

103^D CONGRESS
2^D SESSION

H. R. 5244

AN ACT

To amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this 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.

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
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or 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 Vet-
11 erans’ 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-

1 tially toxic substances, including fumes and smoke
2 from military operations, oil well fires, diesel ex-
3 haust, paints, pesticides, depleted uranium, infec-
4 tious agents, investigational drugs and vaccines, and
5 indigenous diseases, and were also given multiple im-
6 munizations. It is not known whether these
7 servicemembers were exposed to chemical or biologi-
8 cal warfare agents. However, threats of enemy use
9 of chemical and biological warfare heightened the
10 psychological stress associated with the military
11 operation.

12 (2) Significant numbers of veterans of the Per-
13 sian Gulf War are suffering from illnesses, or are ex-
14 hibiting symptoms of illness, that cannot now be di-
15 agnosed or clearly defined. As a result, many of
16 these conditions or illnesses are not considered to be
17 service connected under current law for purposes of
18 benefits administered by the Department of Veter-
19 ans Affairs.

20 (3) The National Institutes of Health Tech-
21 nology Assessment Workshop on the Persian Gulf
22 Experience and Health, held in April 1994, con-
23 cluded that the complex biological, chemical, phys-
24 ical, and psychological environment of the Southwest
25 Asia theater of operations produced complex adverse

1 health effects in Persian Gulf War veterans and that
2 no single disease entity or syndrome is apparent.
3 Rather, it may be that the illnesses suffered by those
4 veterans result from multiple illnesses with overlap-
5 ping symptoms and causes that have yet to be
6 defined.

7 (4) That workshop concluded that the informa-
8 tion concerning the range and intensity of exposure
9 to toxic substances by military personnel in the
10 Southwest Asia theater of operations is very limited
11 and that such information was collected only after a
12 considerable delay.

13 (5) In response to concerns regarding the
14 health-care needs of Persian Gulf War veterans, par-
15 ticularly those who suffer from illnesses or condi-
16 tions for which no diagnosis has been made, the
17 Congress, in Public Law 102-585, directed the es-
18 tablishment of a Persian Gulf War Veterans Health
19 Registry, authorized health examinations for veter-
20 ans of the Persian Gulf War, and provided for the
21 National Academy of Sciences to conduct a com-
22 prehensive review and assessment of information re-
23 garding the health consequences of military service
24 in the Persian Gulf theater of operations and to de-
25 velop recommendations on avenues for research re-

1 garding such health consequences. In Public Law
2 103-210, the Congress authorized the Department
3 of Veterans Affairs to provide health care services on
4 a priority basis to Persian Gulf War veterans. The
5 Congress also provided in Public Law 103-160 (the
6 National Defense Authorization Act for Fiscal Year
7 1994) for the establishment of a specialized environ-
8 mental medical facility for the conduct of research
9 into the possible health effects of exposure to low
10 levels of hazardous chemicals, especially among Per-
11 sian Gulf veterans, and for research into the possible
12 health effects of battlefield exposure in such veterans
13 to depleted uranium.

14 (6) In response to concerns about the lack of
15 objective research on Gulf War illnesses, Congress
16 included research provisions in the National Defense
17 Authorization Act for Fiscal Year 1995, which was
18 passed by the House and Senate in September 1994.
19 This legislation requires the Secretary of Defense to
20 provide research grants to non-Federal researchers
21 to support three types of studies of the Gulf War
22 syndrome. The first type of study will be an epide-
23 miological study or studies of the incidence, preva-
24 lence, and nature of the illness and symptoms and
25 the risk factors associated with symptoms or ill-

1 nesses. This will include illnesses among spouses and
2 birth defects and illnesses among offspring born be-
3 fore and after the Gulf War. The second group of
4 studies shall be conducted to determine the health
5 consequences of the use of pyridostigmine bromide
6 as a pretreatment antidote enhancer during the Per-
7 sian Gulf War, alone or in combination with expo-
8 sure to pesticides, environmental toxins, and other
9 hazardous substances. The final group of studies
10 shall include clinical research and other studies on
11 the causes, possible transmission, and treatment of
12 Gulf War syndrome, and will include studies of vet-
13 erans and their spouses and children.

14 (7) Further research and studies must be un-
15 dertaken to determine the underlying causes of the
16 illnesses suffered by Persian Gulf War veterans and,
17 pending the outcome of such research, veterans who
18 are seriously ill as the result of such illnesses should
19 be given the benefit of the doubt and be provided
20 compensation benefits to offset the impairment in
21 earnings capacities they may be experiencing.

22 **SEC. 103. PURPOSES.**

23 The purposes of this title are—

24 (1) to provide compensation to Persian Gulf
25 War veterans who suffer disabilities resulting from

1 illnesses that cannot now be diagnosed or defined,
2 and for which other causes cannot be identified;

3 (2) to require the Secretary of Veterans Affairs
4 to develop at the earliest possible date case assess-
5 ment strategies and definitions or diagnoses of such
6 illnesses;

7 (3) to promote greater outreach to Persian Gulf
8 War veterans and their families to inform them of
9 ongoing research activities, as well as the services
10 and benefits to which they are currently entitled;
11 and

12 (4) to ensure that research activities and ac-
13 companying surveys of Persian Gulf War veterans
14 are appropriately funded and undertaken by the De-
15 partment of Veterans Affairs.

16 **SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION**
17 **PROTOCOL.**

18 (a) UNIFORM MEDICAL EVALUATION PROTOCOL.—

19 (1) The Secretary of Veterans Affairs shall develop and
20 implement a uniform and comprehensive medical evalua-
21 tion protocol that will ensure appropriate medical assess-
22 ment, diagnosis, and treatment of Persian Gulf War veter-
23 ans who are suffering from illnesses the origins of which
24 are (as of the date of the enactment of this Act) unknown
25 and that may be attributable to service in the Southwest

1 Asia theater of operations during the Persian Gulf War.
2 The protocol shall include an evaluation of complaints re-
3 lating to illnesses involving the reproductive system.

4 (2) If such a protocol is not implemented before the
5 end of the 120-day period beginning on the date of the
6 enactment of this Act, the Secretary shall, before the end
7 of such period, submit to the Committees on Veterans' Af-
8 fairs of the Senate and House of Representatives a report
9 as to why such a protocol has not yet been developed.

10 (3)(A) The Secretary shall ensure that the evaluation
11 under the protocol developed under this section is available
12 at all Department medical centers that have the capability
13 of providing the medical assessment, diagnosis, and treat-
14 ment required under the protocol.

15 (B) The Secretary may enter into contracts with non-
16 Department medical facilities for the provision of the eval-
17 uation under the protocol.

18 (C) In the case of a veteran whose residence is distant
19 from a medical center described in subparagraph (A), the
20 Secretary may provide the evaluation through a Depart-
21 ment medical center described in that subparagraph and,
22 in such a case, may provide the veteran the travel and
23 incidental expenses therefor pursuant to the provisions of
24 section 111 of title 38, United States Code.

1 (4)(A) If the Secretary is unable to diagnose the
2 symptoms or illness of a veteran provided an evaluation,
3 or if the symptoms or illness of a veteran do not respond
4 to treatment provided by the Secretary, the Secretary may
5 use the authority in section 1703 of title 38, United States
6 Code, in order to provide for the veteran to receive diag-
7 nostic tests or treatment at a non-Department medical fa-
8 cility that may have the capability of diagnosing or treat-
9 ing the symptoms or illness of the veteran. The Secretary
10 may provide the veteran the travel and incidental expenses
11 therefor pursuant to the provisions of section 111 of title
12 38, United States Code.

13 (B) The Secretary shall request from each non-De-
14 partment medical facility that examines or treats a vet-
15 eran under this paragraph such information relating to
16 the diagnosis or treatment as the Secretary considers
17 appropriate.

18 (5) In each year after the implementation of the pro-
19 tocol, the Secretary shall enter into an agreement with the
20 National Academy of Sciences under which agreement ap-
21 propriate experts shall review the adequacy of the protocol
22 and its implementation by the Department of Veterans
23 Affairs.

24 (b) RELATIONSHIP TO OTHER COMPREHENSIVE
25 CLINICAL EVALUATION PROTOCOLS.—The Secretary, in

1 consultation with the Secretary of Defense, shall ensure
2 that the information collected through the protocol de-
3 scribed in this section is collected and maintained in a
4 manner that permits the effective and efficient cross-ref-
5 erence of that information with information collected and
6 maintained through the comprehensive clinical protocols
7 of the Department of Defense for Persian Gulf War
8 veterans.

9 (c) CASE DEFINITIONS AND DIAGNOSES.—The Sec-
10 retary shall develop case definitions or diagnoses for ill-
11 nesses associated with the service described in subsection
12 (a)(1). The Secretary shall develop such definitions or di-
13 agnoses at the earliest possible date.

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

15 (a) IN GENERAL.—The Secretary of Veterans Affairs
16 shall implement a comprehensive outreach program to in-
17 form Persian Gulf War veterans and their families of the
18 medical care and other benefits that may be provided by
19 the Department of Veterans Affairs and the Department
20 of Defense arising from service in the Persian Gulf War.

21 (b) NEWSLETTER.—(1) The outreach program shall
22 include a newsletter which shall be updated and distrib-
23 uted at least semi-annually and shall be distributed to the
24 veterans listed on the Persian Gulf War Veterans Health
25 Registry. The newsletter shall include summaries of the

1 status and findings of Government sponsored research on
2 illnesses of Persian Gulf War veterans and their families,
3 as well as on benefits available to such individuals through
4 the Department of Veterans Affairs. The newsletter shall
5 be prepared in consultation with veterans service organiza-
6 tions.

7 (2) The requirement under this subsection for the
8 distribution of the newsletter shall terminate on December
9 31, 1999.

10 (c) TOLL-FREE NUMBER.—The outreach program
11 shall include establishment of a toll-free telephone number
12 to provide Persian Gulf War veterans and their families
13 information on the Persian Gulf War Veterans Health
14 Registry, health care and other benefits provided by the
15 Department of Veterans Affairs, and such other informa-
16 tion as the Secretary considers appropriate. Such toll-free
17 telephone number shall be established not later than 90
18 days after the date of the enactment of this Act.

19 **SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RE-**
20 **SULTING FROM ILLNESS ATTRIBUTED TO**
21 **SERVICE DURING THE PERSIAN GULF WAR.**

22 (a) IN GENERAL.—(1) Chapter 11 is amended by
23 adding at the end of subchapter II the following new
24 section:

1 **“§ 1117. Compensation for disabilities occurring in**
2 **Persian Gulf War veterans**

3 “(a) The Secretary may pay compensation under this
4 subchapter to any Persian Gulf veteran suffering from a
5 chronic disability resulting from an undiagnosed illness (or
6 combination of undiagnosed illnesses) that—

7 “(1) became manifest during service on active
8 duty in the Armed Forces in the Southwest Asia
9 theater of operations during the Persian Gulf War;
10 or

11 “(2) became manifest to a degree of 10 percent
12 or more within the presumptive period prescribed
13 under subsection (b).

14 “(b) The Secretary shall prescribe by regulation the
15 period of time following service in the Southwest Asia the-
16 ater of operations during the Persian Gulf War that the
17 Secretary determines is appropriate for presumption of
18 service connection for purposes of this section. The Sec-
19 retary’s determination of such period of time shall be
20 made following a review of any available credible medical
21 or scientific evidence and the historical treatment afforded
22 disabilities for which manifestation periods have been es-
23 tablished and shall take into account other pertinent cir-
24 cumstances regarding the experiences of veterans of the
25 Persian Gulf War.

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

3 “(2) Those regulations shall include the following:

4 “(A) A description of the period and geographi-
5 cal area or areas of military service in connection
6 with which compensation under this section may be
7 paid.

8 “(B) A description of the illnesses for which
9 compensation under this section may be paid.

10 “(C) A description of any relevant medical
11 characteristic (such as a latency period) associated
12 with each such illness.

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

16 “(e) For purposes of this section, the term ‘Persian
17 Gulf veteran’ means a veteran who served on active duty
18 in the Armed Forces in the Southwest Asia theater of op-
19 erations during the Persian Gulf War.”.

