

## **H. Res. 592**

### ***In the House of Representatives, U.S.,***

*October 10, 1998.*

*Resolved,* That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4110, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with the following amendments:

(1) Amend the title so as to read: "An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 "Veterans Programs Enhancement Act of 1998".

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. References to title 38, United States code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN  
 GULF WAR AND FUTURE CONFLICTS

- Sec. 101. Agreement with National Academy of Sciences regarding evaluation of health consequences of service in Southwest Asia during the Persian Gulf War.  
 Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.  
 Sec. 103. National center on war-related illnesses and post-deployment health issues.  
 Sec. 104. Coordination of activities.  
 Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.  
 Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.  
 Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

- Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.  
 Sec. 202. Election of advance payment of work-study allowance.  
 Sec. 203. Alternative to twelve semester hour equivalency requirement.  
 Sec. 204. Medical evidence for flight training requirements.  
 Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.  
 Sec. 206. Expansion of education outreach services.  
 Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

- Sec. 211. Enforcement of rights with respect to a State as an employer.  
 Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.  
 Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

- Sec. 301. Medal of Honor special pension.  
 Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.  
 Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.  
 Sec. 304. National Service Life Insurance program.

## TITLE IV—MEMORIAL AFFAIRS

- Sec. 401. Commemoration of individuals whose remains are unavailable for interment.
- Sec. 402. Merchant mariner burial and cemetery benefits.
- Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.
- Sec. 404. State cemetery grants program.

## TITLE V—COURT OF VETERANS APPEALS

## Subtitle A—Administrative Provisions Relating to the Court

- Sec. 501. Continuation in office of judges pending confirmation for second term.
- Sec. 502. Exemption of retirement fund from sequestration orders.
- Sec. 503. Adjustments for survivor annuities.
- Sec. 504. Reports on retirement program modifications.

## Subtitle B—Renaming of Court

- Sec. 511. Renaming of the Court of Veterans Appeals.
- Sec. 512. Conforming amendments.
- Sec. 513. Effective date.

## TITLE VI—HOUSING

- Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.
- Sec. 602. Veterans housing benefit program fund account consolidation.
- Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.
- Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.

## TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

- Sec. 701. Authorization of major medical facility projects.
- Sec. 702. Authorization of major medical facility leases.
- Sec. 703. Authorization of appropriations.
- Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.
- Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.
- Sec. 706. Parking fees.
- Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.
- Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.
- Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.
- Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.

## TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

- Sec. 801. Short title.

- Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.
- Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.
- Sec. 804. Repeal of prohibition on payment of tuition loans.
- Sec. 805. Conforming amendments.
- Sec. 806. Coordination with appropriations provision.

#### TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

- Sec. 901. Examinations and care associated with certain radiation treatment.
- Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.
- Sec. 903. Management of specialized treatment and rehabilitative programs.
- Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
- Sec. 905. Report on nurse locality pay.
- Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.
- Sec. 907. Interim appointment of Under Secretary for Health.

#### TITLE X—OTHER MATTERS

- Sec. 1001. Requirement for naming of Department property.
- Sec. 1002. Members of the Board of Veterans' Appeals.
- Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.
- Sec. 1004. Disabled veterans outreach program specialists.
- Sec. 1005. Technical amendments.

#### TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

- Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.
- Sec. 1102. Publication of adjusted rates.

### 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.

1 **TITLE I—PROVISIONS RELATING**  
2 **TO VETERANS OF PERSIAN**  
3 **GULF WAR AND FUTURE CON-**  
4 **FLICTS**

5 **SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF**  
6 **SCIENCES REGARDING EVALUATION OF**  
7 **HEALTH CONSEQUENCES OF SERVICE IN**  
8 **SOUTHWEST ASIA DURING THE PERSIAN**  
9 **GULF WAR.**

10 (a) **PURPOSE.**—The purpose of this section is to pro-  
11 vide for the National Academy of Sciences, an independent  
12 nonprofit scientific organization with appropriate expertise  
13 which is not a part of the Federal Government, to review  
14 and evaluate the available scientific evidence regarding as-  
15 sociations between illness and service in the Persian Gulf  
16 War.

17 (b) **AGREEMENT.**—(1) The Secretary of Veterans Af-  
18 fairs shall seek to enter into an agreement with the Na-  
19 tional Academy of Sciences for the Academy to perform  
20 the activities covered by this section. The Secretary shall  
21 seek to enter into the agreement not later than two  
22 months after the date of the enactment of this Act.

23 (2)(A) If the Secretary is unable within the time pe-  
24 riod set forth in paragraph (1) to enter into an agreement  
25 with the Academy for the purposes of this section on terms

1 acceptable to the Secretary, the Secretary shall seek to  
2 enter into an agreement for purposes of this section with  
3 another appropriate scientific organization that is not part  
4 of the Government, operates as a not-for-profit entity, and  
5 has expertise and objectivity comparable to that of the  
6 Academy.

7 (B) If the Secretary enters into an agreement with  
8 another organization under this paragraph, any reference  
9 in this section to the National Academy of Sciences shall  
10 be treated as a reference to such other organization.

11 (c) REVIEW OF SCIENTIFIC EVIDENCE.—(1) Under  
12 the agreement under subsection (b), the National Acad-  
13 emy of Sciences shall conduct a comprehensive review and  
14 evaluation of the available scientific and medical informa-  
15 tion regarding the health status of Gulf War veterans and  
16 the health consequences of exposures to risk factors dur-  
17 ing service in the Persian Gulf War. In conducting such  
18 review and evaluation, the Academy shall—

19 (A) identify the biological, chemical, or other  
20 toxic agents, environmental or wartime hazards, or  
21 preventive medicines or vaccines (including the  
22 agents specified in subsection (d)(1)) to which mem-  
23 bers of the Armed Forces who served in the South-  
24 west Asia theater of operations during the Persian

1 Gulf War may have been exposed by reason of such  
2 service;

3 (B) identify the illnesses associated with the  
4 agents, hazards, or medicines or vaccines identified  
5 under subparagraph (A); and

6 (C) identify the illnesses (including diagnosed  
7 illnesses and undiagnosed illnesses) for which there  
8 is scientific evidence of a higher prevalence among  
9 populations of Gulf War veterans when compared  
10 with other appropriate populations of individuals.

11 (2) In identifying illnesses under subparagraphs (B)  
12 and (C) of paragraph (1), the Academy shall review and  
13 summarize the relevant scientific evidence regarding ill-  
14 nesses, including symptoms, adverse reproductive health  
15 outcomes, and mortality, among the members described  
16 in paragraph (1)(A) and among other appropriate popu-  
17 lations of individuals.

18 (3) In conducting the review and evaluation under  
19 paragraph (1), the Academy shall, for each illness identi-  
20 fied under subparagraph (B) or (C) of that paragraph,  
21 assess the latency period, if any, between service or expo-  
22 sure to any potential risk factor (including an agent, haz-  
23 ard, or medicine or vaccine identified under subparagraph  
24 (A) of that paragraph) and the manifestation of such ill-  
25 ness.

1 (d) SPECIFIED AGENTS.—(1) In identifying under  
2 subsection (c)(1)(A) the agents, hazards, or preventive  
3 medicines or vaccines to which members of the Armed  
4 Forces may have been exposed, the National Academy of  
5 Sciences shall consider the following:

6 (A) The following organophosphorous pes-  
7 ticides:

8 (i) Chlorpyrifos.

9 (ii) Diazinon.

10 (iii) Dichlorvos.

11 (iv) Malathion.

12 (B) The following carbamate pesticides:

13 (i) Proxpur.

14 (ii) Carbaryl.

15 (iii) Methomyl.

16 (C) The carbamate pyridostigmine bromide  
17 used as nerve agent prophylaxis.

18 (D) The following chlorinated hydrocarbons and  
19 other pesticides and repellents:

20 (i) Lindane.

21 (ii) Pyrethrins.

22 (iii) Permethrins.

23 (iv) Rodenticides (bait).

24 (v) Repellent (DEET).



1           (E) The following low-level nerve agents and  
2 precursor compounds at exposure levels below those  
3 which produce immediately apparent incapacitating  
4 symptoms:

5           (i) Sarin.

6           (ii) Tabun.

7           (F) The following synthetic chemical com-  
8 pounds:

9           (i) Mustard agents at levels below those  
10 which cause immediate blistering.

11           (ii) Volatile organic compounds.

12           (iii) Hydrazine.

13           (iv) Red fuming nitric acid.

14           (v) Solvents.

15           (G) The following sources of radiation:

16           (i) Depleted uranium.

17           (ii) Microwave radiation.

18           (iii) Radio frequency radiation.

19           (H) The following environmental particulates  
20 and pollutants:

21           (i) Hydrogen sulfide.

22           (ii) Oil fire byproducts.

23           (iii) Diesel heater fumes.

24           (iv) Sand micro-particles.

1 (I) Diseases endemic to the region (including  
2 the following):

3 (i) Leishmaniasis.

4 (ii) Sandfly fever.

5 (iii) Pathogenic escherichia coli.

6 (iv) Shigellosis.

7 (J) Time compressed administration of multiple  
8 live, 'attenuated', and toxoid vaccines.

9 (2) The consideration of agents, hazards, and medi-  
10 cines and vaccines under paragraph (1) shall not preclude  
11 the Academy from identifying other agents, hazards, or  
12 medicines or vaccines to which members of the Armed  
13 Forces may have been exposed for purposes of any report  
14 under subsection (h).

15 (3) Not later than six months after entry into the  
16 agreement under subsection (b), the Academy shall submit  
17 to the Committees on Veterans' Affairs of the Senate and  
18 the House of Representatives a report specifying the  
19 agents, hazards, and medicines and vaccines considered  
20 under paragraph (1).

21 (e) SCIENTIFIC DETERMINATIONS CONCERNING ILL-  
22 NESSES.—(1) For each illness identified under subpara-  
23 graph (B) or (C) of subsection (c)(1), the National Acad-  
24 emy of Sciences shall determine (to the extent available  
25 scientific evidence permits) whether there is scientific evi-

1 dence of an association of that illness with Gulf War serv-  
2 ice or exposure during Gulf War service to one or more  
3 agents, hazards, or medicines or vaccines. In making those  
4 determinations, the Academy shall consider—

5 (A) the strength of scientific evidence, the  
6 replicability of results, the statistical significance of  
7 results, and the appropriateness of the scientific  
8 methods used to detect the association;

9 (B) in any case where there is evidence of an  
10 apparent association, whether there is reasonable  
11 confidence that that apparent association is not due  
12 to chance, bias, or confounding;

13 (C) the increased risk of the illness among  
14 human or animal populations exposed to the agent,  
15 hazard, or medicine or vaccine;

16 (D) whether a plausible biological mechanism or  
17 other evidence of a causal relationship exists between  
18 exposure to the agent, hazard, or medicine or vac-  
19 cine and the illness;

20 (E) in any case where information about expo-  
21 sure levels is available, whether the evidence indi-  
22 cates that the levels of exposure of the studied popu-  
23 lations were of the same magnitude as the estimated  
24 likely exposures of Gulf War veterans; and

1           (F) whether there is an increased risk of illness  
2           among Gulf War veterans in comparison with appro-  
3           priate peer groups.

