans' Affairs).
SENATE REPORT No. 98-604 accompanying S. 2736 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 18, considered and passed House.
Oct. 2, S. 2736 considered and passed Senate; H.R. 5688, amended, passed in lieu.
Oct. 5, House concurred in Senate amendments with an amendment.
Oct. 9, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 43 (1984):
Oct. 24, Presidential statement.