20 (2) The table of sections at the beginning of such
21 chapter is amended by inserting after the item relating
22 to section 1116 the following new item:

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

23 (b) CONFORMING AMENDMENTS.—Section 1113 is
24 amended—

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

4 (2) by striking out “title” the second place it
5 appears and inserting in lieu thereof “title, or pay-
6 ments of compensation pursuant to section 1117 of
7 this title,”; and

8 (3) by inserting “or disabilities” after “dis-
9 eases” both places it appears in subsection (a).

10 (c) REPORT.—Not later than 60 days after the date
11 of the enactment of this Act, the Secretary of Veterans
12 Affairs shall submit to the Committees on Veterans’ Af-
13 fairs of the Senate and House of Representatives a report
14 stating whether or not the Secretary intends to pay com-
15 pensation as provided in section 1117 of title 38, United
16 States Code, as added by subsection (a).

17 (d) REGULATIONS.—If the Secretary states in the re-
18 port under subsection (c) that the Secretary intends to
19 pay compensation as provided in section 1117 of title 38,
20 United States Code, as added by subsection (a), the Sec-
21 retary shall, not later than 30 days after the date on which
22 such report is submitted, publish in the Federal Register
23 proposed regulations under subsections (b) and (c) of that
24 section.

1 **SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES**
2 **AND CHILDREN OF PERSIAN GULF WAR VET-**
3 **ERANS.**

4 (a) EVALUATION PROGRAM.—Subject to subsection
5 (c), the Secretary of the Veterans Affairs shall conduct
6 a study to evaluate the health status of spouses and chil-
7 dren of Persian Gulf War veterans. Under the study, the
8 Secretary shall provide for the conduct of diagnostic
9 testing and appropriate medical examinations of any
10 individual—

11 (1) who is the spouse or child of a veteran
12 who—

13 (A) is listed in the Persian Gulf War Vet-
14 erans Registry established under section 702 of
15 Public Law 102–585; and

16 (B) is suffering from an illness or disorder;

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

22 (3) who, in the case of a spouse, has granted
23 the Secretary permission to include in the Registry
24 relevant medical data (including a medical history
25 and the results of diagnostic testing and medical ex-
26 aminations) and such other information as the Sec-

1 retary considers relevant and appropriate with re-
2 spect to such individual.

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

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

12 (c) FUNDING LIMITATION.—The amount spent for
13 the program under subsection (a) may not exceed
14 \$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
20 medical data through the development of standard proto-
21 cols and guidelines for such testing and examinations. If
22 such protocols and guidelines have not been adopted be-
23 fore the end of the 120-day period beginning on the date
24 of the enactment of this Act, the Secretary shall, before
25 the end of such period, submit to the Committees on Vet-

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

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

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

12 (1) to analyze the health status of large num-
13 bers of spouses and children of Persian Gulf veter-
14 ans; and

15 (2) to formulate research hypotheses regarding
16 possible association between illnesses or disorders
17 suffered by Persian Gulf veterans and illnesses or
18 disorders (including birth defects, miscarriages, and
19 stillbirths) suffered by their spouses and children.

20 (h) USE OUTSIDE DEPARTMENT OF STANDARD PRO-
21 TOCOLS AND GUIDELINES.—The Secretary shall—

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

1 (2) enter into the registry the results of any ex-
2 amination of the spouse or child of a veteran who
3 served in the Persian Gulf theater which a licensed
4 physician certifies was conducted using those stand-
5 ard protocols and guidelines.

6 (i) REPORTS TO CONGRESS.—(1) The Secretary shall
7 submit to Congress no later than October 31, 1995, a re-
8 port on the Secretary’s implementation of this section.

9 (2) The Secretary shall analyze the data entered into
10 the registry under this section and shall submit to Con-
11 gress, not later than March 1, 1997, a report on that anal-
12 ysis and on the Secretary’s recommendation for any fur-
13 ther legislation or studies regarding the health status of
14 spouses and children of Persian Gulf War veterans.

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

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

23 Section 703 of the Persian Gulf War Veterans’
24 Health Status Act (title VII of Public Law 102–585; 38
25 U.S.C. 527 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 “(includ-
11 ing 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 prob-
16 lems 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**
2 **STUDIES.**

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 Vet-
6 erans Health Care Act of 1992 (Public Law 102–585) a
7 finding that there is a sound basis for an epidemiological
8 study or studies on the health consequences of service in
9 the Persian Gulf theater of operations during the Persian
10 Gulf War and recommends the conduct of such a study
11 or studies, the Secretary of Veterans Affairs is authorized
12 to carry out such study.

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

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

1 fairs of the Senate and House of Representatives, at least
2 90 days before the date on which the agreement is entered
3 into, notice in writing identifying the organization with
4 which the Secretary intends to enter into the agreement.

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

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

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

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

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

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

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

1 (b) POLICY REGARDING COST-OF-LIVING ADJUST-
2 MENT IN COMPENSATION RATES FOR FISCAL YEAR
3 1995.—The fiscal year 1995 cost-of-living adjustments in
4 the rates of and limitations for compensation payable
5 under chapter 11 of title 38, United States Code, and of
6 dependency and indemnity compensation payable under
7 chapter 13 of such title will be no more than a percentage
8 equal to the percentage by which benefit amounts payable
9 under title II of the Social Security Act (42 U.S.C. 401
10 et seq.) are increased effective December 1, 1994, as a
11 result of a determination under section 215(i) of such Act
12 (42 U.S.C. 415(i)), with all increased monthly rates and
13 limitations (other than increased rates or limitations equal
14 to a whole dollar amount) rounded down to the next lower
15 dollar.

16 **TITLE II—BOARD OF VETERANS’**
17 **APPEALS ADMINISTRATION**

18 **SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PER-**
19 **FORMANCE REVIEWS FOR MEMBERS OF THE**
20 **BOARD OF VETERANS’ APPEALS.**

21 (a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chap-
22 ter 71 is amended by inserting after section 7101 the fol-
23 lowing new section:

1 **“§ 7101A. Members of Board: appointment; pay; per-**
2 **formance review**

3 “(a) The members of the Board of Veterans’ Appeals
4 other than the Chairman (and including the Vice Chair-
5 man) shall be appointed by the Secretary, with the ap-
6 proval of the President, based upon recommendations of
7 the Chairman.

8 “(b) Members of the Board (other than the Chairman
9 and any member of the Board who is a member of the
10 Senior Executive Service) shall, in accordance with regula-
11 tions prescribed by the Secretary, be paid basic pay at
12 rates equivalent to the rates payable under section 5372
13 of title 5.

14 “(c)(1)(A) The Chairman shall establish a panel to
15 review the performance of members of the Board. The
16 panel shall be comprised of the Chairman and two other
17 members of the Board (other than the Vice Chairman).
18 The Chairman shall periodically rotate membership on the
19 panel so as to ensure that each member of the Board
20 (other than the Vice Chairman) serves as a member of
21 the panel for and within a reasonable period.

22 “(B) Not less than one year after the job perform-
23 ance standards under subsection (f) are initially estab-
24 lished, and not less often than once every three years
25 thereafter, the performance review panel shall determine,
26 with respect to each member of the Board (other than the

1 Chairman or a member who is a member of the Senior
2 Executive Service), whether that member's job perform-
3 ance as a member of the Board meets the performance
4 standards for a member of the Board established under
5 subsection (f). Each such determination shall be in writ-
6 ing.

7 “(2) If the determination of the performance review
8 panel in any case is that the member's job performance
9 as a member of the Board meets the performance stand-
10 ards for a member of the Board established under sub-
11 section (f), the Chairman shall recertify the member's ap-
12 pointment as a member of the Board.

13 “(3) If the determination of the performance review
14 panel in any case is that the member's job performance
15 does not meet the performance standards for a member
16 of the Board established under subsection (f), the Chair-
17 man shall, based upon the individual circumstances,
18 either—

19 “(A) grant the member a conditional
20 recertification; or

21 “(B) recommend to the Secretary that the
22 member be noncertified.

23 “(4) In the case of a member of the Board who is
24 granted a conditional recertification under paragraph
25 (3)(A) or (5)(A), the performance review panel shall re-

1 view the member's job performance record and make a
2 further determination under paragraph (1) concerning
3 that member not later than one year after the date of the
4 conditional recertification. If the determination of the per-
5 formance review panel at that time is that the member's
6 job performance as a member of the Board still does not
7 meet the performance standards for a member of the
8 Board established under subsection (f), the Chairman
9 shall recommend to the Secretary that the member be
10 noncertified.

11 “(5) In a case in which the Chairman recommends
12 to the Secretary under paragraph (3) or (4) that a mem-
13 ber be noncertified, the Secretary, after considering the
14 recommendation of the Chairman, may either—

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

17 “(B) determine that the member should be
18 noncertified.

19 “(d)(1) If the Secretary, based upon the rec-
20 ommendation of the Chairman, determines that a member
21 of the Board should be noncertified, that member's ap-
22 pointment as a member of the Board shall be terminated
23 and that member shall be removed from the Board.

24 “(2) Upon removal from the Board under paragraph
25 (1), a member of the Board (other than the Chairman)

1 who was a career or career-conditional employee in the
2 civil service before commencement of service as a member
3 of the Board shall revert to the civil service grade and
4 series held by the member immediately before the appoint-
5 ment of the member to the Board.

6 “(e)(1) A member of the Board (other than the
7 Chairman or a member of the Senior Executive Service)
8 may be removed as a member of the Board by reason of
9 job performance only as provided in subsections (c) and
10 (d). Such a member may be removed by the Secretary,
11 upon the recommendation of the Chairman, for any other
12 reason as determined by the Secretary.

13 “(2) In the case of a removal of a member under this
14 section for a reason other than job performance that would
15 be covered by section 7521 of title 5 in the case of an
16 administrative law judge, the removal of the member of
17 the Board shall be carried out subject to the same require-
18 ments as apply to removal of an administrative law judge
19 under that section. Section 554(a)(2) of title 5 shall not
20 apply to a removal action under this subsection. In such
21 a removal action, a member shall have the rights set out
22 in section 7513(b) of that title.

23 “(f) The Chairman, subject to the approval of the
24 Secretary, shall establish standards for the performance
25 of the job of a member of the Board (other than the Chair-

1 man or a member of the Senior Executive Service). Those
2 standards shall establish objective and fair criteria for
3 evaluation of the job performance of a member of the
4 Board.

5 “(g) The Secretary shall prescribe procedures for the
6 administration of this section, including deadlines and
7 time schedules for different actions under this section.”.

8 (2) The table of sections at the beginning of such
9 chapter is amended by inserting after the item relating
10 to section 7101 the following new item:

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

11 (b) SAVE PAY PROVISION.—The rate of basic pay
12 payable to an individual who is a member of the Board
13 of Veterans’ Appeals on the date of the enactment of this
14 Act may not be reduced by reason of the amendments
15 made by this section to a rate below the rate payable to
16 such individual on the day before such date.

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

21 (d) CONFORMING AMENDMENTS.—Section 7101(b) is
22 amended—

23 (1) by striking out paragraph (2);

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

4 (3) by striking out “Members (including the
5 Chairman)” in paragraph (3) and inserting in lieu
6 thereof “The Chairman”.

7 **SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORM-**
8 **ANCE EVALUATION CRITERIA FOR BOARD**
9 **MEMBERS.**

10 (a) DEADLINE.—The job performance standards re-
11 quired to be established by section 7101A(f) of title 38,
12 United States Code, as added by section 201(a), shall be
13 established not later than 90 days after the date of the
14 enactment of this Act.

15 (b) SUBMISSION TO CONGRESSIONAL COMMIT-
16 TEES.—Not later than the date on which the standards
17 referred to in subsection (a) take effect, the Secretary of
18 Veterans Affairs shall submit to the Committees on Veter-
19 ans’ Affairs of the Senate and House of Representatives
20 a report describing the standards established by the Chair-
21 man of the Board of Veterans’ Appeals.

22 **SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PEND-**
23 **ING APPOINTMENT OF SUCCESSOR.**

24 Section 7101(b)(3) is amended by adding at the end
25 the following new sentence: “If, upon the expiration of the

1 term of office for which the Chairman was appointed, the
2 position of Chairman would become vacant, the individual
3 serving as Chairman may, with the approval of the Sec-
4 retary, continue to serve as Chairman until either ap-
5 pointed to another term or a successor is appointed, but
6 not beyond the end of the Congress during which the term
7 of office expired.”.