4           (2) The Academy shall include in its reports under  
5           subsection (h) a full discussion of the scientific evidence  
6           and reasoning that led to its conclusions under this sub-  
7           section.

8           (f) RECOMMENDATIONS FOR ADDITIONAL SCI-  
9           ENTIFIC STUDIES.—(1) Under the agreement under sub-  
10          section (b), the National Academy of Sciences shall make  
11          any recommendations that it considers appropriate for ad-  
12          ditional scientific studies (including studies relating to  
13          treatment models) to resolve areas of continuing scientific  
14          uncertainty relating to the health consequences of service  
15          in the Persian Gulf War or exposure to toxic agents, envi-  
16          ronmental or wartime hazards, or preventive medicines or  
17          vaccines associated with Gulf War service.

18          (2) In making recommendations for additional stud-  
19          ies, the Academy shall consider the available scientific  
20          data, the value and relevance of the information that could  
21          result from such studies, and the cost and feasibility of  
22          carrying out such studies.

23          (g) SUBSEQUENT REVIEWS.—(1) Under the agree-  
24          ment under subsection (b), the National Academy of  
25          Sciences shall conduct on a periodic and ongoing basis ad-

ditional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, evidence, and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(h) REPORTS BY ACADEMY.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than two years after entry into the agreement under subsection (b). That report shall include—

(A) the determinations and discussion referred to in subsection (e); and

1 (B) any recommendations of the Academy  
2 under subsection (f).

3 (3) Reports shall be submitted under this subsection  
4 at least once every two years, as measured from the date  
5 of the report under paragraph (2).

6 (4) In any report under this subsection (other than  
7 the report under paragraph (2)), the Academy may specify  
8 an absence of meaningful developments in the scientific  
9 or medical community with respect to the activities of the  
10 Academy under this section during the two-year period  
11 ending on the date of such report.

12 (i) REPORTS BY SECRETARY.—(1) The Secretary  
13 shall review each report from the Academy under sub-  
14 section (h). As part of such review, the Secretary shall  
15 seek comments on, and evaluation of, the Academy's re-  
16 port from the heads of other affected departments and  
17 agencies of the United States.

18 (2) Based upon a review under paragraph (1), the  
19 Secretary shall submit to the Committees on Veterans' Af-  
20 fairs of the Senate and the House of Representatives a  
21 report on the available scientific and medical information  
22 regarding the health consequences of Persian Gulf War  
23 service and of exposures to risk factors during service in  
24 the Persian Gulf War. The Secretary shall include in the  
25 report the Secretary's recommendations as to whether

1 there is sufficient evidence to warrant a presumption of  
2 service-connection for the occurrence of a specified condi-  
3 tion in Gulf War veterans. In determining whether to  
4 make such a recommendation, the Secretary shall consider  
5 the matters specified in subparagraphs (A) through (F)  
6 of subsection (e)(1).

7 (3) The report under this subsection shall be submit-  
8 ted not later than 120 days after the date on which the  
9 Secretary receives the report from the Academy.

10 (j) SUNSET.—This section shall cease to be effective  
11 11 years after the last day of the fiscal year in which the  
12 National Academy of Sciences enters into an agreement  
13 with the Secretary under subsection (b).

14 (k) DEFINITION.—In this section, the term “toxic  
15 agent, environmental or wartime hazard, or preventive  
16 medicine or vaccine associated with Gulf War service”  
17 means a biological, chemical, or other toxic agent, environ-  
18 mental or wartime hazard, or preventive medicine or vac-  
19 cine that is known or presumed to be associated with serv-  
20 ice in the Armed Forces in the Southwest Asia theater  
21 of operations during the Persian Gulf War, whether such  
22 association arises as a result of single, repeated, or sus-  
23 tained exposure and whether such association arises  
24 through exposure singularly or in combination.

1 **SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF**  
2 **WAR AND FUTURE CONFLICTS.**

3 (a) **AUTHORITY.**—Section 1710(e) is amended—

4 (1) by adding at the end of paragraph (1) the  
5 following new subparagraph:

6 “(D) Subject to paragraphs (2) and (3), a veteran  
7 who served on active duty in a theater of combat oper-  
8 ations (as determined by the Secretary in consultation  
9 with the Secretary of Defense) during a period of war  
10 after the Persian Gulf War, or in combat against a hostile  
11 force during a period of hostilities (as defined in section  
12 1712A(a)(2)(B) of this title) after the date of the enact-  
13 ment of this subparagraph, is eligible for hospital care,  
14 medical services, and nursing home care under subsection  
15 (a)(2)(F) for any illness, notwithstanding that there is in-  
16 sufficient medical evidence to conclude that such condition  
17 is attributable to such service.”;

18 (2) in paragraph (2)(B), by inserting “or  
19 (1)(D)” after “paragraph (1)(C)”;

20 (3) in paragraph (3)—

21 (A) by striking out “and” at the end of  
22 subparagraph (A);

23 (B) by striking out “December 31, 1998.”  
24 in subparagraph (B) and inserting in lieu there-  
25 of “December 31, 2001; and”; and



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

3 “(C) in the case of care for a veteran described  
4 in paragraph (1)(D), after a period of two years be-  
5 ginning on the date of the veteran’s discharge or re-  
6 lease from active military, naval, or air service.”;  
7 and

8 (4) by adding at the end the following new  
9 paragraph:

10 “(5) When the Secretary first provides care for veter-  
11 ans using the authority provided in paragraph (1)(D), the  
12 Secretary shall establish a system for collection and analy-  
13 sis of information on the general health status and health  
14 care utilization patterns of veterans receiving care under  
15 that paragraph. Not later than 18 months after first pro-  
16 viding care under such authority, the Secretary shall sub-  
17 mit to Congress a report on the experience under that au-  
18 thority. The Secretary shall include in the report any rec-  
19 ommendations of the Secretary for extension of that au-  
20 thority.”.

21 (b) IMPLEMENTATION REPORT.—Not later than Oc-  
22 tober 1, 1999, 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 Secretary’s  
25 plan for establishing and operating the system for collec-

1 tion and analysis of information required by paragraph (5)  
2 of section 1710(e) of title 38, United States Code, as  
3 added by subsection (a)(4).

4 **SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES**  
5 **AND POST-DEPLOYMENT HEALTH ISSUES.**

6 (a) ASSESSMENT.—The Secretary of Veterans Affairs  
7 shall seek to enter into an agreement with the National  
8 Academy of Sciences, or another appropriate independent  
9 organization, under which such entity shall assist in devel-  
10 oping a plan for the establishment of a national center  
11 or national centers for the study of war-related illnesses  
12 and post-deployment health issues. The purposes of such  
13 a center may include—

14 (1) carrying out and promoting research re-  
15 garding the etiologies, diagnosis, treatment, and pre-  
16 vention of war-related illnesses and post-deployment  
17 health issues; and

18 (2) promoting the development of appropriate  
19 health policies, including monitoring, medical record-  
20 keeping, risk communication, and use of new tech-  
21 nologies.

22 (b) RECOMMENDATIONS AND REPORT.—With respect  
23 to such a center, an agreement under this section shall  
24 provide for the Academy (or other entity) to—

1           (1) make recommendations regarding (A) de-  
2           sign of an organizational structure or structures,  
3           operational scope, staffing and resource needs, es-  
4           tablishment of appropriate databases, the advan-  
5           tages of single or multiple sites, mechanisms for im-  
6           plementing recommendations on policy, and relation-  
7           ship to academic or scientific entities, (B) the role  
8           or roles that relevant Federal departments and  
9           agencies should have in the establishment and oper-  
10          ation of any such center or centers, and (C) such  
11          other matters as it considers appropriate; and

12          (2) report to the Secretary, the Secretaries of  
13          Defense and Health and Human Services, and the  
14          Committees on Veterans' Affairs of the Senate and  
15          House of Representatives, not later than one year  
16          after the date of the enactment of this Act, on its  
17          recommendations.

18          (c) REPORT ON ESTABLISHMENT OF NATIONAL CEN-  
19          TER.—Not later than 60 days after receiving the report  
20          under subsection (b), the Secretaries specified in sub-  
21          section (b)(2) shall submit to the Committees on Veterans'  
22          Affairs and Armed Services of the Senate and the Com-  
23          mittees on Veterans' Affairs and National Security of the  
24          House of Representatives a joint report on the findings  
25          and recommendations contained in that report. Such re-

1 port may set forth an operational plan for carrying out  
2 any recommendation in that report to establish a national  
3 center or centers for the study of war-related illnesses. No  
4 action to carry out such plan may be taken after the sub-  
5 mission of such report until the end of a 90-day period  
6 following the date of the submission.

7 **SEC. 104. COORDINATION OF ACTIVITIES.**

8 Section 707 of the Persian Gulf War Veterans'  
9 Health Status Act (title VII of Public Law 102–585; 38  
10 U.S.C. 527 note) is amended—

11 (1) in the heading, by striking out “**GOVERN-**  
12 **MENT ACTIVITIES ON HEALTH-RELATED RE-**  
13 **SEARCH**” and inserting the following: “**HEALTH-**  
14 **RELATED GOVERNMENT ACTIVITIES**”;

15 (2) in subsection (a), by striking out “re-  
16 search”; and

17 (3) by striking out subsection (b) and inserting  
18 in lieu thereof the following:

19 “(b) PUBLIC ADVISORY COMMITTEE.—Not later than  
20 January 1, 1999, the head of the department or agency  
21 designated under subsection (a) shall establish an advisory  
22 committee consisting of members of the general public, in-  
23 cluding Persian Gulf War veterans and representatives of  
24 such veterans, to provide advice to the head of that depart-  
25 ment or agency on proposed research studies, research

1 plans, or research strategies relating to the health con-  
2 sequences of military service in the Southwest Asia theater  
3 of operations during the Persian Gulf War. The depart-  
4 ment or agency head shall consult with such advisory com-  
5 mittee on a regular basis.