8 **TITLE III—ADJUDICATION**

9 **IMPROVEMENTS**

10 **SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR**

11 **CLAIMS PURPOSES.**

12 (a) STATEMENTS OF CLAIMANT TO BE ACCEPTED
13 AS PROOF OF RELATIONSHIPS.—Chapter 51 is amended
14 by adding at the end the following new section:

15 **“§5124. Acceptance of claimant’s statement as proof**

16 **of relationship**

17 “(a) For purposes of benefits under laws adminis-
18 tered by the Secretary, the Secretary may accept the writ-
19 ten statement of a claimant as proof of the existence of
20 any relationship specified in subsection (b) for the purpose
21 of acting on such individual’s claim for benefits.

22 “(b) Subsection (a) applies to proof of the existence
23 of any of the following relationships between a claimant
24 and another person:

25 “(1) Marriage.

1 “(2) Dissolution of a marriage.

2 “(3) Birth of a child.

3 “(4) Death of any family member.

4 “(c) The Secretary may require the submission of
5 documentation in support of the claimant’s statement if—

6 “(1) the claimant does not reside within a
7 State;

8 “(2) the statement on its face raises a question
9 as to its validity;

10 “(3) there is conflicting information of record;

11 or

12 “(4) there is reasonable indication, in the state-
13 ment or otherwise, of fraud or misrepresentation.”.

14 (b) REPORTS OF EXAMINATIONS BY PRIVATE PHYSI-
15 CIANS.—Such chapter, as amended by subsection (a), is
16 further amended by adding at the end the following new
17 section:

18 **“§ 5125. Acceptance of reports of private physician**
19 **examinations**

20 “For purposes of establishing any claim for benefits
21 under chapter 11 or 15 of this title, a report of a medical
22 examination administered by a private physician that is
23 provided by a claimant in support of a claim for benefits
24 under that chapter may be accepted without a requirement
25 for confirmation by an examination by a physician em-

1 ployed by the Veterans Health Administration if the re-
2 port is sufficiently complete to be adequate for the purpose
3 of adjudicating such claim.”.

4 (c) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new items:

“5124. Acceptance of claimant’s statement as proof of relationship.

“5125. Acceptance of reports of private physician examinations.”.

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

8 The Secretary of Veterans Affairs shall take such ac-
9 tions as may be necessary to provide for the expeditious
10 treatment, by the Board of Veterans’ Appeals and by the
11 regional offices of the Veterans Benefits Administration,
12 of any claim that has been remanded by the Board of Vet-
13 erans’ Appeals or by the United States Court of Veterans
14 Appeals for additional development or other appropriate
15 action.

16 **SEC. 303. SCREENING OF APPEALS.**

17 Section 7107 is amended—

18 (1) in subsection (a)(1), by striking out “Each
19 case” and inserting in lieu thereof “Except as pro-
20 vided in subsection (f), each case”; and

21 (2) by adding at the end the following new
22 subsection:

23 “(f) Nothing in this section shall preclude the screen-
24 ing of cases for purposes of—

1 “(1) determining the adequacy of the record for
2 decisional purposes; or

3 “(2) the development, or attempted develop-
4 ment, of a record found to be inadequate for
5 decisional purposes.”.

6 **SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION**
7 **OF ADJUDICATION DIVISIONS IN VBA RE-**
8 **REGIONAL OFFICES.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Veterans Affairs shall
11 submit to the Committees on Veterans’ Affairs of the Sen-
12 ate and House of Representatives a report addressing the
13 feasibility and impact of a reorganization of the adjudica-
14 tion divisions located within the regional offices of the Vet-
15 erans Benefits Administration to a number of such divi-
16 sions that would result in improved efficiency in the proc-
17 essing of claims filed by veterans, their survivors, or other
18 eligible persons for benefits administered by the Secretary.

19 **TITLE IV—VETERANS’ CLAIMS**
20 **ADJUDICATION COMMISSION**

21 **SEC. 401. ESTABLISHMENT OF COMMISSION.**

22 (a) ESTABLISHMENT OF COMMISSION.—There is
23 hereby established a commission to be known as the Veter-
24 ans’ Claims Adjudication Commission (hereinafter in this
25 title referred to as the “commission”).

1 (b) MEMBERSHIP.—(1) The commission shall be
2 composed of nine members, appointed by the Secretary of
3 Veterans Affairs as follows:

4 (A) One member shall be appointed from
5 among former officials of the Department of Veter-
6 ans Affairs (or the Veterans' Administration).

7 (B) Two members shall be appointed from
8 among individuals in the private sector who have ex-
9 pertise in the adjudication of claims relating to in-
10 surance or similar benefits.

11 (C) Two members shall be appointed from
12 among individuals employed in the Federal Govern-
13 ment (other than the Department of Veterans Af-
14 fairs) who have expertise in the adjudication of
15 claims for benefits under Federal law other than
16 under laws administered by the Secretary of Veter-
17 ans Affairs.

18 (D) Two members shall be appointed from
19 among individuals recommended to the Secretary by
20 representatives of veterans service organizations.

21 (E) One member shall be appointed based on a
22 recommendation of the American Bar Association or
23 a similar private organization from among individ-
24 uals who have expertise in the field of administrative
25 law.

1 (F) One member shall be appointed from
2 among current officials of the Department of Veter-
3 ans Affairs.

4 (2) The appointment of members of the commission
5 under this subsection shall be made not later than Feb-
6 ruary 1, 1995.

7 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
8 bers of the commission shall be appointed for the life of
9 the commission. A vacancy in the commission shall not
10 affect its powers, but shall be filled in the same manner
11 as the original appointment.

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

15 (e) MEETINGS.—The commission shall meet at the
16 call of the chairman.

17 (f) QUORUM.—A majority of the members of the com-
18 mission shall constitute a quorum, but a lesser number
19 may hold hearings.

20 (g) CHAIRMAN.—The Secretary shall designate a
21 member of the commission (other than the commission
22 member who is a current official of the Department of
23 Veterans Affairs) to be chairman of the commission.

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

2 (a) IN GENERAL.—The commission shall carry out
3 a study of the Department of Veterans Affairs system for
4 the disposition of claims for veterans benefits.

5 (b) PURPOSE OF STUDY.—The purpose of the study
6 is to evaluate the Department of Veterans Affairs system
7 for the disposition of claims for veterans benefits in order
8 to determine the following:

9 (1) The efficiency of current processes and pro-
10 cedures under the system for the adjudication, reso-
11 lution, review, and final disposition of claims for vet-
12 erans benefits, including the effect of judicial review
13 on the system, and means of increasing the effi-
14 ciency of the system.

15 (2) Means of reducing the number of claims
16 under the system for which final disposition is
17 pending.

18 (3) Means of enhancing the ability of the De-
19 partment of Veterans Affairs to achieve final deter-
20 mination regarding claims under the system in a
21 prompt and appropriate manner.

22 (c) CONTENTS OF STUDY.—The study to be carried
23 out by the commission under this section is a comprehen-
24 sive evaluation and assessment of the Department of Vet-
25 erans Affairs system for the disposition of claims for veter-
26 ans benefits (as defined in section 406) and of the system

1 for the delivery of such benefits, together with any related
2 issues that the commission determines are relevant to the
3 study. The study shall include an evaluation and assess-
4 ment of the following:

5 (1) The preparation and submission of claims
6 by veterans under the system.

7 (2) The processes and procedures under the
8 system for the disposition of claims, including—

9 (A) the scope and nature of the review un-
10 dertaken with respect to a claim at each stage
11 in the claims disposition process, including the
12 role of hearings throughout the process;

13 (B) the number, Federal employment
14 grade, and experience and qualifications re-
15 quired of the persons undertaking such review
16 at each such stage;

17 (C) opportunities for the submittal of new
18 evidence; and

19 (D) the availability of alternative means of
20 completing claims.

21 (3) The effect on the system of the participa-
22 tion of attorneys, members of veterans service orga-
23 nizations, and other advocates on behalf of veterans.

24 (4) The effect on the system of actions taken
25 by the Secretary to modernize the information man-

1 agement system of the Department, including the
2 use of electronic data management systems.

3 (5) The effect on the system of any work per-
4 formance standards used by the Secretary at re-
5 gional offices of the Department and at the Board
6 of Veterans' Appeals.

7 (6) The extent of the implementation in the
8 system of the recommendations of the Blue Ribbon
9 Panel on Claims Processing submitted to the Com-
10 mittees on Veterans' Affairs of the Senate and
11 House of Representatives on December 2, 1993, and
12 the effect of such implementation on the system.

13 (7) The effectiveness in improving the system of
14 any pilot programs carried out by the Secretary at
15 regional offices of the Department and of efforts by
16 the Secretary to implement such programs through-
17 out the system.

18 (8) The effectiveness of the quality control
19 practices and quality assurance practices under the
20 system in achieving the goals of such practices.

21 (d) COOPERATION OF SECRETARY.—Upon the re-
22 quest of the chairman of the commission, the Secretary
23 shall, within 30 days of such request, submit to the com-
24 mission, and to the Committees on Veterans' Affairs of
25 the Senate and House of Representatives, such informa-

1 tion as the chairman shall determine is necessary for the
2 commission to carry out the study required under this
3 section.

4 (e) REPORTS.—(1) Not later than one year after the
5 date of the enactment of this Act, the commission shall
6 submit to the Secretary and to the Committees on Veter-
7 ans' Affairs of the Senate and House of Representatives
8 a preliminary report on the study required under sub-
9 section (c). The report shall contain the preliminary find-
10 ings and conclusions of the commission with respect to the
11 evaluation and assessment required under the study.

12 (2) Not later than 18 months after such date, the
13 commission shall submit to the Secretary and to such com-
14 mittees a report on such study. The report shall include
15 the following:

16 (A) The findings and conclusions of the com-
17 mission, including its findings and conclusions with
18 respect to the matters referred to in subsection (c).

19 (B) The recommendations of the commission
20 for means of improving the Department of Veterans
21 Affairs system for the disposition of claims for veter-
22 ans benefits.

23 (C) Such other information and recommenda-
24 tions with respect to the system as the commission
25 considers appropriate.

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

2 (a) HEARINGS.—The commission may hold such
3 hearings, sit and act at such times and places, take such
4 testimony, and receive such evidence as the commission
5 considers advisable to carry out the purposes of this title.

6 (b) INFORMATION FROM FEDERAL AGENCIES.—In
7 addition to the information referred to in section 402(d),
8 the commission may secure directly from any Federal de-
9 partment or agency such information as the commission
10 considers necessary to carry out the provisions of this title.
11 Upon request of the chairman of the commission, the head
12 of such department or agency shall furnish such informa-
13 tion to the commission.

14 (c) POSTAL SERVICES.—The commission may use the
15 United States mails in the same manner and under the
16 same conditions as other departments and agencies of the
17 Federal Government.

18 (d) GIFTS.—The commission may accept, use, and
19 dispose of gifts or donations of services or property.

20 **SEC. 404. COMMISSION PERSONNEL MATTERS.**

21 (a) COMPENSATION OF MEMBERS.—Each member of
22 the commission who is not an officer or employee of the
23 Federal Government shall be compensated at a rate equal
24 to the daily equivalent of the annual rate of basic pay pre-
25 scribed for level IV of the Executive Schedule under sec-
26 tion 5315 of title 5, United States Code, for each day (in-

1 cluding travel time) during which such member is engaged
2 in the performance of the duties of the commission. All
3 members of the commission who are officers or employees
4 of the United States shall serve without compensation in
5 addition to that received for their services as officers or
6 employees of the United States.

7 (b) TRAVEL EXPENSES.—The members of the com-
8 mission shall be allowed travel expenses, including per
9 diem in lieu of subsistence, at rates authorized for employ-
10 ees of agencies under subchapter I of chapter 57 of title
11 5, United States Code, while away from their homes or
12 regular places of business in the performance of services
13 for the commission.

14 (c) STAFF.—(1) The chairman of the commission
15 may, without regard to the civil service laws and regula-
16 tions, appoint an executive director and such other person-
17 nel as may be necessary to enable the commission to per-
18 form its duties. The appointment of an executive director
19 shall be subject to approval by the commission.

20 (2) The chairman of the commission may fix the com-
21 pensation of the executive director and other personnel
22 without regard to the provisions of chapter 51 and sub-
23 chapter III of chapter 53 of title 5, United States Code,
24 relating to classification of positions and General Schedule
25 pay rates, except that the rate of pay for the executive

1 director and other personnel may not exceed the rate pay-
2 able for level V of the Executive Schedule under section
3 5316 of such title.

4 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon
5 request of the chairman of the commission, the head of
6 any Federal department or agency may detail, on a
7 nonreimbursable basis, any personnel of the department
8 or agency to the commission to assist it in carrying out
9 its duties.

10 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
11 **TENT SERVICES.**—The chairman of the commission may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for individ-
14 uals which do not exceed the daily equivalent of the annual
15 rate of basic pay prescribed for level V of the Executive
16 Schedule under section 5316 of such title.

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

18 The commission shall terminate 90 days after the
19 date on which the commission submits its report under
20 section 402(e)(2).

21 **SEC. 406. DEFINITIONS.**

22 For the purposes of this title:

23 (1) The term “Department of Veterans Affairs
24 system for the disposition of claims for veterans ben-
25 efits” means the processes and procedures of the

1 Department of Veterans Affairs for the adjudication,
2 resolution, review, and final disposition of claims for
3 benefits under the laws administered by the Sec-
4 retary.

5 (2) The term “Secretary” means the Secretary
6 of Veterans Affairs.

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

11 **SEC. 407. FUNDING.**

12 (a) FISCAL YEAR 1995.—From amounts appro-
13 priated to the Department of Veterans Affairs for fiscal
14 year 1995 for the payment of compensation and pension,
15 the amount of \$400,000 is hereby made available for the
16 activities of the commission under this title.

17 (b) AVAILABILITY.—Any sums appropriated to the
18 commission shall remain available until expended.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CON-**
4 **CERNING COVERAGE OF RADIATION-EX-**
5 **POSED VETERANS COMPENSATION ACT OF**
6 **1988.**

7 (a) RESTATEMENT OF ABSENCE OF STATUTORY
8 LIMITATION TO UNITED STATES TESTS.—Clause (i) of
9 section 1112(c)(3)(B) is amended by inserting “(without
10 regard to whether the nation conducting the test was the
11 United States or another nation)” after “nuclear device”.

12 (b) PROOF OF SERVICE CONNECTION OF DISABIL-
13 ITIES RELATING TO EXPOSURE TO IONIZING RADI-
14 ATION.—(1) Section 1113(b) is amended—

15 (A) by striking out “title or” and inserting in
16 lieu thereof “title,”; and

17 (B) by inserting “, or section 5 of Public Law
18 98–542 (38 U.S.C. 1154 note)” after “of this
19 section”.

20 (2) The amendments made by paragraph (1) shall
21 apply with respect to applications for veterans benefits
22 that are submitted to the Secretary of Veterans Affairs
23 after the date of the enactment of this Act.

1 **SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN RE-**
2 **REGIONAL OFFICE IN THE PHILIPPINES.**

3 Section 315(b) is amended by striking out “Decem-
4 ber 31, 1994” and inserting in lieu thereof “December 31,
5 1999”.

6 **SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.**

7 Section 5306 is amended by adding at the end the
8 following new subsection:

9 “(c) Notwithstanding subsection (b), if a new applica-
10 tion for pension under chapter 15 of this title or for de-
11 pendency and indemnity compensation for parents under
12 section 1315 of this title is filed within one year after
13 renouncement of that benefit, such application shall not
14 be treated as an original application and benefits will be
15 payable as if the renouncement had not occurred.”.

16 **SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES**
17 **UNDER CONTINGENT FEE AGREEMENTS.**

18 (a) CLARIFICATION.—Subparagraph (A) of section
19 5904(d)(2) is amended to read as follows:

20 “(A) A fee agreement referred to in paragraph (1)
21 is one under which the total amount of the fee payable
22 to the attorney—

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

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

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to fee agreements
5 entered into on or after the date of the enactment of this
6 Act.

7 **SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRE-**
8 **SUMPTIONS ESTABLISHED ADMINISTRA-**
9 **TIVELY.**

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

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

14 “(E) Porphyria cutanea tarda becoming mani-
15 fest to a degree of disability of 10 percent or more
16 within a year after the last date on which the vet-
17 eran performed active military, naval, or air service
18 in the Republic of Vietnam during the Vietnam era.

19 “(F) Respiratory cancers (cancer of the lung,
20 bronchus, larynx, or trachea) becoming manifest to
21 a degree of 10 percent or more within 30 years after
22 the last date on which the veteran performed active
23 military, naval, or air service in the Republic of Viet-
24 nam during the Vietnam era.

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

3 **SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NA-**
4 **TIVES FOR PURPOSES OF NEEDS-BASED**
5 **BENEFITS.**

6 Any receipt by an individual from a Native Corpora-
7 tion under the Alaska Native Claims Settlement Act (43
8 U.S.C. 1601 et seq.) of cash, stock, land, or other interests
9 referred to in subparagraphs (A) through (E) of section
10 29(c) of that Act (43 U.S.C. 1626(c)) (whether such re-
11 ceipt is attributable to the disposition of real property,
12 profits from the operation of real property, or otherwise)
13 shall not be countable as income for purposes of any law
14 administered by the Secretary of Veterans Affairs.

15 **SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT**
16 **OF CERTAIN BENEFITS IN PHILIPPINE**
17 **PESOS.**

18 (a) GENERAL RULE.—The second sentence of each
19 of subsections (a) and (b) of section 107 is amended—

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

22 (2) by striking out “rate in Philippine pesos as
23 is equivalent to” and inserting in lieu thereof “rate
24 of”.

1 (b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL
2 ASSISTANCE.—Sections 3532(d) and 3565(b)(1) are
3 amended by striking out “a rate in Philippine pesos equiv-
4 alent to” and inserting in lieu thereof “the rate of”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to payments made
7 after December 31, 1994.

8 **SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY**
9 **MEMBERS OF ATOMIC VETERANS OF EXPO-**
10 **SURE OF ATOMIC VETERANS TO IONIZING**
11 **RADIATION.**

12 (a) INTERAGENCY AGREEMENT.—The Secretary of
13 Veterans Affairs shall enter into an agreement with the
14 Medical Follow-Up Agency of the Institute of the Medicine
15 of the National Academy of Sciences under which that
16 agency shall convene a panel of appropriate individuals to
17 carry out the evaluation described in subsection (b).

18 (b) EVALUATION OF FEASIBILITY OF STUDY.—(1)
19 The panel convened under subsection (a) shall evaluate the
20 feasibility of carrying out a study as described in sub-
21 section (c).

22 (2) The panel shall submit the results of the evalua-
23 tion under paragraph (1) to the Secretary not later than
24 180 days after the date of the enactment of this Act. The
25 Secretary shall promptly notify the Committees on Veter-

1 ans' Affairs of the Senate and the House of Representa-
2 tives of such results.

3 (c) DESCRIPTION OF STUDY TO BE EVALUATED.—

4 The study referred to in subsection (b) (the feasibility of
5 which is to be evaluated under that subsection by the
6 panel convened under subsection (a)) is one which would
7 determine the nature and extent, if any, of the relationship
8 between the exposure of veterans described in subsection
9 (d) to ionizing radiation and the following:

10 (1) Genetic defects and illnesses in the children
11 and grandchildren of such veterans.

12 (2) Untoward pregnancy outcomes experienced
13 by the wives of such veterans, including premature
14 births, stillbirths, miscarriages, neonatal illnesses
15 and deaths.

16 (3) Periparturient diseases of the mother which
17 are the direct result of such untoward pregnancy
18 outcomes.

19 (d) COVERED VETERANS.—Subsection (c) applies
20 to—

21 (1) any veteran who was exposed (as deter-
22 mined by the Secretary) to ionizing radiation as a
23 result of—

24 (A) participation while on active duty in
25 the Armed Forces in an atmospheric nuclear

1 test that included the detonation of a nuclear
2 device;

3 (B) service in the Armed Forces with the
4 United States occupation force of Hiroshima or
5 Nagasaki, Japan, before July 1, 1946; or

6 (C) internment or detention as a prisoner
7 of war of Japan before that date in cir-
8 cumstances providing the opportunity for expo-
9 sure to ionizing radiation comparable to the ex-
10 posure of individuals who served with such oc-
11 cupation force before that date; and

12 (2) any other veteran who the Secretary des-
13 ignates for coverage under the study.

14 **SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER**
15 **FOR WOMEN VETERANS.**

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

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

20 “(a) There is in the Department a Center for Minor-
21 ity Veterans. There is at the head of the Center a Direc-
22 tor.

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

1 “(c) The Director reports directly to the Secretary
2 or the Deputy Secretary concerning the activities of the
3 Center.

4 “(d) The Director shall perform the following func-
5 tions with respect to veterans who are minorities:

6 “(1) Serve as principal adviser to the Secretary
7 on the adoption and implementation of policies and
8 programs affecting veterans who are minorities.

9 “(2) Make recommendations to the Secretary,
10 the Under Secretary for Health, the Under Sec-
11 retary for Benefits, and other Department officials
12 for the establishment or improvement of programs in
13 the Department for which veterans who are minori-
14 ties are eligible.

15 “(3) Promote the use of benefits authorized by
16 this title by veterans who are minorities and the con-
17 duct of outreach activities to veterans who are mi-
18 norities, in conjunction with outreach activities car-
19 ried out under chapter 77 of this title.

20 “(4) Disseminate information and serve as a re-
21 source center for the exchange of information re-
22 garding innovative and successful programs which
23 improve the services available to veterans who are
24 minorities.

1 “(5) Conduct and sponsor appropriate social
2 and demographic research on the needs of veterans
3 who are minorities and the extent to which programs
4 authorized under this title meet the needs of those
5 veterans, without regard to any law concerning the
6 collection of information from the public.

7 “(6) Analyze and evaluate complaints made by
8 or on behalf of veterans who are minorities about
9 the adequacy and timeliness of services provided by
10 the Department and advise the appropriate official
11 of the Department of the results of such analysis or
12 evaluation.

13 “(7) Consult with, and provide assistance and
14 information to, officials responsible for administering
15 Federal, State, local, and private programs that as-
16 sist veterans, to encourage those officials to adopt
17 policies which promote the use of those programs by
18 veterans who are minorities.

19 “(8) Advise the Secretary when laws or policies
20 have the effect of discouraging the use of benefits by
21 veterans who are minorities.

22 “(9) Publicize the results of medical research
23 which are of particular significance to veterans who
24 are minorities.

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

3 “(e) The Secretary shall ensure that the Director is
4 furnished sufficient resources to enable the Director to
5 carry out the functions of the Center in a timely manner.

6 “(f) The Secretary shall include in documents sub-
7 mitted to Congress by the Secretary in support of the
8 President’s budget for each fiscal year—

9 “(1) detailed information on the budget for the
10 Center;

11 “(2) the Secretary’s opinion as to whether the
12 resources (including the number of employees) pro-
13 posed in the budget for that fiscal year are adequate
14 to enable the Center to comply with its statutory
15 and regulatory duties; and

16 “(3) a report on the activities and significant
17 accomplishments of the Center during the preceding
18 fiscal year.

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

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

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

1 “(c) The Director reports directly to the Secretary
2 or the Deputy Secretary concerning the activities of the
3 Center.

4 “(d) The Director shall perform the following func-
5 tions with respect to veterans who are women:

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

9 “(2) Make recommendations to the Secretary,
10 the Under Secretary for Health, the Under Sec-
11 retary for Benefits, and other Department officials
12 for the establishment or improvement of programs in
13 the Department for which veterans who are women
14 are eligible.

15 “(3) Promote the use of benefits authorized by
16 this title by veterans who are women and the con-
17 duct of outreach activities to veterans who are
18 women, in conjunction with outreach activities car-
19 ried out under chapter 77 of this title.

20 “(4) Disseminate information and serve as a re-
21 source center for the exchange of information re-
22 garding innovative and successful programs which
23 improve the services available to veterans who are
24 women.

1 “(5) Conduct and sponsor appropriate social
2 and demographic research on the needs of veterans
3 who are women and the extent to which programs
4 authorized under this title meet the needs of those
5 veterans, without regard to any law concerning the
6 collection of information from the public.

7 “(6) Analyze and evaluate complaints made by
8 or on behalf of veterans who are women about the
9 adequacy and timeliness of services provided by the
10 Department and advise the appropriate official of
11 the Department of the results of such analysis or
12 evaluation.

13 “(7) Consult with, and provide assistance and
14 information to, officials responsible for administering
15 Federal, State, local, and private programs that as-
16 sist veterans, to encourage those officials to adopt
17 policies which promote the use of those programs by
18 veterans who are women.