6       “(c) REPORTS.—(1) Not later than March 1 of each  
7 year, the head of the department or agency designated  
8 under subsection (a) shall submit to the Committees on  
9 Veterans’ Affairs of the Senate and House of Representa-  
10 tives a report on—

11               “(A) the status and results of all such research  
12 activities undertaken by the executive branch during  
13 the previous year; and

14               “(B) research priorities identified during that  
15 year.

16       “(2)(A) Not later than 120 days after submission of  
17 the epidemiological research study conducted by the De-  
18 partment of Veterans Affairs entitled ‘VA National Survey  
19 of Persian Gulf Veterans—Phase III’, the head of the de-  
20 partment or agency designated under subsection (a) shall  
21 submit to the congressional committees specified in para-  
22 graph (1) a report on the findings under that study and  
23 any other pertinent medical literature.

24               “(B) With respect to any findings of that study and  
25 any other pertinent medical literature which identify sci-

1 entific evidence of a greater relative risk of illness or ill-  
2 nesses in family members of veterans who served in the  
3 Persian Gulf War theater of operations than in family  
4 members of veterans who did not so serve, the head of  
5 the department or agency designated under subsection (a)  
6 shall seek to ensure that appropriate research studies are  
7 designed to follow up on such findings.

8       “(d) PUBLIC AVAILABILITY OF RESEARCH FIND-  
9 INGS.—The head of the department or agency designated  
10 under subsection (a) shall ensure that the findings of all  
11 research conducted by or for the executive branch relating  
12 to the health consequences of military service in the Per-  
13 sian Gulf theater of operations during the Persian Gulf  
14 War (including information pertinent to improving provi-  
15 sion of care for veterans of such service) are made avail-  
16 able to the public through peer-reviewed medical journals,  
17 the World Wide Web, and other appropriate media.

18       “(e) OUTREACH.—The head of the department or  
19 agency designated under subsection (a) shall ensure that  
20 the appropriate departments consult and coordinate in  
21 carrying out an ongoing program to provide information  
22 to those who served in the Southwest Asia theater of oper-  
23 ations during the Persian Gulf War relating to (1) the  
24 health risks, if any, resulting from any risk factors associ-

1 ated with such service, and (2) any services or benefits  
2 available with respect to such health risks.”.

3 **SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PER-**  
4 **SIAN GULF WAR VETERANS.**

5 (a) ASSESSMENT BY NATIONAL ACADEMY OF  
6 SCIENCES.—Not later than April 1, 1999, the Secretary  
7 of Veterans Affairs shall enter into a contract with the  
8 National Academy of Sciences to review the available sci-  
9 entific data in order to—

10 (1) assess whether a methodology could be used  
11 by the Department of Veterans Affairs for determin-  
12 ing the efficacy of treatments furnished to, and  
13 health outcomes (including functional status) of,  
14 Persian Gulf War veterans who have been treated  
15 for illnesses which may be associated with their serv-  
16 ice in the Persian Gulf War; and

17 (2) identify, to the extent feasible, with respect  
18 to each undiagnosed illness prevalent among such  
19 veterans and for any other chronic illness that the  
20 Academy determines to warrant such review, empiri-  
21 cally valid models of treatment for such illness which  
22 employ successful treatment modalities for popu-  
23 lations with similar symptoms.

24 (b) ACTION ON REPORT.—(1) After receiving the  
25 final report of the National Academy of Sciences under

1 subsection (a), the Secretary shall, if a reasonable and sci-  
 2 entifically feasible methodology is identified by the Acad-  
 3 emy, develop an appropriate mechanism to monitor and  
 4 study the effectiveness of treatments furnished to, and  
 5 health outcomes of, Persian Gulf War veterans who suffer  
 6 from diagnosed and undiagnosed illnesses which may be  
 7 associated with their service in the Persian Gulf War.

8 (2) The Secretary shall submit to the Committees on  
 9 Veterans' Affairs of the Senate and House of Representa-  
 10 tives a report on the implementation of paragraph (1).

11 (3) The Secretary shall carry out paragraphs (1) and  
 12 (2) not later than 180 days after receiving the final report  
 13 of the National Academy of Sciences under subsection (a).

14 **SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDA-**  
 15 **TIONS ON RESEARCH AND FOR DEVELOP-**  
 16 **MENT OF CURRICULUM ON CARE OF PER-**  
 17 **SIAN GULF WAR VETERANS.**

18 Section 706 of the Persian Gulf War Veterans'  
 19 Health Status Act (title VII of Public Law 102-585; 38  
 20 U.S.C. 527 note) is amended by adding at the end the  
 21 following new subsection:

22 “(d) RESEARCH REVIEW AND DEVELOPMENT OF  
 23 MEDICAL EDUCATION CURRICULUM.—(1) In order to fur-  
 24 ther understanding of the health consequences of military  
 25 service in the Persian Gulf theater of operations during



1 the Persian Gulf War and of new research findings with  
2 implications for improving the provision of care for veter-  
3 ans of such service, the Secretary of Veterans Affairs and  
4 the Secretary of Defense shall seek to enter into an agree-  
5 ment with the National Academy of Sciences under which  
6 the Institute of Medicine of the Academy would—

7           “(A) develop a curriculum pertaining to the  
8           care and treatment of veterans of such service who  
9           have ill-defined or undiagnosed illnesses for use in  
10          the continuing medical education of both general  
11          and specialty physicians who provide care for such  
12          veterans; and

13           “(B) on an ongoing basis, periodically review  
14          and provide recommendations regarding the research  
15          plans and research strategies of the Departments re-  
16          lating to the health consequences of military service  
17          in the Persian Gulf theater of operations during the  
18          Persian Gulf War.

19           “(2) Recommendations to be provided under para-  
20          graph (1)(B) include any recommendations that the Acad-  
21          emy considers appropriate for additional scientific studies  
22          (including studies related to treatment models) to resolve  
23          areas of continuing scientific uncertainty relating to the  
24          health consequences of any aspects of such military serv-  
25          ice. In making recommendations for additional studies, the

1 Academy shall consider the available scientific data, the  
 2 value and relevance of the information that could result  
 3 from such studies, and the cost and feasibility of carrying  
 4 out such studies.

5 “(3) Not later than nine months after the Institute  
 6 of Medicine provides the Secretaries the curriculum devel-  
 7 oped under paragraph (1)(A), the Secretaries shall provide  
 8 for the conduct of continuing education programs using  
 9 that curriculum. Those programs shall include instruction  
 10 which seeks to emphasize use of appropriate protocols of  
 11 diagnosis, referral, and treatment of such veterans.”

12 **SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION**  
 13 **OF HEALTH STATUS OF SPOUSES AND CHIL-**  
 14 **DREN OF PERSIAN GULF WAR VETERANS.**

15 (a) ONE-YEAR EXTENSION.—Subsection (b) of sec-  
 16 tion 107 of the Persian Gulf War Veterans’ Benefits Act  
 17 (title I of Public Law 103–446; 38 U.S.C. 1117 note) is  
 18 amended by striking out “December 31, 1998” and insert-  
 19 ing in lieu thereof “December 31, 1999”.

20 (b) TERMINATION OF CERTAIN TESTING AND EVAL-  
 21 UATION REQUIREMENTS.—Subsection (a) of such section  
 22 is amended—

23 (1) by striking out “the” after “Secretary of”;

24 (2) by striking out “study” both places it ap-  
 25 pears and inserting in lieu thereof “program”; and

1           (3) by striking out the sentence following para-  
2           graph (3).

3           (c) ENHANCED FLEXIBILITY IN EXAMINATIONS.—

4           Subsection (d) of such section is amended—

5           (1) by striking out “shall” and inserting in lieu  
6           thereof “may”; and

7           (2) by inserting “, including fee arrangements  
8           described in section 1703 of title 38, United States  
9           Code” after “arrangements”.

10          (d) OUTREACH.—Subsection (g) of such section is  
11          amended—

12          (1) by striking out “to ensure” and all that fol-  
13          lows through the period at the end of paragraph (2)  
14          and inserting in lieu thereof “for the purposes of the  
15          program.”; and

16          (2) by adding at the end the following new sen-  
17          tence: “In conducting such outreach activities, the  
18          Secretary shall advise that medical treatment is not  
19          available under the program.”.

20          (e) REPORT TO CONGRESS.—Subsection (i) of such  
21          section is amended to read as follows:

22          “(i) REPORT TO CONGRESS.—Not later than July 31,  
23          1999, the Secretary shall submit to the Committees on  
24          Veterans’ Affairs of the Senate and House of Representa-

1 tives a report on activities with respect to the program,  
 2 including the provision of services under subsection (d).”.

3 **TITLE II—EDUCATION AND**  
 4 **EMPLOYMENT**

5 **Subtitle A—Education Matters**

6 **SEC. 201. CALCULATION OF REPORTING FEE BASED ON**  
 7 **TOTAL VETERAN ENROLLMENT DURING A**  
 8 **CALENDAR YEAR.**

9 (a) IN GENERAL.—The second sentence of section  
 10 3684(c) is amended by striking out “on October 31” and  
 11 all that follows through the period and inserting in lieu  
 12 thereof “during the calendar year.”.

13 (b) FUNDING.—Section 3684(c), as amended by sub-  
 14 section (a), is further amended by adding at the end the  
 15 following new sentence: “The reporting fee payable under  
 16 this subsection shall be paid from amounts appropriated  
 17 for readjustment benefits.”.

18 (c) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply with respect to calendar years be-  
 20 ginning after December 31, 1998.

21 **SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-**  
 22 **STUDY ALLOWANCE.**

23 (a) IN GENERAL.—The third sentence of section  
 24 3485(a)(1) is amended by striking out “An individual  
 25 shall be paid in advance” and inserting in lieu thereof “An

1 individual may elect, in a manner prescribed by the Sec-  
 2 retary, to be paid in advance”.

3 (b) EFFECTIVE DATE.—The amendment made by  
 4 subsection (a) shall apply with respect to agreements en-  
 5 tered into under section 3485 of title 38, United States  
 6 Code, on or after January 1, 1999.

7 **SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR**  
 8 **EQUIVALENCY REQUIREMENT.**

9 (a) IN GENERAL.—The following sections of chapter  
 10 30 are each amended by striking out “successfully com-  
 11 pleted” each place it appears and inserting in lieu thereof  
 12 “successfully completed (or otherwise received academic  
 13 credit for)”: sections 3011(a)(2), 3012(a)(2),  
 14 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B),  
 15 3018B(a)(2)(B), and 3018C(a)(3).

16 (b) EFFECTIVE DATE.—The amendments made by  
 17 subsection (a) shall take effect on October 1, 1998.

18 **SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING RE-**  
 19 **QUIREMENTS.**

20 (a) TITLE 38, UNITED STATES CODE.—Sections  
 21 3034(d)(2) and 3241(b)(2) are each amended—

22 (1) by striking out “pilot’s license” each place  
 23 it appears and inserting in lieu thereof “pilot certifi-  
 24 cate”; and

1           (2) by inserting “, on the day the individual be-  
2           gins a course of flight training,” after “meets”.

3           (b) TITLE 10, UNITED STATES CODE.—Section  
4 16136(c)(2) of title 10, United States Code, is amended—

5           (1) by striking out “pilot’s license” each place  
6           it appears and inserting in lieu thereof “pilot certifi-  
7           cate”; and

8           (2) by inserting “, on the day the individual be-  
9           gins a course of flight training,” after “meets”.

10          (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply with respect to courses of flight  
12 training beginning on or after October 1, 1998.

13 **SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAY-**  
14 **MENT RATE REQUIREMENTS FOR GOVERN-**  
15 **MENT JOB TRAINING PROGRAM APPROVAL.**

16          (a) IN GENERAL.—Section 3677(b) is amended—

17           (1) by inserting “(1)” after “(b)”;

18           (2) by redesignating paragraphs (1) and (2) as  
19           subparagraphs (A) and (B), respectively;

20           (3) in subparagraph (A), as so redesignated, by  
21           striking out “(A)” and “(B)” and inserting in lieu  
22           thereof “(i)” and “(ii)”, respectively; and

23           (4) by adding at the end the following new  
24           paragraph:



1 cedures, eligibility requirements (including time-in-service  
2 requirements), and other important aspects of the basic  
3 educational assistance program under this chapter, includ-  
4 ing application forms for such basic educational assistance  
5 under section 5102 of this title.

6       “(3) The Secretary shall furnish the forms described  
7 in paragraph (2) and other educational materials to edu-  
8 cational institutions, training establishments, and military  
9 education personnel, as the Secretary determines appro-  
10 priate.

11       “(4) The Secretary shall use amounts appropriated  
12 for readjustment benefits to carry out this subsection and  
13 section 5102 of this title with respect to application forms  
14 under that section for basic educational assistance under  
15 this chapter.”.

16       (b) EFFECTIVE DATE.—The amendment made by  
17 this section shall take effect 180 days after the date of  
18 the enactment of this Act.



1 **SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR**  
2 **EDUCATION BENEFITS FOR MEMBERS OF**  
3 **THE ARMED FORCES DISCHARGED EARLY**  
4 **FROM DUTY FOR THE CONVENIENCE OF THE**  
5 **GOVERNMENT.**

6 (a) **ACTIVE DUTY PROGRAM.**—Section 3011 is  
7 amended by adding at the end the following new sub-  
8 section:

9 “(i) The Secretary concerned shall inform any mem-  
10 ber of the Armed Forces who has not completed that mem-  
11 ber’s initial obligated period of active duty (as described  
12 in subsection (a)(1)(A)) and who indicates the intent to  
13 be discharged or released from such duty for the conven-  
14 ience of the Government of the minimum active duty re-  
15 quirements for entitlement to educational assistance bene-  
16 fits under this chapter. Such information shall be provided  
17 to the member in a timely manner.”.

18 (b) **RESERVE PROGRAM.**—Section 3012 is amended  
19 by adding at the end the following new subsection:

20 “(g)(1) The Secretary concerned shall inform any  
21 member of the Armed Forces who has not completed that  
22 member’s initial service (as described in paragraph (2))  
23 and who indicates the intent to be discharged or released  
24 from such service for the convenience of the Government  
25 of the minimum service requirements for entitlement to  
26 educational assistance benefits under this chapter. Such

1 information shall be provided to the member in a timely  
2 manner.

3 “(2) The initial service referred to in paragraph (1)  
4 is the initial obligated period of active duty (described in  
5 subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the  
6 period of service in the Selected Reserve (described in sub-  
7 paragraphs (A)(ii) or (B)(ii) of subsection (a)(1)).”.

8 (c) REPORT TO CONGRESS.—Section 3036(b)(1) is  
9 amended—

10 (1) by striking out “and (B)” and inserting in  
11 lieu thereof “(B)”; and

12 (2) by inserting before the semicolon the follow-  
13 ing: “, and (C) describing the efforts under sections  
14 3011(i) and 3012(g) of this title to inform members  
15 of the Armed Forces of the minimum service re-  
16 quirements for entitlement to educational assistance  
17 benefits under this chapter and the results from  
18 such efforts”.

19 (d) EFFECTIVE DATES.—(1) The amendments made  
20 by subsections (a) and (b) shall take effect 120 days after  
21 the date of the enactment of this Act.

22 (2) The amendments made by subsection (c) shall  
23 apply with respect to reports to Congress submitted by  
24 the Secretary of Defense under section 3036 of title 38,  
25 United States Code, on or after January 1, 2000.

1 **Subtitle B—Uniformed Services**  
2 **Employment and Reemployment**  
3 **Rights Act Amendments**

4 **SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A**  
5 **STATE AS AN EMPLOYER.**

6 (a) IN GENERAL.—Section 4323 is amended to read  
7 as follows:

8 **“§ 4323. Enforcement of rights with respect to a State**  
9 **or private employer**

10 “(a) ACTION FOR RELIEF.—(1) A person who re-  
11 ceives from the Secretary a notification pursuant to sec-  
12 tion 4322(e) of this title of an unsuccessful effort to re-  
13 solve a complaint relating to a State (as an employer) or  
14 a private employer may request that the Secretary refer  
15 the complaint to the Attorney General. If the Attorney  
16 General is reasonably satisfied that the person on whose  
17 behalf the complaint is referred is entitled to the rights  
18 or benefits sought, the Attorney General may appear on  
19 behalf of, and act as attorney for, the person on whose  
20 behalf the complaint is submitted and commence an action  
21 for relief under this chapter for such person. In the case  
22 of such an action against a State (as an employer), the  
23 action shall be brought in the name of the United States  
24 as the plaintiff in the action.

1       “(2) A person may commence an action for relief with  
2 respect to a complaint against a State (as an employer)  
3 or a private employer if the person—

4               “(A) has chosen not to apply to the Secretary  
5 for assistance under section 4322(a) of this title;

6               “(B) has chosen not to request that the Sec-  
7 retary refer the complaint to the Attorney General  
8 under paragraph (1); or

9               “(C) has been refused representation by the At-  
10 torney General with respect to the complaint under  
11 such paragraph.

12       “(b) JURISDICTION.—(1) In the case of an action  
13 against a State (as an employer) or a private employer  
14 commenced by the United States, the district courts of  
15 the United States shall have jurisdiction over the action.

16       “(2) In the case of an action against a State (as an  
17 employer) by a person, the action may be brought in a  
18 State court of competent jurisdiction in accordance with  
19 the laws of the State.

20       “(3) In the case of an action against a private em-  
21 ployer by a person, the district courts of the United States  
22 shall have jurisdiction of the action.

23       “(c) VENUE.—(1) In the case of an action by the  
24 United States against a State (as an employer), the action  
25 may proceed in the United States district court for any

1 district in which the State exercises any authority or car-  
2 ries out any function.

3 “(2) In the case of an action against a private em-  
4 ployer, the action may proceed in the United States dis-  
5 trict court for any district in which the private employer  
6 of the person maintains a place of business.

7 “(d) REMEDIES.—(1) In any action under this sec-  
8 tion, the court may award relief as follows:

9 “(A) The court may require the employer to  
10 comply with the provisions of this chapter.

11 “(B) The court may require the employer to  
12 compensate the person for any loss of wages or ben-  
13 efits suffered by reason of such employer’s failure to  
14 comply with the provisions of this chapter.

15 “(C) The court may require the employer to  
16 pay the person an amount equal to the amount re-  
17 ferred to in subparagraph (B) as liquidated dam-  
18 ages, if the court determines that the employer’s  
19 failure to comply with the provisions of this chapter  
20 was willful.

21 “(2)(A) Any compensation awarded under subpara-  
22 graph (B) or (C) of paragraph (1) shall be in addition  
23 to, and shall not diminish, any of the other rights and  
24 benefits provided for under this chapter.

1           “(B) In the case of an action commenced in the name  
2 of the United States for which the relief includes com-  
3 pensation awarded under subparagraph (B) or (C) of  
4 paragraph (1), such compensation shall be held in a spe-  
5 cial deposit account and shall be paid, on order of the At-  
6 torney General, directly to the person. If the compensation  
7 is not paid to the person because of inability to do so with-  
8 in a period of three years, the compensation shall be cov-  
9 ered into the Treasury of the United States as miscellane-  
10 ous receipts.

11           “(3) A State shall be subject to the same remedies,  
12 including prejudgment interest, as may be imposed upon  
13 any private employer under this section.

14           “(e) EQUITY POWERS.—The court may use its full  
15 equity powers, including temporary or permanent injunc-  
16 tions, temporary restraining orders, and contempt orders,  
17 to vindicate fully the rights or benefits of persons under  
18 this chapter.

19           “(f) STANDING.—An action under this chapter may  
20 be initiated only by a person claiming rights or benefits  
21 under this chapter under subsection (a) or by the United  
22 States under subsection (a)(1).

23           “(g) RESPONDENT.—In any action under this chap-  
24 ter, only an employer or a potential employer, as the case  
25 may be, shall be a necessary party respondent.

1       “(h) FEES, COURT COSTS.—(1) No fees or court  
2 costs may be charged or taxed against any person claiming  
3 rights under this chapter.

4       “(2) In any action or proceeding to enforce a provi-  
5 sion of this chapter by a person under subsection (a)(2)  
6 who obtained private counsel for such action or proceed-  
7 ing, the court may award any such person who prevails  
8 in such action or proceeding reasonable attorney fees, ex-  
9 pert witness fees, and other litigation expenses.

10       “(i) INAPPLICABILITY OF STATE STATUTE OF LIM-  
11 TATIONS.—No State statute of limitations shall apply to  
12 any proceeding under this chapter.

13       “(j) DEFINITION.—In this section, the term ‘private  
14 employer’ includes a political subdivision of a State.”.