19 “(8) Advise the Secretary when laws or policies
20 have the effect of discouraging the use of benefits by
21 veterans who are women.

22 “(9) Publicize the results of medical research
23 which are of particular significance to veterans who
24 are women.

1 “(10) Advise the Secretary and other appro-
2 priate officials on the effectiveness of the Depart-
3 ment’s efforts to accomplish the goals of section
4 492B of the Public Health Service Act (relating to
5 the inclusion of women and minorities in clinical re-
6 search) and of particular health conditions affecting
7 womens’ health which should be studied as part of
8 the Department’s medical research program and
9 promote cooperation between the Department and
10 other sponsors of medical research of potential bene-
11 fit to veterans who are women.

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

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

17 “(e) The Secretary shall ensure that the Director is
18 furnished sufficient resources to enable the Director to
19 carry out the functions of the Center in a timely manner.

20 “(f) The Secretary shall include in documents sub-
21 mitted to Congress by the Secretary in support of the
22 President’s budget for each fiscal year—

23 “(1) detailed information on the budget for the
24 Center;

1 “(2) the Secretary’s opinion as to whether the
2 resources (including the number of employees) pro-
3 posed in the budget for that fiscal year are adequate
4 to enable the Center to comply with its statutory
5 and regulatory duties; and

6 “(3) a report on the activities and significant
7 accomplishments of the Center during the preceding
8 fiscal year.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by striking
11 out the item relating to section 317 and inserting in lieu
12 thereof the following new items:

“317. Center for Minority Veterans.
“318. Center for Women Veterans.”.

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

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

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

17 “(a)(1) The Secretary shall establish an advisory
18 committee to be known as the Advisory Committee on Mi-
19 nority Veterans (hereinafter in this section referred to as
20 ‘the Committee’).

21 “(2)(A) The Committee shall consist of members
22 appointed by the Secretary from the general public,
23 including—

1 “(i) representatives of veterans who are minor-
2 ity group members;

3 “(ii) individuals who are recognized authorities
4 in fields pertinent to the needs of veterans who are
5 minority group members;

6 “(iii) veterans who are minority group members
7 and who have experience in a military theater of op-
8 erations; and

9 “(iv) veterans who are minority group members
10 and who do not have such experience.

11 “(B) The Committee shall include, as ex officio mem-
12 bers, the following:

13 “(i) The Secretary of Labor (or a representative
14 of the Secretary of Labor designated by the Sec-
15 retary after consultation with the Assistant Sec-
16 retary of Labor for Veterans’ Employment).

17 “(ii) The Secretary of Defense (or a representa-
18 tive of the Secretary of Defense designated by the
19 Secretary of Defense).

20 “(iii) The Secretary of the Interior (or a rep-
21 resentative of the Secretary of the Interior des-
22 ignated by the Secretary of the Interior).

23 “(iv) The Secretary of Commerce (or a rep-
24 resentative of the Secretary of Commerce designated
25 by the Secretary of Commerce).

1 “(v) The Secretary of Health and Human Serv-
2 ices (or a representative of the Secretary of Health
3 and Human Services designated by the Secretary of
4 Health and Human Services).

5 “(vi) The Under Secretary for Health and the
6 Under Secretary for Benefits, or their designees.

7 “(C) The Secretary may invite representatives of
8 other departments and agencies of the United States to
9 participate in the meetings and other activities of the
10 Committee.

11 “(3) The Secretary shall determine the number,
12 terms of service, and pay and allowances of members of
13 the Committee appointed by the Secretary, except that a
14 term of service of any such member may not exceed three
15 years. The Secretary may reappoint any such member for
16 additional terms of service.

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

20 “(b) The Secretary shall, on a regular basis, consult
21 with and seek the advice of the Committee with respect
22 to the administration of benefits by the Department for
23 veterans who are minority group members, reports and
24 studies pertaining to such veterans and the needs of such
25 veterans with respect to compensation, health care, reha-

1 bilitation, outreach, and other benefits and programs ad-
2 ministered by the Department.

3 “(c)(1) Not later than July 1 of each year, the Com-
4 mittee shall submit to the Secretary a report on the pro-
5 grams and activities of the Department that pertain to
6 veterans who are minority group members. Each such re-
7 port shall include—

8 “(A) an assessment of the needs of veterans
9 who are minority group members with respect to
10 compensation, health care, rehabilitation, outreach,
11 and other benefits and programs administered by
12 the Department;

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

15 “(C) such recommendations (including rec-
16 ommendations for administrative and legislative ac-
17 tion) as the Committee considers appropriate.

18 “(2) The Secretary shall, within 60 days after receiv-
19 ing each report under paragraph (1), submit to Congress
20 a copy of the report, together with any comments concern-
21 ing the report that the Secretary considers appropriate.

22 “(3) The Committee may also submit to the Sec-
23 retary such other reports and recommendations as the
24 Committee considers appropriate.

1 “(4) The Secretary shall submit with each annual re-
2 port submitted to the Congress pursuant to section 529
3 of this title a summary of all reports and recommendations
4 of the Committee submitted to the Secretary since the pre-
5 vious annual report of the Secretary submitted pursuant
6 to such section.

7 “(d) In this section, the term ‘minority group mem-
8 ber’ means an individual who is—

9 “(1) Asian American;

10 “(2) Black;

11 “(3) Hispanic;

12 “(4) Native American (including American In-
13 dian, Alaskan Native, and Native Hawaiian); or

14 “(5) Pacific-Islander American.

15 “(e) The Committee shall cease to exist December 31,
16 1997.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 after the item relating to section 543 the following new
20 item:

“544. Advisory Committee on Minority Veterans.”.

21 **SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT**
22 **OF VETERANS APPEALS.**

23 (a) IN GENERAL.—Section 7266(a) is amended to
24 read as follows:

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

7 “(2) An appellant shall file a notice of appeal under
8 this section by delivering or mailing the notice to the
9 Court.

10 “(3) A notice of appeal shall be deemed to be received
11 by the Court as follows:

12 “(A) On the date of receipt by the Court, if the
13 notice is delivered.

14 “(B) On the date of the United States Post
15 Service postmark stamped on the cover in which the
16 notice is posted, if the notice is properly addressed
17 to the Court and is mailed.

18 “(4) For a notice of appeal mailed to the Court to
19 be deemed to be received under paragraph (3)(B) on a
20 particular date, the United States Postal Service postmark
21 on the cover in which the notice is posted must be legible.
22 The Court shall determine the legibility of any such post-
23 mark and the Court’s determination as to legibility shall
24 be final and not subject to review by any other Court.”.

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

6 **TITLE VI—EDUCATION AND**
7 **TRAINING PROGRAMS**

8 **SEC. 601. FLIGHT TRAINING.**

9 (a) ACTIVE DUTY PROGRAM.—Section 3034(d) is
10 amended—

11 (1) by striking out paragraph (2);

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

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

15 (b) POST-VIETNAM ERA.—Section 3241(b) is amend-
16 ed—

17 (1) by striking out paragraph (2);

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

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

21 (c) RESERVE PROGRAM.—Section 2136(c) of title 10,
22 United States Code, is amended—

23 (1) by striking out paragraph (2);

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

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

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

5 **SEC. 602. TRAINING AND REHABILITATION FOR VETERANS**
6 **WITH SERVICE-CONNECTED DISABILITIES.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

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

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

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

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

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

1 Claims Settlement Act, which is recognized as eligible for
2 the special programs and services provided by the United
3 States to Indians because of their status as Indians.”.

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

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

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

16 **SEC. 603. ALTERNATIVE TEACHER CERTIFICATION**
17 **PROGRAMS.**

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

1 (b) CLARIFYING AMENDMENT.—Section 3002 is
2 amended by adding at the end the following new para-
3 graph:

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

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

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

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

16 **SEC. 605. CORRESPONDENCE COURSES.**

17 (a) APPROVAL OF PROGRAMS OF EDUCATION.—(1)
18 Section 3672 is amended by adding at the end the follow-
19 ing new subsection:

20 “(e) A program of education exclusively by cor-
21 respondence, and the correspondence portion of a com-
22 bination correspondence-residence course leading to a vo-
23 cational objective, that is offered by an educational institu-
24 tion (as defined in section 3452(c) of this title) may be
25 approved only if (1) the educational institution is accred-

1 ited by an entity recognized by the Secretary of Education,
2 and (2) at least 50 percent of those pursuing such a pro-
3 gram or course require six months or more to complete
4 the program or course.”.

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

8 (B) Section 3680(a) is amended—

9 (i) by inserting “or” at the end of paragraph
10 (2);

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

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

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

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

22 **SEC. 606. STATE APPROVING AGENCIES.**

23 (a) REIMBURSEMENT.—(1) Section 3674(a)(4) is
24 amended by striking out “\$12,000,000” each place it ap-
25 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 QUAR-
5 TERLY REPORT TO CONGRESS.—Section 3674(a)(3) is
6 amended—

- 7 (1) by striking out subparagraph (B); and
8 (2) by striking out “(A)” after “(3)”.

9 (c) EVALUATION OF AGENCY PERFORMANCE.—Sec-
10 tion 3674A is amended—

11 (1) in subsection (a)—

12 (A) by striking out paragraph (3); and

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

15 (2) in subsection (b)—

16 (A) by striking out “subsection (a)(5) of
17 this section” both places it appears and insert-
18 ing in lieu thereof “subsection (a)(4)”; and

19 (B) by inserting “of this title” after “sec-
20 tion 3674(a)” both places it appears.

21 **SEC. 607. MEASUREMENT OF COURSES.**

22 Section 3688(b) is amended—

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

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

3 **SEC. 608. VETERANS’ ADVISORY COMMITTEE ON**
4 **EDUCATION.**

5 Section 3692 is amended—

6 (1) in the first sentence of subsection (a)—

7 (A) by striking out “34,”; and

8 (B) by inserting “and chapter 106 of title
9 10” before the period at the end;

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

15 (3) in subsection (c), by striking out “December
16 31, 1994” and inserting in lieu thereof “December
17 31, 2003”.

18 **SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL**
19 **COUNSELING.**

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

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on October 1, 1994.

1 **SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION**
2 **AND TRAINING ACT OF 1992.**

3 (a) PERIOD OF TRAINING.—(1) Section 4485(d) of
4 the Service Members Occupational Conversion and Train-
5 ing Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note)
6 is amended by striking out “or more than 18 months”.

7 (2)(A) Section 4486(d)(2) of such Act (102 Stat.
8 2760; 10 U.S.C. 1143 note) is amended by striking out
9 the period at the end thereof and inserting in lieu thereof
10 the following: “in the community for the entire period of
11 training of the eligible person.”.

12 (B) The amendment made by subparagraph (A) shall
13 apply with respect to programs of training under the Serv-
14 ice Members Occupational Conversion and Training Act
15 of 1992 beginning after the date of the enactment of this
16 Act.

17 (b) PAYMENTS.—Section 4487 of such Act (106 Stat.
18 2762; 10 U.S.C. 1143 note) is amended—

19 (1) in subsection (a)(1)—

20 (A) by striking out “subparagraph (B)” in
21 subparagraph (A) and inserting in lieu thereof
22 “subparagraphs (B) and (C)”;

23 (B) by inserting before the period at the
24 end of subparagraph (A) the following: “but in
25 no event to exceed hours equivalent to 18
26 months of training”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(C) Assistance may be paid under this subtitle on
4 behalf of an eligible person to that person’s employer for
5 training under two or more programs of job training under
6 this subtitle if such employer has not received (or is not
7 due) on that person’s behalf assistance in an amount ag-
8 gregating the applicable amount set forth in subparagraph
9 (B).”; and

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

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

1 that program of job training in accordance with this
2 section.”.

3 **TITLE VII—EMPLOYMENT** 4 **PROGRAMS**

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

6 (a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR
7 VETERANS’ EMPLOYMENT AND TRAINING.—Section
8 4102A(a) is amended—

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

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

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

13 “(2) There shall be within the Department of Labor
14 a Deputy Assistant Secretary of Labor for Veterans’ Em-
15 ployment and Training. The Deputy Assistant Secretary
16 shall perform such functions as the Assistant Secretary
17 of Labor for Veterans’ Employment and Training pre-
18 scribes. The Deputy Assistant Secretary shall be a vet-
19 eran.”.

20 (b) DVOP SPECIALISTS COMPENSATION RATES.—
21 Section 4103A(a)(1) is amended by striking out “a rate
22 not less than the rate prescribed for an entry level profes-
23 sional” and inserting in lieu thereof “rates comparable to
24 those paid other professionals performing essentially simi-
25 lar duties”.

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

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

7 “(A) Special disabled veterans.

8 “(B) Veterans of the Vietnam era who served
9 in the Vietnam theater of operations during the
10 Vietnam era.

11 “(C) Veterans who served on active duty during
12 the Vietnam era who did not serve in the Vietnam
13 theater of operations.

14 “(D) Veterans who served on active duty after
15 the Vietnam era.

16 “(E) Veterans discharged or released from ac-
17 tive duty within four years of the applicable study.

18 “(2) Within each of the categories of veterans speci-
19 fied in paragraph (1), the Secretary shall include a sepa-
20 rate category for women who are veterans.

21 “(3) The Secretary shall promptly submit to Con-
22 gress a report on the results of each study under para-
23 graph (1).”.

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

2 (a) FEDERAL CONTRACTS.—Section 4212(a) is
3 amended by striking out “all of its suitable employment
4 openings,” in clause (1) of the third sentence and insert-
5 ing in lieu thereof “all of its employment openings except
6 that the contractor may exclude openings for executive
7 and top management positions, positions which are to be
8 filled from within the contractor’s organization, and posi-
9 tions lasting three days or less.”.

10 (b) ELIGIBILITY REQUIREMENTS FOR VETERANS
11 UNDER FEDERAL EMPLOYMENT AND TRAINING PRO-
12 GRAMS.—Section 4213 is amended—

13 (1) by striking out “chapters 11, 13, 31, 34,
14 35, and 36 of this title by an eligible veteran and”
15 and inserting in lieu thereof “chapters 11, 13, 30,
16 31, 35, and 36 of this title by an eligible veteran,”;

17 (2) by inserting “and any amounts received by
18 an eligible person under chapter 106 of title 10,”
19 after “chapters 13 and 35 of such title, and”; and

20 (3) by striking out “the needs or qualifications
21 of participants in” and inserting in lieu thereof “eli-
22 gibility under”.

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

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

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 fur-
11 ther amended by inserting after “surviving spouse” the
12 following: “(which for purposes of this chapter includes
13 an unremarried surviving spouse who had a subsequent
14 remarriage which was terminated by death or divorce)”.

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

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

21 **SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT**
22 **THE WILLAMETTE NATIONAL CEMETERY,**
23 **OREGON.**

24 Notwithstanding section 2404(c)(2) of title 38, Unit-
25 ed States Code, the Secretary of Veterans Affairs may

1 provide for flat grave markers at the Willamette National
2 Cemetery, 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
10 inserting in lieu thereof “, or (ii) who was dis-
11 charged or released from the Selected Reserve before
12 completing 6 years of service because of a service-
13 connected 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
6 beginning of subparagraph (A) and inserting in
7 lieu thereof “The property”;

8 (B) by striking out the semicolon at the
9 end 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
13 “A 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
4 paid 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
10 subsection to exclude an amount of guaranty or in-
11 surance housing loan entitlement previously used by
12 a veteran may be exercised only once for that vet-
13 eran 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 insert-
24 ing after paragraph (10) the following new paragraph:

1 “(11) To refinance in accordance with sub-
2 section (e) an existing loan guaranteed, insured, or
3 made under this chapter, and to improve the dwell-
4 ing securing such loan through energy efficiency im-
5 provements, 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 subpara-
13 graph and inserting in lieu thereof “may not ex-
14 ceed—

15 “(i) an amount equal to the sum of the
16 balance of the loan being refinanced and such
17 closing costs (including any discount permitted
18 pursuant to section 3703(c)(3)(A) of this title)
19 as may be authorized by the Secretary (under
20 regulations which the Secretary shall prescribe)
21 to be included in the loan; or

22 “(ii) in the case of a loan for the purpose
23 specified in subsection (a)(11), an amount equal
24 to the sum of the amount referred to with re-

1 spect to the loan under clause (i) and the
2 amount specified under subsection (d)(2);”.

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

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

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

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

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

18 “(2) Any manufactured housing unit properly dis-
19 playing a certification of conformity to all applicable Fed-
20 eral manufactured home construction and safety stand-
21 ards pursuant to section 616 of the National Manufac-
22 tured Housing Construction and Safety Standards Act of
23 1974 (42 U.S.C. 5415) shall be deemed to meet the stand-
24 ards required by paragraph (1).”.

1 (b) REPEAL OF INSPECTION REQUIREMENTS.—Sub-
2 section (j) of such section is amended by striking out “in
3 the case of” the first place it appears and all that follows
4 and inserting in lieu thereof “in the case of—

5 “(1) manufactured homes constructed by a
6 manufacturer who fails or is unable to discharge the
7 manufacturer’s obligations under the warranty;

8 “(2) manufactured homes which are determined
9 by the Secretary not to conform to the standards
10 provided for in subsection (h); or

11 “(3) a manufacturer of manufactured homes
12 who has engaged in procedures or practices deter-
13 mined by the Secretary to be unfair or prejudicial to
14 veterans or the Government.”.

15 (c) ELIMINATION OF REPORTING REQUIREMENT.—
16 Subsection (l) of such section is amended—

17 (1) by striking out “the results of inspections
18 required by subsection (h) of this section,”; and

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

20 **SEC. 907. PROCEDURES ON DEFAULT.**

21 (a) IN GENERAL.—Paragraph (7) of section 3732(c)
22 is amended—

23 (1) in the matter preceding subparagraph (A),
24 by striking out “that was the minimum amount for

1 which, under applicable State law, the property was
2 permitted to be sold at the liquidation sale”;

3 (2) in subparagraph (A)—

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

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

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

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

1 (3) in subparagraph (B), by striking out “para-
2 graph (6)(B)” and inserting in lieu thereof
3 “paragraph (6)”.

4 (b) CONFORMING AMENDMENT.—Paragraph (6) of
5 such section is amended—

6 (1) by striking out “either”;

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

10 (3) by redesignating clauses (i) and (ii) as
11 clauses (A) and (B), respectively.

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

13 Subparagraph (F) of section 5303A(b)(3) is amended
14 by inserting “or chapter 37” after “chapter 30” in the
15 matter preceding clause (i).

16 **TITLE X—HOMELESS VETERANS**
17 **PROGRAMS**

18 **SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT**
19 **OF VETERANS AFFAIRS TO ASSIST HOMELESS**
20 **VETERANS.**

21 (a) ANNUAL REPORT.—(1) Not later than April 15
22 of each year, the Secretary of Veterans Affairs shall sub-
23 mit to the Committees on Veterans’ Affairs of the Senate
24 and House of Representatives a report on the activities
25 of the Department of Veterans Affairs during the year

1 preceding the report under programs of the Department
2 for the provision of assistance to homeless veterans.

3 (2) The report shall—

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

6 (B) describe the cost to the Department of pro-
7 viding such assistance under those programs; and

8 (C) provide any other information on those pro-
9 grams and on the provision of such assistance that
10 the Secretary considers appropriate.

11 (b) BI-ANNUAL REQUIREMENT.—The Secretary shall
12 include in the report submitted under subsection (a)(1)
13 in 1995, and every two years thereafter, an evaluation of
14 the effectiveness of the programs of the Department in
15 providing assistance to homeless veterans.

16 (c) CONFORMING REPEAL.—Section 10 of Public
17 Law 102–590 (106 Stat. 5141; 37 U.S.C. 7721 note) is
18 repealed.

19 **SEC. 1002. REPORT ON ASSESSMENT AND PLANS FOR RE-**
20 **SPONSE TO NEEDS OF HOMELESS VETERANS.**

21 (a) UPDATE OF ASSESSMENT.—Subsection (b) of
22 section 107 of the Veterans' Medical Programs Amend-
23 ments of 1992 (Public Law 102–405; 106 Stat. 1977; 38
24 U.S.C. 527 note) is amended by adding at the end the
25 following new paragraph:

1 “(6) The Secretary shall require that the directors
2 referred to in paragraph (1) update the assessment re-
3 quired under that paragraph during each of 1995, 1996,
4 and 1997.”.

5 (b) REPORTS ON ASSESSMENTS AND PLAN.—Sub-
6 section (i) of such section (106 Stat. 1978) is amended—

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

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

10 “(2) Not later than December 31, 1994, the Sec-
11 retary shall submit to such committees a report that—

12 “(A) describes the results of the assessment
13 carried out under subsection (b);

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

16 “(C) describes the progress, if any, made by the
17 directors of the medical centers and the directors of
18 the benefits offices referred to in such subsection (c)
19 in developing the plan referred to in paragraph (2)
20 of such subsection (c).

21 “(3) Not later than December 31 of each of 1995,
22 1996, and 1997, the Secretary shall submit to such com-
23 mittees a report that describes the update to the assess-
24 ment that is carried out under subsection (b)(6) in the
25 year preceding the report.”.

1 **SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION**
2 **PROGRAMS UNDER HOMELESS VETERANS**
3 **COMPREHENSIVE SERVICE PROGRAMS ACT**
4 **OF 1992.**

5 Section 2(b) of the Homeless Veterans Comprehen-
6 sive Service Programs Act of 1992 (38 U.S.C. 7721 note)
7 is amended in the first sentence by striking out “four”
8 and inserting in lieu thereof “eight”.

9 **SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF**
10 **HOMELESS VETERANS COMPREHENSIVE**
11 **SERVICE PROGRAMS ACT OF 1992.**

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

15 **SEC. 1005. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) of the funds appropriated for any fiscal year
18 to support Federal programs which are designed to
19 assist homeless individuals, a share more closely ap-
20 proximating the proportion of the population of
21 homeless individuals who are veterans should be ap-
22 propriated to the Secretary of Veterans Affairs for
23 programs to assist homeless veterans that are ad-
24 ministered by that Secretary;

25 (2) of the Federal grants made available to as-
26 sist community organizations that assist homeless

1 individuals, a share of such grants more closely ap-
2 proximating the proportion of the population of
3 homeless individuals who are veterans should be pro-
4 vided to community organizations that provide as-
5 sistance primarily to homeless veterans; and

6 (3) the Secretary of Veterans Affairs should
7 take such actions as are necessary to ensure that
8 Federal agencies that provide assistance, either di-
9 rectly or indirectly, to homeless individuals, includ-
10 ing homeless veterans, are aware of and encouraged
11 to make appropriate referrals to facilities of the De-
12 partment of Veterans Affairs for benefits and serv-
13 ices, such as health care, substance abuse treatment,
14 counseling, and income assistance.

15 **TITLE XI—REDUCTIONS IN DE-**
16 **PARTMENT OF VETERANS AF-**
17 **FAIRS PERSONNEL**

18 **SEC. 1101. FINDINGS.**

19 Congress makes the following findings:

20 (1) Under proposals for national health care re-
21 form, the Department of Veterans Affairs will be re-
22 quired to provide health care services to veterans on
23 a competitive basis with other health care providers.

24 (2) The elimination of positions from the De-
25 partment that the Office of Management and Budg-

1 et has scheduled to occur in fiscal years 1995
2 through 1999 would prevent the Department from
3 meeting the responsibilities of the Department to
4 provide health care to veterans under law and from
5 maintaining the quality of health care that is cur-
6 rently provided to veterans.

7 **SEC. 1102. REQUIREMENT FOR MINIMUM NUMBER OF**
8 **FULL-TIME EQUIVALENT POSITIONS.**

9 (a) IN GENERAL.—Chapter 7 is amended by adding
10 at the end the following new section:

11 **“§ 712. Full-time equivalent positions: limitation on**
12 **reduction**

13 “(a) Notwithstanding any other provision of law, the
14 number of full-time equivalent positions in the Depart-
15 ment of Veterans Affairs during the period beginning on
16 the date of the enactment of this section and ending on
17 September 30, 1999, may not (except as provided in sub-
18 section (c)) be less than 224,377.