15       (b) EFFECTIVE DATE.—(1) Section 4323 of title 38,  
16 United States Code, as amended by subsection (a), shall  
17 apply to actions commenced under chapter 43 of such title  
18 on or after the date of the enactment of this Act, and  
19 shall apply to actions commenced under such chapter be-  
20 fore the date of the enactment of this Act that are not  
21 final on the date of the enactment of this Act, without  
22 regard to when the cause of action accrued.

23       (2) In the case of any such action against a State  
24 (as an employer) in which a person, on the day before the  
25 date of the enactment of this Act, is represented by the

1 Attorney General under section 4323(a)(1) of such title  
2 as in effect on such day, the court shall upon motion of  
3 the Attorney General, substitute the United States as the  
4 plaintiff in the action pursuant to such section as amended  
5 by subsection (a).

6 **SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOY-**  
7 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**  
8 **BERS OF THE UNIFORMED SERVICES.**

9 (a) DEFINITION OF EMPLOYEE.—Section 4303(3) is  
10 amended by adding at the end the following new sentence:  
11 “Such term includes any person who is a citizen, national,  
12 or permanent resident alien of the United States employed  
13 in a workplace in a foreign country by an employer that  
14 is an entity incorporated or otherwise organized in the  
15 United States or that is controlled by an entity organized  
16 in the United States, within the meaning of section  
17 4319(c) of this title.”.

18 (b) FOREIGN COUNTRIES.—(1) Subchapter II of  
19 chapter 43 is amended by inserting after section 4318 the  
20 following new section:

21 **“§ 4319. Employment and reemployment rights in for-**  
22 **foreign countries**

23 “(a) LIABILITY OF CONTROLLING UNITED STATES  
24 EMPLOYER OF FOREIGN ENTITY.—If an employer con-  
25 trols an entity that is incorporated or otherwise organized



1 in a foreign country, any denial of employment, reemploy-  
2 ment, or benefit by such entity shall be presumed to be  
3 by such employer.

4 “(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—  
5 This subchapter does not apply to foreign operations of  
6 an employer that is a foreign person not controlled by an  
7 United States employer.

8 “(c) DETERMINATION OF CONTROLLING EM-  
9 PLOYER.—For the purpose of this section, the determina-  
10 tion of whether an employer controls an entity shall be  
11 based upon the interrelations of operations, common man-  
12 agement, centralized control of labor relations, and com-  
13 mon ownership or financial control of the employer and  
14 the entity.

15 “(d) EXEMPTION.—Notwithstanding any other provi-  
16 sion of this subchapter, an employer, or an entity con-  
17 trolled by an employer, shall be exempt from compliance  
18 with any of sections 4311 through 4318 of this title with  
19 respect to an employee in a workplace in a foreign country,  
20 if compliance with that section would cause such employer,  
21 or such entity controlled by an employer, to violate the  
22 law of the foreign country in which the workplace is lo-  
23 cated.”.

1           (2) The table of sections at the beginning of chapter  
2 43 is amended by inserting after the item relating to sec-  
3 tion 4318 the following new item:

“4319. Employment and reemployment rights in foreign countries.”.

4           (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply only with respect to causes of ac-  
6 tion arising after the date of the enactment of this Act.

7 **SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF**  
8 **MEMBERS OF THE UNIFORMED SERVICES IN**  
9 **FEDERAL SERVICE.**

10          (a) IN GENERAL.—The first sentence of paragraph  
11 (1) of section 4324(c) is amended by inserting before the  
12 period at the end the following: “, without regard as to  
13 whether the complaint accrued before, on, or after October  
14 13, 1994”.

15          (b) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) shall apply to complaints filed with the  
17 Merit Systems Protection Board on or after October 13,  
18 1994.

19 **TITLE III—COMPENSATION,**  
20 **PENSION, AND INSURANCE**

21 **SEC. 301. MEDAL OF HONOR SPECIAL PENSION.**

22          (a) INCREASE.—Section 1562(a) is amended by strik-  
23 ing out “\$400” and inserting in lieu thereof “\$600”.

24          (b) EFFECTIVE DATE.—The amendment made by  
25 subsection (a) shall take effect on the first day of the first

1 month beginning on or after the date of the enactment  
2 of this Act.

3 **SEC. 302. ACCELERATED DEATH BENEFIT FOR**  
4 **SERVICEMEMBERS' GROUP LIFE INSURANCE**  
5 **AND VETERANS' GROUP LIFE INSURANCE**  
6 **PARTICIPANTS.**

7 (a) IN GENERAL.—(1) Subchapter III of chapter 19  
8 is amended by adding at the end the following new section:

9 **“§ 1980. Option to receive accelerated death benefit**

10 “(a) For the purpose of this section, a person shall  
11 be considered to be terminally ill if the person has a medi-  
12 cal prognosis such that the life expectancy of the person  
13 is less than a period prescribed by the Secretary. The max-  
14 imum length of such period may not exceed 12 months.

15 “(b)(1) A terminally ill person insured under  
16 Servicemembers' Group Life Insurance or Veterans'  
17 Group Life Insurance may elect to receive in a lump-sum  
18 payment a portion of the face value of the insurance as  
19 an accelerated death benefit reduced by an amount nec-  
20 essary to assure that there is no increase in the actuarial  
21 value of the benefit paid, as determined by the Secretary.

22 “(2) The Secretary shall prescribe the maximum  
23 amount of the accelerated death benefit available under  
24 this section that the Secretary finds to be administratively  
25 practicable and actuarially sound, but in no event may the

1 amount of the benefit exceed the amount equal to 50 per-  
2 cent of the face value of the person's insurance in force  
3 on the date the election of the person to receive the benefit  
4 is approved.

5       “(3) A person making an election under this section  
6 may elect to receive an amount that is less than the maxi-  
7 mum amount prescribed under paragraph (2). The Sec-  
8 retary shall prescribe the increments in which a reduced  
9 amount under this paragraph may be elected.

10       “(c) The portion of the face value of insurance which  
11 is not paid in a lump sum as an accelerated death benefit  
12 under this section shall remain payable in accordance with  
13 the provisions of this chapter.

14       “(d) Deductions under section 1969 of this title and  
15 premiums under section 1977(c) of this title shall be re-  
16 duced, in a manner consistent with the percentage reduc-  
17 tion in the face value of the insurance as a result of pay-  
18 ment of an accelerated death benefit under this section,  
19 effective with respect to any amounts which would other-  
20 wise become due on or after the date of payment under  
21 this section.

22       “(e) The Secretary shall prescribe regulations to  
23 carry out this section. Such regulations shall include provi-  
24 sions regarding—

1           “(1) the form and manner in which an applica-  
2           tion for an election under this section shall be made;  
3           and

4           “(2) the procedures under which any such ap-  
5           plication shall be considered.

6           “(f)(1) An election to receive a benefit under this sec-  
7           tion shall be irrevocable.

8           “(2) A person may not make more than one election  
9           under this section, even if the election of the person is  
10          to receive less than the maximum amount of the benefit  
11          available to the person under this section.

12          “(g) If a person insured under Servicemembers’  
13          Group Life Insurance elects to receive a benefit under this  
14          section and the person’s Servicemembers’ Group Life In-  
15          surance is thereafter converted to Veterans’ Group Life  
16          Insurance as provided in section 1968(b) of this title, the  
17          amount of the benefit paid under this section shall reduce  
18          the amount of Veterans’ Group Life Insurance available  
19          to the person under section 1977(a) of this title.

20          “(h) Notwithstanding any other provision of law, the  
21          amount of the accelerated death benefit received by a per-  
22          son under this section shall not be considered income or  
23          resources for purposes of determining eligibility for or the  
24          amount of benefits under any Federal or federally-assisted  
25          program or for any other purpose.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to section 1979 the following new item:

“1980. Option to receive accelerated death benefit.”.

4           (b) CONFORMING AMENDMENTS.—Section 1970(g) is  
5 amended in the first sentence—

6                 (1) by striking out “Payments of benefits” and  
7 inserting in lieu thereof “Any payments”; and

8                 (2) by inserting “an insured or” after “or on  
9 account of,”.

10          (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect 90 days after the date of the  
12 enactment of this Act.

13 **SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE**  
14 **AND SURVIVOR BENEFITS PROGRAMS FOR**  
15 **SURVIVORS OF VETERANS WITH SERVICE-**  
16 **CONNECTED DISABILITIES.**

17          (a) REPORT ON ASSESSMENT.—Not later than Octo-  
18 ber 1, 1999, the Secretary of Veterans Affairs shall submit  
19 to the Committees on Veterans’ Affairs of the Senate and  
20 the House of Representatives a report containing an as-  
21 sessment of the adequacy of the insurance and survivor  
22 benefits programs of the Department of Veterans Affairs  
23 (including the payment of dependency and indemnity com-  
24 pensation under chapter 13 of title 38, United States  
25 Code) in meeting the needs of survivors of veterans with

1 service-connected disabilities, including survivors of cata-  
2 strophically disabled veterans who cared for those veter-  
3 ans.

4 (b) REPORT ELEMENTS.—The report on the assess-  
5 ment under subsection (a) shall include the following:

6 (1) An identification of the characteristics that  
7 make a disabled veteran catastrophically disabled.

8 (2) A statement of the number of veterans with  
9 service-connected disabilities who participate in in-  
10 surance programs administered by the Department.

11 (3) A statement of the number of survivors of  
12 veterans with service-connected disabilities who re-  
13 ceive dependency and indemnity compensation under  
14 chapter 13 of title 38, United States Code.

15 (4) Data on veterans with service-connected dis-  
16 abilities that are relevant to the insurance programs  
17 administered by the Department, and an assessment  
18 how such data might be used to better determine the  
19 cost above standard premium rates of insuring veter-  
20 ans with service-connected disabilities under such  
21 programs.

22 (5) An analysis of various methods of account-  
23 ing and providing for the additional cost of insuring  
24 the lives of veterans with service-connected disabil-

1 ities under the insurance programs administered by  
2 the Department.

3 (6) An assessment of the adequacy and effec-  
4 tiveness of the current insurance programs and de-  
5 pendency and indemnity compensation programs of  
6 the Department in meeting the needs of survivors of  
7 severely-disabled or catastrophically-disabled veter-  
8 ans.

9 (7) An analysis of various methods of meeting  
10 the transitional financial needs of survivors of veter-  
11 ans with service-connected disabilities immediately  
12 after the deaths of such veterans.