19 “(b) In determining the number of full-time equiva-
20 lent positions in the Department of Veterans Affairs dur-
21 ing a fiscal year for purposes of ensuring under section
22 5(b) of the Federal Workforce Restructuring Act of 1994
23 (Public Law 103–226; 108 Stat. 115; 5 U.S.C. 3101 note)
24 that the total number of full-time equivalent positions in
25 all agencies of the Federal Government during a fiscal

1 year covered by that section does not exceed the limit pre-
2 scribed for that fiscal year under that section, the total
3 number of full-time equivalent positions in the Depart-
4 ment of Veterans Affairs during that fiscal year shall be
5 the number equal to—

6 “(1) the number of such positions in the De-
7 partment during that fiscal year, reduced by

8 “(2) the sum of—

9 “(A) the number of such positions in the
10 Department during that fiscal year that are
11 filled by employees whose salaries and benefits
12 are paid primarily from funds other than appro-
13 priated funds; and

14 “(B) the number of such positions held
15 during that fiscal year by persons involved in
16 medical care cost recovery activities under sec-
17 tion 1729 of this title.

18 “(c) The Secretary shall not be required to make a
19 reduction in the number of full-time equivalent positions
20 in the Department unless such reduction—

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

23 “(2) is required under a law that is enacted
24 after the date of the enactment of this section and
25 that refers specifically to this section.

1 “(d) The Secretary shall submit to the Committees
2 on Veterans’ Affairs of the Senate and House of Rep-
3 resentatives an annual report, through the year 2000, on
4 the number and type of full-time equivalent positions in
5 the Department that are reduced under this section. The
6 report shall include a justification for the reductions and
7 shall be submitted with the materials provided in support
8 of the budget for the Department contained in the Presi-
9 dent’s budget submitted to Congress for a fiscal year pur-
10 suant to section 1105 of title 31.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by adding
13 at the end the following new item:

“712. Full-time equivalent positions: limitation on reduction.”.

14 **SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NEC-**
15 **CESSARY SERVICES.**

16 Section 8110(c) is amended by striking out para-
17 graph (7) and inserting in lieu thereof the following:

18 “(7) Paragraphs (1) through (6) shall not be in effect
19 during fiscal years 1995 through 1999.

20 “(8) During the period covered by paragraph (7),
21 whenever an activity at a Department health-care facility
22 is converted from performance by Federal employees to
23 performance by employees of a contractor of the Govern-
24 ment, the Secretary shall—

1 “(A) require in the contract for the perform-
2 ance of such activity that the contractor, in hiring
3 employees for the performance of the contract, give
4 priority to former employees of the Department who
5 have been displaced by the award of the contract;
6 and

7 “(B) provide to such former employees of the
8 Department all possible assistance in obtaining other
9 Federal employment or entrance into job training
10 and retraining programs.

11 “(9) The Secretary shall include in the Secretary’s
12 annual report to Congress under section 529 of this title,
13 for each fiscal year covered by paragraph (7), a report
14 on the use during the year covered by the report of con-
15 tracting-out authority made available by reason of para-
16 graph (7). The Secretary shall include in each such report
17 a description of each use of such authority, together with
18 the rationale for the use of such authority and the effect
19 of the use of such authority on patient care and on em-
20 ployees of the Department.”.

21 **SEC. 1104. STUDY.**

22 (a) **REQUIREMENT.**—The Secretary of Veterans Af-
23 fairs shall enter into an agreement with an appropriate
24 non-Federal entity under which the entity shall carry out
25 a study of the feasibility and advisability of alternative or-

1 ganizational structures, such as the establishment of a
2 wholly-owned Government corporation or a Government-
3 sponsored enterprise, for the effective provision of health
4 care services to veterans.

5 (b) SUBMISSION OF REPORT.—The Secretary shall
6 submit to the Committees on Veterans' Affairs of the Sen-
7 ate and House of Representatives a report on the study
8 required under subsection (a). The report shall be submit-
9 ted not later than one year after the date of the enactment
10 of this Act.

11 (c) AUTHORIZATION OF FUNDS.—There is hereby au-
12 thorized to be appropriated for the Department of Veter-
13 ans Affairs the sum of \$1,000,000 for the purposes of car-
14 rying out the study required under subsection (a).

15 **TITLE XII—TECHNICAL AND** 16 **CLERICAL AMENDMENTS**

17 **SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES**
18 **CODE.**

19 (a) REFERENCES TO “SECRETARY” AND “DEPART-
20 MENT”.—Title 38, United States Code, is amended as fol-
21 lows:

22 (1) Paragraph (1) of section 101 is amended to
23 read as follows:

1 “(1) The terms ‘Secretary’ and ‘Department’ mean
2 the Secretary of Veterans Affairs and the Department of
3 Veterans Affairs, respectively.”.

4 (2) Section 1532(c) is amended by striking out
5 “Secretary” and inserting in lieu thereof “Veterans’
6 Administration”.

7 (3) Section 3745(a) is amended by striking out
8 “Secretary” after “consult with the” and inserting
9 in lieu thereof “Administrator”.

10 (4) Section 4102A(e) is amended by striking
11 out “Regional Secretary” both places it appears and
12 inserting in lieu thereof “Regional Administrator”.

13 (5) Section 4110(d)(9) is amended by striking
14 out “Secretary of the Small Business Administra-
15 tion” and inserting in lieu thereof “Administrator of
16 the Small Business Administration”.

17 (b) REFERENCES TO DEPARTMENT OF MEDICINE
18 AND SURGERY.—

19 (1) The following sections of title 38, United
20 States Code, are amended by striking out “Depart-
21 ment of Medicine and Surgery” each place it ap-
22 pears and inserting in lieu thereof “Veterans Health
23 Administration”: sections 3120(a), 3120(f),
24 3121(a)(3), 7603(a), 7603(c)(1)(B), 7604(1)(B),
25 7604(2)(D), 7612(c)(1)(B), 7615, 7616(b)(2),

1 7616(c), 7622(b)(1), 7622(c)(2)(A), 7623(b),
2 7635(a)(1), 7635(a)(2), and 8110(a).

3 (2) Section 7622(c)(2)(B) of such title is
4 amended by striking out “such Department” and
5 inserting in lieu thereof “the Veterans Health
6 Administration”.

7 (c) CONFORMING AMENDMENTS RELATING TO CON-
8 VERSION OF POSITIONS OF CHIEF MEDICAL DIRECTOR
9 AND CHIEF BENEFITS DIRECTOR TO UNDER SECRETARY
10 POSITIONS.—Title 38, United States Code, is amended as
11 follows:

12 (1) Section 305 is amended—

13 (A) in subsection (a)(1), 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 Medi-
20 cal Director of the Veterans’ Administration)”.

21 (2) Section 306 is amended—

22 (A) in subsection (a), by striking out “a
23 Under Secretary” and inserting in lieu thereof
24 “an Under Secretary”; and

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

6 (3) Section 7306 is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (3), by striking out
9 “Assistant Chief Medical Directors” and
10 inserting in lieu thereof “Assistant Under
11 Secretaries for Health”;

12 (ii) by redesignating the last three
13 paragraphs as paragraphs (8), (7), and (9)
14 respectively;

15 (iii) by reversing the order in which
16 the penultimate and antepenultimate para-
17 graphs appear; and

18 (iv) in paragraph (8), as so redesign-
19 ated, by striking out “Chief Medical Di-
20 rector” and inserting in lieu thereof
21 “Under Secretary for Health”;

22 (B) in subsection (b), by striking out “As-
23 sistant Chief Medical Directors” in the matter
24 preceding paragraph (1) and inserting in lieu

1 thereof “Assistant Under Secretaries for
2 Health”; and

3 (C) in subsection (c), by striking out “and
4 (7)” and inserting in lieu thereof “and (8)”.

5 (4) Section 7314(d) is amended—

6 (A) in paragraph (1)—

7 (i) by striking out “the Chief Medical
8 Director and the Secretary to carry out”
9 and inserting in lieu thereof “the Secretary
10 and the Under Secretary for Health in car-
11 rying out”; and

12 (ii) by striking out “the Assistant
13 Chief Medical Director described in section
14 7306(b)(3)” and inserting in lieu thereof
15 “the Assistant Under Secretary for Health
16 described in section 7306(b)(3)”; and

17 (B) in paragraph (3), by striking out “As-
18 sistant Chief Medical Director” both places it
19 appears and inserting in lieu thereof “Assistant
20 Under Secretary”.

21 (5) Section 7318 is amended by striking out
22 “Chief Medical Director” each place it appears and
23 inserting in lieu thereof “Under Secretary for
24 Health”.

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

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

7 (d) CROSS REFERENCE AMENDMENTS TO PROVI-
8 SIONS OF TITLE 38.—Title 38, United States Code, is
9 amended as follows:

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

13 (2) Section 1710(f)(3)(E) is amended by strik-
14 ing out “section 1712(f)” and “section 1712(f)(4)”
15 inserting in lieu thereof “section 1712(a)” and “sec-
16 tion 1712(f)”, respectively.

17 (3) Section 1712 is amended—

18 (A) in subsection (i)(5), by striking out
19 “section 1722(a)(1)(C)” and inserting in lieu
20 thereof “section 1722(a)(3)”; and

21 (B) in subsection (j), by striking out “Sec-
22 tion 4116” and inserting in lieu thereof “Sec-
23 tion 7316”.

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

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

7 (6) Section 3032(f)(3) is amended by striking
8 out “(c), or (d)(1)” and inserting in lieu thereof
9 “(d), or (e)(1)”.

10 (7) Section 3035(b) is amended—

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

14 (B) in paragraph (3)(C), by striking out
15 “section 3015(e)” and inserting in lieu thereof
16 “section 3015(f)”.

17 (8) Section 3103(b)(3) is amended by striking
18 out “section 3102(1)(A)” and inserting in lieu there-
19 of “section 3102(1)(A)(i)”.

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

23 (10) Section 3113(a) is amended by striking
24 out “section 3102(1)(B) and (2)” and inserting in

1 lieu thereof “subparagraphs (A)(ii) and (B) of sec-
2 tion 3102(1)”.

3 (11) Section 3120(b) is amended by striking
4 out “section 3012(1)(A)” and inserting in lieu there-
5 of “section 3102(1)(A)(i)”.

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

8 (13) Section 3735(a)(1)(A) is amended by
9 striking out “section 3402” and inserting in lieu
10 thereof “section 5902”.

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

14 (15) Section 5104(a) is amended by striking
15 out “section 211(a)” and inserting in lieu thereof
16 “section 511”.

17 (16) Section 8103(d)(6)(A) is amended by
18 striking out “section 230(c)” and inserting in lieu
19 thereof “section 316”.

20 (17) Section 8110(c)(3)(B) is amended by
21 striking out “section 213 or 4117” and inserting in
22 lieu thereof “section 513 or 7409”.

23 (18) Section 8135(a)(3) is amended by striking
24 out “section 8134(2)” and inserting in lieu thereof
25 “section 8134(a)(2)”.

1 (19) Section 8155(a) is amended by striking
2 out “section 4112” and inserting in lieu thereof
3 “section 7312”.

4 (20) Section 8201(c) is amended by striking
5 out “section 4112(a)” and inserting in lieu thereof
6 “section 7312(a)”.

7 (e) PUNCTUATION, CAPITALIZATION, SPELLING,
8 ETC.—Title 38, United States Code, is amended as
9 follows:

10 (1) Section 111(b)(3)(B) is amended by strik-
11 ing out “the Department facility” and inserting in
12 lieu thereof “a Department facility”.

13 (2) Sections 305(d)(2)(F) and 306(d)(2)(F) are
14 amended by striking out “Commission” and insert-
15 ing in lieu thereof “commission”.

16 (3) Section 312(a) is amended by striking out
17 “(5 U.S.C. App. 3)” and inserting in lieu thereof
18 “(5 U.S.C. App.)”.

19 (4) Section 317(b)(2) is amended by striking
20 out “provided, by the” and inserting in lieu thereof
21 “provided by, the”.

22 (5) Section 711(d) is amended by striking out
23 “Committees” and inserting in lieu thereof “commit-
24 tees”.

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

4 (7) Section 1722A(a)(1) is amended by striking
5 out the closing parenthesis after “veteran” in the
6 first sentence.

7 (8) Section 1969(e) is amended—

8 (A) by striking out “sections 1971 (a) and
9 (c)” and inserting in lieu thereof “subsections
10 (a) and (c) of section 1971”; and

11 (B) by striking out “sections 1971 (d) and
12 (e)” and inserting in lieu thereof “subsections
13 (d) and (e) of section 1971”.

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

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

20 (11) Section 3018B(d) is amended—

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

24 (B) in paragraph (3)—

1 (i) by striking out “such Account”
2 and inserting in lieu thereof “such ac-
3 count”; and

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

6 (12) Section 3688(a)(6) is amended by insert-
7 ing a comma after “3241(a)(2)”.