13 (8) Such recommendations as the Secretary  
14 considers appropriate regarding means of improving  
15 the benefits available to survivors of veterans with  
16 service-connected disabilities under programs admin-  
17 istered by the Department.

18 **SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.**

19 (a) **ELIGIBILITY OF CERTAIN VETERANS FOR DIVI-**  
20 **DENDS UNDER NSLI PROGRAM.**—Section 1919(b) is  
21 amended—

22 (1) by striking “sections 602(c)(2) and” and in-  
23 serting “section”; and

24 (2) by striking “sections” after “under such”  
25 and inserting “section”.



1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect at the end of the 90-day pe-  
3 riod beginning on the date of the enactment of this Act.

#### 4 **TITLE IV—MEMORIAL AFFAIRS**

##### 5 **SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE RE-** 6 **MAINS ARE UNAVAILABLE FOR INTERMENT.**

7 (a) MEMORIAL HEADSTONES OR MARKERS FOR CER-  
8 TAIN MEMBERS OF THE ARMED FORCES AND SPOUSES.—  
9 Subsection (b) of section 2306 is amended to read as fol-  
10 lows:

11 “(b)(1) The Secretary shall furnish, when requested,  
12 an appropriate memorial headstone or marker for the pur-  
13 pose of commemorating an eligible individual whose re-  
14 mains are unavailable. Such a headstone or marker shall  
15 be furnished for placement in a national cemetery area  
16 reserved for that purpose under section 2403 of this title,  
17 a veterans’ cemetery owned by a State, or, in the case  
18 of a veteran, in a State, local, or private cemetery.

19 “(2) For purposes of paragraph (1), an eligible indi-  
20 vidual is any of the following:

21 “(A) A veteran.

22 “(B) The spouse or surviving spouse of a vet-  
23 eran.

1       “(3) For purposes of paragraph (1), the remains of  
2 an individual shall be considered to be unavailable if the  
3 individual’s remains—

4           “(A) have not been recovered or identified;

5           “(B) were buried at sea, whether by the individ-  
6 ual’s own choice or otherwise;

7           “(C) were donated to science; or

8           “(D) were cremated and the ashes scattered  
9 without interment of any portion of the ashes.

10       “(4) For purposes of this subsection:

11           “(A) The term ‘veteran’ includes an individual  
12 who dies in the active military, naval, or air service.

13           “(B) The term ‘surviving spouse’ includes an  
14 unremarried surviving spouse whose subsequent re-  
15 marriage was terminated by death or divorce.”.

16       (b) ALTERNATIVE COMMEMORATION FOR CERTAIN  
17 SPOUSES.—Such section is further amended by adding at  
18 the end the following new subsection:

19       “(e)(1) When the Secretary has furnished a head-  
20 stone or marker under subsection (a) for the unmarked  
21 grave of an individual, the Secretary shall, if feasible, add  
22 a memorial inscription to that headstone or marker rather  
23 than furnishing a separate headstone or marker under  
24 that subsection for the surviving spouse of such individual.

1           “(2) When the Secretary has furnished a memorial  
2 headstone or marker under subsection (b) for purposes of  
3 commemorating a veteran or an individual who died in the  
4 active military, naval, or air service, the Secretary shall,  
5 if feasible, add a memorial inscription to that headstone  
6 or marker rather than furnishing a separate memorial  
7 headstone or marker under that subsection for the surviv-  
8 ing spouse of such individual.”.

9           (c) **MEMORIAL AREAS.**—Section 2403(b) is amended  
10 to read as follows:

11           “(b) Under regulations prescribed by the Secretary,  
12 group memorials may be placed to honor the memory of  
13 groups of individuals referred to in subsection (a), and ap-  
14 propriate memorial headstones and markers may be placed  
15 to honor the memory of individuals referred to in sub-  
16 section (a) and section 2306(b) of this title.”.

17           (d) **EFFECTIVE DATE.**—The amendments made by  
18 subsections (a) and (b) shall apply to deaths occurring  
19 after the date of the enactment of this Act.

20 **SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY**  
21 **BENEFITS.**

22           (a) **BENEFITS.**—Part G of subtitle II of title 46,  
23 United States Code, is amended by inserting after chapter  
24 111 the following new chapter:



1 Affairs for the value of benefits that the Secretary of Vet-  
2 erans Affairs provides for a person by reason of eligibility  
3 under this section.

4 “(c) APPLICABILITY.—

5 “(1) GENERAL RULE.—Benefits may be pro-  
6 vided under the provisions of law referred to in sub-  
7 section (a)(1) by reason of this chapter only for  
8 deaths occurring after the date of the enactment of  
9 this chapter.

10 “(2) BURIALS, ETC. IN NATIONAL CEME-  
11 TERIES.—Notwithstanding paragraph (1), in the  
12 case of an initial burial or columbarium placement  
13 after the date of the enactment of this chapter, ben-  
14 efits may be provided under chapter 24 of title 38  
15 by reason of this chapter (regardless of the date of  
16 death), and in such a case benefits may be provided  
17 under section 2306 of such title.

18 **“§ 11202. Qualified service**

19 “For purposes of this chapter, a person shall be con-  
20 sidered to have engaged in qualified service if, between Au-  
21 gust 16, 1945, and December 31, 1946, the person—

22 “(1) was a member of the United States mer-  
23 chant marine (including the Army Transport Service  
24 and the Naval Transportation Service) serving as a  
25 crewmember of a vessel that was—

1           “(A) operated by the War Shipping Ad-  
2           ministration or the Office of Defense Transpor-  
3           tation (or an agent of the Administration or Of-  
4           fice);

5           “(B) operated in waters other than inland  
6           waters, the Great Lakes, and other lakes, bays,  
7           and harbors of the United States;

8           “(C) under contract or charter to, or prop-  
9           erty of, the Government of the United States;  
10          and

11          “(D) serving the Armed Forces; and

12          “(2) while so serving, was licensed or otherwise  
13          documented for service as a crewmember of such a  
14          vessel by an officer or employee of the United States  
15          authorized to license or document the person for  
16          such service.

17 **“§ 11203. Documentation of qualified service**

18          “(a) RECORD OF SERVICE.—The Secretary, or in the  
19          case of personnel of the Army Transport Service or the  
20          Naval Transport Service, the Secretary of Defense, shall,  
21          upon application—

22                 “(1) issue a certificate of honorable service to  
23                 a person who, as determined by that Secretary, en-  
24                 gaged in qualified service of a nature and duration  
25                 that warrants issuance of the certificate; and

1           “(2) correct, or request the appropriate official  
2           of the Government to correct, the service records of  
3           that person to the extent necessary to reflect the  
4           qualified service and the issuance of the certificate  
5           of honorable service.

6           “(b) TIMING OF DOCUMENTATION.—A Secretary re-  
7           ceiving an application under subsection (a) shall act on  
8           the application not later than one year after the date of  
9           that receipt.

10          “(c) STANDARDS RELATING TO SERVICE.—In mak-  
11          ing a determination under subsection (a)(1), the Secretary  
12          acting on the application shall apply the same standards  
13          relating to the nature and duration of service that apply  
14          to the issuance of honorable discharges under section  
15          401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38  
16          U.S.C. 106 note).

17          “(d) CORRECTION OF RECORDS.—An official who is  
18          requested under subsection (a)(2) to correct the service  
19          records of a person shall make such correction.

20          **“§ 11204. Processing fees**

21          “(a) COLLECTION OF FEES.—The Secretary, or in  
22          the case of personnel of the Army Transport Service or  
23          the Naval Transport Service, the Secretary of Defense,  
24          shall collect a fee of \$30 from each applicant for process-

1 ing an application submitted under section 11203(a) of  
2 this title.

3       “(b) TREATMENT OF FEES COLLECTED.—Amounts  
4 received by the Secretary under this section shall be depos-  
5 ited in the General Fund of the Treasury as offsetting  
6 receipts of the department in which the Coast Guard is  
7 operating and ascribed to Coast Guard activities. Amounts  
8 received by the Secretary of Defense under this section  
9 shall be deposited in the General Fund of the Treasury  
10 as offsetting receipts of the Department of Defense. In  
11 either case, such amounts shall be available, subject to ap-  
12 propriation, for the administrative costs of processing ap-  
13 plications under section 11203 of this title.”.

14       (b) CLERICAL AMENDMENT.—The table of chapters  
15 at the beginning of subtitle II of title 46, United States  
16 Code, is amended by inserting after the item relating to  
17 chapter 111 the following new item:

“112. Merchant Mariner Benefits ..... 11201”.

18 **SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYS-**  
19 **TEM AND ESTABLISHMENT OF UNDER SEC-**  
20 **RETARY FOR MEMORIAL AFFAIRS.**

21       (a) REDESIGNATION AS NATIONAL CEMETERY AD-  
22 MINISTRATION.—(1) The National Cemetery System of  
23 the Department of Veterans Affairs shall hereafter be  
24 known and designated as the National Cemetery Adminis-  
25 tration. The position of Director of the National Cemetery



1 System is hereby redesignated as Under Secretary of Vet-  
2 erans Affairs for Memorial Affairs.

3 (2) Section 301(c)(4) is amended by striking out  
4 “National Cemetery System” and inserting in lieu thereof  
5 “National Cemetery Administration”.

6 (3) Section 307 is amended—

7 (A) in the first sentence, by striking out “a Di-  
8 rector of the National Cemetery System” and insert-  
9 ing in lieu thereof “an Under Secretary for Memo-  
10 rial Affairs”; and

11 (B) in the second sentence, by striking out  
12 “The Director” and all that follows through “Na-  
13 tional Cemetery System” and inserting in lieu there-  
14 of “The Under Secretary is the head of the National  
15 Cemetery Administration”.

16 (b) PAY RATE FOR UNDER SECRETARY.—Chapter  
17 53 of title 5, United States Code, is amended—

18 (1) in section 5314, by inserting after the item  
19 relating to the Under Secretary for Benefits of the  
20 Department of Veterans Affairs the following new  
21 item:

22 “Under Secretary for Memorial Affairs, Depart-  
23 ment of Veterans Affairs.”; and

24 (2) in section 5315, by striking out “Director  
25 of the National Cemetery System.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1)(A) The heading of section 307 is amended  
3 to read as follows:

4 **“§ 307. Under Secretary for Memorial Affairs”.**

5 (B) The item relating to section 307 in the  
6 table of sections at the beginning of chapter 3 is  
7 amended to read as follows:

“307. Under Secretary for Memorial Affairs.”.

8 (2) Section 2306(d) is amended by striking out  
9 “within the National Cemetery System” each place  
10 such term appears and inserting in lieu thereof  
11 “under the control of the National Cemetery Admin-  
12 istration”.

13 (3) Section 2400 is amended—

14 (A) in subsection (a)—

15 (i) by striking out “National Ceme-  
16 tery System” and inserting in lieu thereof  
17 “National Cemetery Administration re-  
18 sponsible”; and

19 (ii) in the second sentence, by striking  
20 out “Such system” and all that follows  
21 through “National Cemetery System” and  
22 inserting in lieu thereof “The National  
23 Cemetery Administration shall be headed  
24 by the Under Secretary for Memorial Af-  
25 fairs”;

1 (B) in subsection (b), by striking out “Na-  
 2 tional Cemetery System” and inserting in lieu  
 3 thereof “national cemeteries and other facilities  
 4 under the control of the National Cemetery Ad-  
 5 ministration”; and

6 (C) by amending the heading to read as  
 7 follows:

8 **“§ 2400. Establishment of National Cemetery Admin-  
 9 istration; composition of Administration”.**

10 (4) The item relating to section 2400 in the  
 11 table of sections at the beginning of chapter 24 is  
 12 amended to read as follows:

“2400. Establishment of National Cemetery Administration; composition of Ad-  
 ministration.”.

13 (5) Section 2402 is amended in the matter pre-  
 14 ceding paragraph (1) by striking out “in the Na-  
 15 tional Cemetery System” and inserting in lieu there-  
 16 of “under the control of the National Cemetery Ad-  
 17 ministration”.

18 (6) Section 2403(c) is amended by striking out  
 19 “in the National Cemetery System created by this  
 20 chapter” and inserting in lieu thereof “under the  
 21 control of the National Cemetery Administration”.

22 (7) Section 2405(c) is amended—

23 (A) by striking out “within the National  
 24 Cemetery System” and inserting in lieu thereof

1 “under the control of the National Cemetery  
2 Administration”; and

3 (B) by striking out “within such System”  
4 and inserting in lieu thereof “under the control  
5 of such Administration”.

6 (8) Section 2408(c)(1) is amended by striking  
7 out “in the National Cemetery System” and insert-  
8 ing in lieu thereof “under the control of the National  
9 Cemetery Administration”.

10 (d) REFERENCES.—

11 (1) Any reference in a law, map, regulation,  
12 document, paper, or other record of the United  
13 States to the National Cemetery System shall be  
14 deemed to be a reference to the National Cemetery  
15 Administration.

16 (2) Any reference in a law, map, regulation,  
17 document, paper, or other record of the United  
18 States to the Director of the National Cemetery Sys-  
19 tem shall be deemed to be a reference to the Under  
20 Secretary of Veterans Affairs for Memorial Affairs.

21 **SEC. 404. STATE CEMETERY GRANTS PROGRAM.**

22 (a) AMOUNT OF GRANT RELATIVE TO PROJECT  
23 COST.—(1) Paragraphs (1) and (2) of section 2408(b) are  
24 amended to read as follows:

1           “(1) The amount of a grant under this section  
2 may not exceed—

3           “(A) in the case of the establishment of a  
4 new cemetery, the sum of (i) the cost of im-  
5 provements to be made on the land to be con-  
6 verted into a cemetery, and (ii) the cost of ini-  
7 tial equipment necessary to operate the ceme-  
8 tery; and

9           “(B) in the case of the expansion or im-  
10 provement of an existing cemetery, the sum of  
11 (i) the cost of improvements to be made on any  
12 land to be added to the cemetery, and (ii) the  
13 cost of any improvements to be made to the ex-  
14 isting cemetery.

15           “(2) If the amount of a grant under this sec-  
16 tion is less than the amount of costs referred to in  
17 subparagraph (A) or (B) of paragraph (1), the State  
18 receiving the grant shall contribute the excess of  
19 such costs over the grant.”.

20           (2) The amendment made by paragraph (1) shall  
21 apply with respect to grants under section 2408 of title  
22 38, United States Code, made after the end of the 60-  
23 day period beginning on the date of the enactment of this  
24 Act.

1 (b) AUTHORIZATION OF APPROPRIATIONS WITHOUT  
 2 FISCAL YEAR LIMITATION.—The first sentence of section  
 3 2408(e) is amended by striking out “shall remain available  
 4 until the end of the second fiscal year following the fiscal  
 5 year for which they are appropriated” and inserting in lieu  
 6 thereof “shall remain available until expended”.

7 (c) EXTENSION OF AUTHORIZATION OF APPROPRIA-  
 8 TIONS FOR GRANT PROGRAM.—Paragraph (2) of section  
 9 2408(a) is amended to read as follows:

10 “(2) There is authorized to be appropriated such  
 11 sums as may be necessary for fiscal year 1999 and for  
 12 each succeeding fiscal year through fiscal year 2004 for  
 13 the purpose of making grants under paragraph (1).”.

14 **TITLE V—COURT OF VETERANS**  
 15 **APPEALS**

16 **Subtitle A—Administrative**  
 17 **Provisions Relating to the Court**

18 **SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING**

19 **CONFIRMATION FOR SECOND TERM.**

20 Section 7253(c) is amended by adding at the end the  
 21 following new sentence: “A judge who is nominated by the  
 22 President for appointment to an additional term on the  
 23 Court without a break in service and whose term of office  
 24 expires while that nomination is pending before the Senate

1 may continue in office for up to one year while that nomi-  
2 nation is pending.”.

3 **SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SE-**  
4 **QUESTRATION ORDERS.**

5 Section 7298 is amended by adding at the end the  
6 following new subsection:

7 “(g) For purpose of section 255(g)(1)(B) of the Bal-  
8 anced Budget and Emergency Deficit Control Act of 1985  
9 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be  
10 treated in the same manner as the Claims Judges’ Retire-  
11 ment Fund.”.

12 **SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.**

13 Subsection (o) of section 7297 is amended to read  
14 as follows:

15 “(o) Each survivor annuity payable from the retire-  
16 ment fund shall be increased at the same time as, and  
17 by the same percentage by which, annuities payable from  
18 the Judicial Survivors’ Annuities Fund are increased pur-  
19 suant to section 376(m) of title 28.”.

20 **SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICA-**  
21 **TIONS.**

22 (a) REPORT ON JUDGES’ RETIREMENT SYSTEM.—  
23 Not later than one year after the date of the enactment  
24 of this Act, the chief judge of the United States Court  
25 of Appeals for Veterans Claims shall submit to the Com-

1 mittees on Veterans' Affairs of the Senate and House of  
2 Representatives a report on the feasibility and desirability  
3 of merging the retirement plan of the judges of that court  
4 with retirement plans of other Federal judges.

5 (b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not  
6 later than six months after the date of the enactment of  
7 this Act, the chief judge of the United States Court of  
8 Appeals for Veterans Claims shall submit to the Commit-  
9 tees on Veterans' Affairs of the Senate and House of Rep-  
10 resentatives a report on the feasibility and desirability of  
11 allowing judges of that court to participate in the survivor  
12 annuity programs available to other Federal judges.

## 13 **Subtitle B—Renaming of Court**

### 14 **SEC. 511. RENAMING OF THE COURT OF VETERANS AP-** 15 **PEALS.**

16 (a) IN GENERAL.—The United States Court of Vet-  
17 erans Appeals is hereby renamed as, and shall hereafter  
18 be known and designated as, the United States Court of  
19 Appeals for Veterans Claims.

20 (b) SECTION 7251.—Section 7251 is amended by  
21 striking “United States Court of Veterans Appeals” and  
22 inserting “United States Court of Appeals for Veterans  
23 Claims”.



1 **SEC. 512. CONFORMING AMENDMENTS.**

2 (a) CONFORMING AMENDMENTS TO TITLE 38,  
3 UNITED STATES CODE.—

4 (1) The following sections are amended by  
5 striking “Court of Veterans Appeals” each place it  
6 appears and inserting “Court of Appeals for Veter-  
7 ans Claims”: sections 5904, 7101(b), 7252(a), 7253,  
8 7254, 7255, 7256, 7261, 7262, 7263, 7264,  
9 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a),  
10 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292,  
11 7296, 7297, and 7298.

12 (2)(A) The heading of section 7286 is amended  
13 to read as follows:

14 **“§ 7286. Judicial Conference of the Court”.**

15 (B) The heading of section 7291 is amended to  
16 read as follows:

17 **“§ 7291. Date when Court decision becomes final”.**

18 (C) The heading of section 7298 is amended to  
19 read as follows:

20 **“§ 7298. Retirement Fund”.**

21 (3) The table of sections at the beginning of  
22 chapter 72 is amended as follows:

23 (A) The item relating to section 7286 is  
24 amended to read as follows:

“7286. Judicial Conference of the Court.”.

1 (B) The item relating to section 7291 is  
2 amended to read as follows:

“7291. Date when Court decision becomes final.”.

3 (C) The item relating to section 7298 is  
4 amended to read as follows:

“7298. Retirement Fund.”.

5 (4)(A) The heading of chapter 72 is amended  
6 to read as follows:

7 **“CHAPTER 72—UNITED STATES COURT OF**  
8 **APPEALS FOR VETERANS CLAIMS”.**

9 (B) The item relating to chapter 72 in the table  
10 of chapters at the beginning of title 38, United  
11 States Code, and the item relating to such chapter  
12 in the table of chapters at the beginning of part V  
13 are amended to read as follows:

“72. United States Court of Appeals for Veterans Claims ..... 7251”.

14 (b) CONFORMING AMENDMENTS TO OTHER LAWS.—

15 (1) The following provisions of law are amended  
16 by striking “Court of Veterans Appeals” each place  
17 it appears and inserting “Court of Appeals for Vet-  
18 erans Claims”:

19 (A) Section 8440d of title 5, United States  
20 Code.

21 (B) Section 2412 of title 28, United States  
22 Code.

1 (C) Section 906 of title 44, United States  
2 Code.

3 (D) Section 109 of the Ethics in Govern-  
4 ment Act of 1978 (5 U.S.C. App.).

5 (2)(A) The heading of section 8440d of title 5,  
6 United States Code, is amended to read as follows:

7 **“§ 8440d. Judges of the United States Court of Ap-  
8 peals for Veterans Claims”.**

9 (B) The item relating to such section in the  
10 table of sections at the beginning of chapter 84 of  
11 such title is amended to read as follows:

“8440d. Judges of the United States Court of Appeals for Veterans Claims.”.