8 (13) Section 3706 is amended by striking out
9 “of this chapter” the second and third places it ap-
10 pears and inserting in lieu thereof “of this title”.

11 (14) Section 3712 is amended—

12 (A) in subsection (c)(3)—

13 (i) by inserting “of” in subparagraph
14 (D) after “subparagraph (B)”;

15 (ii) by striking out “of this sub-
16 section” in subparagraph (E) and inserting
17 in lieu thereof “of this paragraph”;

18 (B) in subsection (m), by striking out
19 “section 3704(d) and section 3721 of this chap-
20 ter” and inserting in lieu thereof “sections
21 3704(d) and 3721 of this title”.

22 (15) Section 3713(b) is amended in the last
23 sentence by striking out “subsection 5302(b) of this
24 title, if eligible thereunder” and inserting in lieu

1 thereof “section 5302(b) of this title, if the veteran
2 is eligible for relief under that section”.

3 (16) Section 5702 is amended—

4 (A) by inserting “(a)” before “Any person
5 desiring”;

6 (B) by striking out “custody of” and all
7 that follows through “stating” and inserting in
8 lieu thereof “custody of the Secretary that may
9 be disclosed under section 5701 of this title
10 must submit to the Secretary an application in
11 writing for such copy. The application shall
12 state”; and

13 (C) in subsection (c), by striking out “is
14 authorized to fix” and inserting in lieu thereof
15 “may establish”.

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

18 (18) Section 6103(d)(1) is amended in the sec-
19 ond sentence—

20 (A) by striking out “(a)” and “(b)” and
21 inserting in lieu thereof “(A)” and “(B)”, re-
22 spectively; and

23 (B) by striking out “prior to” and insert-
24 ing in lieu thereof “before”.

25 (19) Section 6105(c) is amended—

1 (A) in the first sentence, by striking out
2 “clauses (2), (3), or (4) of subsection (b) of this
3 section” and inserting in lieu thereof “para-
4 graph (2), (3), or (4) of subsection (b)’’;

5 (B) in the second sentence, by striking out
6 “clause (1) of that subsection” and inserting in
7 lieu thereof “paragraph (1) of subsection (b)’’;
8 and

9 (C) by transposing the two sentences of
10 that subsection (as so amended).

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

14 (21) Section 7408(a) is amended by striking
15 out “civil-service” and inserting in lieu thereof “civil
16 service”.

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

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

23 (24) Section 7453 is amended by striking out
24 “subsections” in subsections (f) and (g) and insert-
25 ing in lieu thereof “subsection”.

1 (25) Section 7601(a) is amended by striking
2 out the comma at the end of paragraph (1) and in-
3 serting in lieu thereof a semicolon.

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

7 (27) Section 8126 is amended—

8 (A) in subsection (e)(1)(A), by striking out
9 “1-year” and inserting in lieu thereof “one-
10 year”; and

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

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

15 (1) Section 1922A(b) is amended by striking
16 out “insurance not later than” and all that follows
17 through “that the Department” and inserting in lieu
18 thereof “insurance. Such application must be filed
19 not later than (1) October 31, 1993, or (2) the end
20 of the one-year period beginning on the date on
21 which the Secretary”.

22 (2) Sections 3011(e) and 3012(f) are amended
23 by striking out “the end of the 24-month period be-
24 ginning on the date of the enactment of this sub-

1 section” and inserting in lieu thereof “October 28,
2 1994,”.

3 (3) Section 3018B(a)(2)(A) is amended by
4 striking out “the date of enactment of this section”
5 and inserting in lieu thereof “October 23, 1992,”.

6 (4) Section 3702(a)(2)(E) is amended by strik-
7 ing out “For the 7-year period beginning on the
8 date of enactment of this subparagraph,” and insert-
9 ing in lieu thereof “For the period beginning on Oc-
10 tober 28, 1992, and ending on October 27, 1999,”.

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

14 (6) Section 8126 is amended—

15 (A) in subsection (e)(1)(A), by striking out
16 “30 days after the date of the enactment of this
17 section” and inserting in lieu thereof “Decem-
18 ber 4, 1992”; and

19 (B) in subsection (g), by striking out “the
20 date of the enactment of this section” in para-
21 graphs (1) and (2) and inserting in lieu thereof
22 “November 4, 1992”.

23 (g) OBSOLETE OR EXECUTED PROVISIONS.—Title
24 38, United States Code, is amended as follows:

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

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

6 (3) Section 4110(c)(1) is amended by striking
7 out “shall, within 90 days after the date of the en-
8 actment of this section, appoint” and inserting in
9 lieu thereof “shall appoint”.

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

11 (B) The table of sections at the beginning of
12 chapter 55 is amended by striking out the item re-
13 lating to section 5505.

14 (5) Section 7311 is amended by striking out
15 subsections (f) and (g).

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

18 (7) Section 8110(c) is amended by striking out
19 paragraph (7).

20 (8) Section 8111(b) is amended—

21 (A) in paragraph (2)—

22 (i) by striking out “During fiscal
23 years 1982 and 1983” in the second sen-
24 tence and inserting in lieu thereof “During
25 odd-numbered fiscal years”;

1 (ii) by striking out “During fiscal year
2 1984” in the third sentence and inserting
3 in lieu thereof “During even-numbered fis-
4 cal years”; and

5 (iii) by striking out the fourth sen-
6 tence; and

7 (B) in paragraph (4), by striking out
8 “Within nine months of the date of the enact-
9 ment of this subsection and at such times
10 thereafter as” and inserting in lieu thereof “At
11 such times as”.

12 (h) AMENDMENTS TO HEADINGS AND TABLES OF
13 CONTENTS.—Title 38, United States Code, is amended as
14 follows:

15 (1) The table of chapters before part I and the
16 table of chapters at the beginning of part III are
17 amended by striking out the item relating to chapter
18 42 and inserting in lieu thereof the following:

“42. Employment and Training of Veterans 4211”.

19 (2) The heading of section 2106 is amended by
20 revising each word after the first word so that the
21 initial letter of each such word is lower case.

22 (3) The item relating to subchapter III in the
23 table of sections at the beginning of chapter 73 is
24 amended to read as follows:

“SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS”.

1 (4) The heading of section 7458 is amended to
2 read as follows:

3 **“§ 7458. Recruitment and retention bonus pay”.**

4 (5) The heading of chapter 81 is amended by
5 inserting “**ENHANCED-USE**” before “**LEASES OF**
6 **REAL**”.

7 (6) The item relating to section 8126 in the
8 table of sections at the beginning of chapter 81 is
9 amended to read as follows:

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

10 (i) OTHER MISCELLANEOUS CORRECTIONS.—Title
11 38, United States Code, is amended as follows:

12 (1) Section 1718(c)(1) is amended by inserting
13 “of Veterans Affairs” after “Department” in the
14 first sentence.

15 (2) Section 1922(b)(4) is amended by striking
16 out “Notwithstanding” and all that follows through
17 “title,” and inserting in lieu thereof “Notwithstand-
18 ing section 1917 of this title.”.

19 (3) Section 1969(d)(3) is amended by striking
20 out “General Operating Expenses, Department” and
21 inserting in lieu thereof “General Operating Ex-
22 penses, Department of Veterans Affairs”.

23 (4) Section 3018A(a)(1) is amended by striking
24 “after December 31, 1990,” and all that follows

1 through “whichever is later,” and inserting in lieu
2 thereof “after February 2, 1991,”.

3 (5) Section 3121(a)(3) is amended by striking
4 out “Department of Veterans’ Benefits” and insert-
5 ing in lieu thereof “Veterans Benefits Administra-
6 tion”.

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

9 (7) Section 4110(e)(3)(B) is amended—

10 (A) by striking out “, United States
11 Code,”; and

12 (B) by striking out “the Board” and in-
13 serting in lieu thereof “the advisory commit-
14 tee”.

15 (8) Section 5110 is amended by striking out
16 subsection (m).

17 (9) Section 7315(b)(2) is amended by striking
18 out “Department” and inserting in lieu thereof
19 “Veterans’ Administration”.

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

23 (11) Section 8502(d) is amended by striking
24 out “General Post Fund, National Homes, Depart-
25 ment,” and inserting in lieu thereof “General Post

1 Fund, National Homes, Department of Veterans
2 Affairs,”.

3 **SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED**
4 **BY SECRETARY OF VETERANS AFFAIRS.**

5 (a) PUBLIC LAW 102-54.—Effective as of June 13,
6 1991, and as if included in the enactment of Public Law
7 102-54, Public Law 102-54 is amended as follows:

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

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

14 (b) PUBLIC LAW 102-83.—Effective as of August 6,
15 1991, and as if included in the enactment of Public Law
16 102-83, section 4(a) of Public Law 102-83 (105 Stat.
17 403) is amended as follows:

18 (1) Paragraph (2)(E) is amended by striking
19 out “Section 601(4)” and inserting in lieu thereof
20 “Section 601(3)”.

21 (2) Paragraph (4) is amended by adding at the
22 end the following:

23 “(E) Sections 7314(b)(1) and
24 7315(b)(2).”.

1 (c) PUBLIC LAW 102-86.—Section 403(b)(4) of the
2 Veterans' Benefits Programs Improvement Act of 1991
3 (Public Law 102-86; 105 Stat. 423; 36 U.S.C. 493(b)(4))
4 is amended by striking out “section 235” and inserting
5 in lieu thereof “section 707”.

6 (d) PUBLIC LAW 102-547.—Section 10(b)(2) of the
7 Veterans Home Loan Program Amendments of 1992 (106
8 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking
9 out “paragraph 4” and inserting in lieu thereof “para-
10 graph (4)”.

11 (e) PUBLIC LAW 102-585.—The Veterans Health
12 Care Act of 1992 (Public Law 102-585) is amended as
13 follows:

14 (1) Section 202 (38 U.S.C. 8111 note) is
15 amended by striking out “the Chief Medical Direc-
16 tor” and inserting in lieu thereof “the Under Sec-
17 retary for Health of the Department of Veterans Af-
18 fairs”.

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

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

24 (a) PUBLIC HEALTH SERVICE ACT.—The Public
25 Health Service Act is amended as follows:

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

3 “(D) the Under Secretary for Health of
4 the Department of Veterans Affairs;”.

5 (2) Section 542(b)(2) (42 U.S.C. 290dd–
6 1(b)(2)) is amended by striking out “Chief Medical
7 Director” and inserting in lieu thereof “Under Sec-
8 retary for Health”.

9 (3) Section 2604(b)(2)(A) (42 U.S.C. 300ff–
10 14(b)(2)(A)) is amended by striking out “Veterans
11 Administration facilities” and inserting in lieu there-
12 of “Department of Veterans Affairs facilities”.

13 (b) MISCELLANEOUS DEPARTMENT AND SECRETARY
14 REFERENCES.—Section 5102(c)(3) of title 5, United
15 States Code, is amended by striking out the comma after
16 “Department of Veterans Affairs”.

17 (c) MISCELLANEOUS CROSS-REFERENCE CORREC-
18 TIONS.—

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

22 (2) Section 441(b)(2)(B) of the Job Training
23 Partnership Act (29 U.S.C. 1721(b)(2)(B)) is
24 amended—

1 (A) by striking out “subchapter IV of
2 chapter 3” and inserting in lieu thereof “sub-
3 chapter II of chapter 77”; and

4 (B) by striking out “sections 612A, 620A,
5 1787, and 2003A” and inserting in lieu thereof
6 “sections 1712A, 1720A, 3687, and 4103A”.

7 (3) Section 107 of the Local Public Works Cap-
8 ital Development and Investment Act of 1976 (42
9 U.S.C. 6706) is amended by striking out “section
10 4211(2)(A)” and “section 2011(1)” inserting in lieu
11 thereof “section 4211(2)” and “section 4211(1)”,
12 respectively.

13 (4) Section 4(g)(2) of the Employment Act of
14 1946 (15 U.S.C. 1022a(g)(2)) is amended—

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

17 (B) by striking out “section 2011(1) or
18 (2)(A)” and inserting in lieu thereof “section
19 4211(1) or (2)”.

Passed the House of Representatives October 7,
1994.

Attest:

Clerk.

103RD CONGRESS
2^D SESSION

H. R. 5244

AN ACT

To amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.