12 (c) OTHER LEGAL REFERENCES.—Any reference in  
13 a law, regulation, document, paper, or other record of the  
14 United States to the United States Court of Veterans Ap-  
15 peals shall be deemed to be a reference to the United  
16 States Court of Appeals for Veterans Claims.

17 **SEC. 513. EFFECTIVE DATE.**

18 This subtitle, and the amendments made by this sub-  
19 title, shall take effect on the first day of the first month  
20 beginning more than 90 days after the date of the enact-  
21 ment of this Act.

## TITLE VI—HOUSING

### SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 37 is amended by adding at the end the following new subchapter:

#### “SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

##### “§ 3771. Definitions

“For purposes of this subchapter:

“(1) The term ‘veteran’ has the meaning given such term by paragraph (2) of section 101.

“(2) The term ‘homeless veteran’ means a veteran who is a homeless individual.

“(3) The term ‘homeless individual’ has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

##### “§ 3772. General authority

“(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

“(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such

1 loans may be guaranteed during the three-year period be-  
2 ginning on the date of the enactment of this subchapter.

3 “(2) A guarantee of a loan under subsection (a) shall  
4 be in an amount that is not less than the amount nec-  
5 essary to sell the loan in a commercial market.

6 “(3) Not more than an aggregate amount of  
7 \$100,000,000 in loans may be guaranteed under sub-  
8 section (a).

9 “(c) A loan may not be guaranteed under this sub-  
10 chapter unless, before closing such loan, the Secretary has  
11 approved the loan.

12 “(d)(1) The Secretary shall enter into contracts with  
13 a qualified nonprofit organization, or other qualified orga-  
14 nization, that has experience in underwriting transitional  
15 housing projects to obtain advice in carrying out this sub-  
16 chapter, including advice on the terms and conditions nec-  
17 essary for a loan that meets the requirements of section  
18 3773 of this title.

19 “(2) For purposes of paragraph (1), a nonprofit orga-  
20 nization is an organization that is described in paragraph  
21 (3) or (4) of subsection (c) of section 501 of the Internal  
22 Revenue Code of 1986 and is exempt from tax under sub-  
23 section (a) of such section.

24 “(e) The Secretary may carry out this subchapter in  
25 advance of the issuance of regulations for such purpose.

1 “(f) The Secretary may guarantee loans under this  
2 subchapter notwithstanding any requirement for prior ap-  
3 propriations for such purpose under any provision of law.

4 **“§ 3773. Requirements**

5 “(a) A loan referred to in section 3772 of this title  
6 meets the requirements of this subchapter if each of the  
7 following requirements is met:

8 “(1) The loan—

9 “(A) is for—

10 “(i) construction of, rehabilitation of,  
11 or acquisition of land for a multifamily  
12 transitional housing project described in  
13 subsection (b), or more than one of such  
14 purposes; or

15 “(ii) refinancing of an existing loan  
16 for such a project; and

17 “(B) may also include additional reason-  
18 able amounts for—

19 “(i) financing acquisition of furniture,  
20 equipment, supplies, or materials for the  
21 project; or

22 “(ii) in the case of a loan made for  
23 purposes of subparagraph (A)(i), supplying  
24 the organization carrying out the project  
25 with working capital relative to the project.

1           “(2) The loan is made in connection with fund-  
2           ing or the provision of substantial property or serv-  
3           ices for such project by either a State or local gov-  
4           ernment or a nongovernmental entity, or both.

5           “(3) The maximum loan amount does not ex-  
6           ceed the lesser of—

7                   “(A) that amount generally approved (uti-  
8                   lizing prudent underwriting principles) in the  
9                   consideration and approval of projects of simi-  
10                  lar nature and risk so as to assure repayment  
11                  of the loan obligation; and

12                   “(B) 90 percent of the total cost of the  
13                  project.

14           “(4) The loan is of sound value, taking into ac-  
15           count the creditworthiness of the entity (and the in-  
16           dividual members of the entity) applying for such  
17           loan.

18           “(5) The loan is secured.

19           “(6) The loan is subject to such terms and con-  
20           ditions as the Secretary determines are reasonable,  
21           taking into account other housing projects with simi-  
22           larities in size, location, population, and services pro-  
23           vided.

1       “(b) For purposes of this subchapter, a multifamily  
2 transitional housing project referred to in subsection  
3 (a)(1) is a project that—

4               “(1) provides transitional housing to homeless  
5 veterans, which housing may be single room occu-  
6 pancy (as defined in section 8(n) of the United  
7 States Housing Act of 1937 (42 U.S.C. 1437f(n)));

8               “(2) provides supportive services and counsel-  
9 ling services (including job counselling) at the  
10 project site with the goal of making such veterans  
11 self-sufficient;

12               “(3) requires that each such veteran seek to ob-  
13 tain and maintain employment;

14               “(4) charges a reasonable fee for occupying a  
15 unit in such housing; and

16               “(5) maintains strict guidelines regarding sobri-  
17 ety as a condition of occupying such unit.

18       “(c) Such a project—

19               “(1) may include space for neighborhood retail  
20 services or job training programs; and

21               “(2) may provide transitional housing to veter-  
22 ans who are not homeless and to homeless individ-  
23 uals who are not veterans if—

24                       “(A) at the time of taking occupancy by  
25 any such veteran or homeless individual, the



1 transitional housing needs of homeless veterans  
2 in the project area have been met;

3 “(B) the housing needs of any such vet-  
4 eran or homeless individual can be met in a  
5 manner that is compatible with the manner in  
6 which the needs of homeless veterans are met  
7 under paragraph (1); and

8 “(C) the provisions of paragraphs (4) and  
9 (5) of subsection (b) are met.

10 “(d) In determining whether to guarantee a loan  
11 under this subchapter, the Secretary shall consider—

12 “(1) the availability of Department of Veterans  
13 Affairs medical services to residents of the multifam-  
14 ily transitional housing project; and

15 “(2) the extent to which needs of homeless vet-  
16 erans are met in a community, as assessed under  
17 section 107 of Public Law 102–405.

18 **“§ 3774. Default**

19 “(a) The Secretary shall take such steps as may be  
20 necessary to obtain repayment on any loan that is in de-  
21 fault and that is guaranteed under this subchapter.

22 “(b) Upon default of a loan guaranteed under this  
23 subchapter and terminated pursuant to State law, a lender  
24 may file a claim under the guarantee for an amount not  
25 to exceed the lesser of—

1 “(1) the maximum guarantee; or

2 “(2) the difference between—

3 “(A) the total outstanding obligation on  
4 the loan, including principal, interest, and ex-  
5 penses authorized by the loan documents,  
6 through the date of the public sale (as author-  
7 ized under such documents and State law); and

8 “(B) the amount realized at such sale.

9 **“§ 3775. Audit**

10 “During each of the first three years of operation of  
11 a multifamily transitional housing project with respect to  
12 which a loan is guaranteed under this subchapter, there  
13 shall be an annual, independent audit of such operation.  
14 Such audit shall include a detailed statement of the oper-  
15 ations, activities, and accomplishments of such project  
16 during the year covered by such audit. The party respon-  
17 sible for obtaining such audit (and paying the costs there-  
18 for) shall be determined before the Secretary issues a  
19 guarantee under this subchapter.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 37 is amended by adding at  
22 the end the following new items:

“SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY  
TRANSITIONAL HOUSING FOR HOMELESS VETERANS

“3771. Definitions.

“3772. General authority.

“3773. Requirements.

“3774. Default.

“3775. Audit.”.

1 **SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND**  
2 **ACCOUNT CONSOLIDATION.**

3 (a) CONSOLIDATION OF HOUSING LOAN REVOLVING  
4 FUNDS.—Subchapter III of chapter 37 is amended—

5 (1) by striking out sections 3723, 3724, and  
6 3725; and

7 (2) by inserting after section 3721 the following  
8 new section:

9 **“§ 3722. Veterans Housing Benefit Program Fund**

10 “(a) There is hereby established in the Treasury of  
11 the United States a fund known as the Veterans Housing  
12 Benefit Program Fund (hereafter in this section referred  
13 to as the ‘Fund’).

14 “(b) The Fund shall be available to the Secretary,  
15 without fiscal year limitation, for all housing loan oper-  
16 ations under this chapter, other than administrative ex-  
17 penses, consistent with the Federal Credit Reform Act of  
18 1990.

19 “(c) There shall be deposited into the Fund the fol-  
20 lowing, which shall constitute the assets of the Fund:

21 “(1) Any amount appropriated to the Fund.

22 “(2) Amounts paid into the Fund under section  
23 3729 of this title or any other provision of law or  
24 regulation established by the Secretary imposing fees  
25 on persons or other entities participating in the  
26 housing loan programs under this chapter.

1           “(3) All other amounts received by the Sec-  
2           retary on or after October 1, 1998, incident to hous-  
3           ing loan operations under this chapter, including—

4                   “(A) collections of principal and interest  
5                   on housing loans made by the Secretary under  
6                   this chapter;

7                   “(B) proceeds from the sale, rental, use, or  
8                   other disposition of property acquired under  
9                   this chapter;

10                   “(C) proceeds from the sale of loans pur-  
11                   suant to sections 3720(h) and 3733(a)(3) of  
12                   this title; and

13                   “(D) penalties collected pursuant to sec-  
14                   tion 3710(g)(4)(B) of this title.

15           “(d) Amounts deposited into the Fund under para-  
16           graphs (2) and (3) of subsection (c) shall be deposited in  
17           the appropriate financing or liquidating account of the  
18           Fund.

19           “(e) For purposes of this section, the term ‘housing  
20           loan’ shall not include a loan made pursuant to subchapter  
21           V of this chapter.”.

22           (b) TRANSFERS OF AMOUNTS INTO VETERANS  
23           HOUSING BENEFIT PROGRAM FUND.—All amounts in the  
24           following funds are hereby transferred to the Veterans  
25           Housing Benefit Program Fund:

1           (1) The Direct Loan Revolving Fund, as such  
2 fund was continued under section 3723 of title 38,  
3 United States Code (as such section was in effect on  
4 the day before the effective date of this title).

5           (2) The Department of Veterans Affairs Loan  
6 Guaranty Revolving Fund, as established by section  
7 3724 of such title (as such section was in effect on  
8 the day before the effective date of this title).

9           (3) The Guaranty and Indemnity Fund, as es-  
10 tablished by section 3725 of such title (as such sec-  
11 tion was in effect on the day before the effective  
12 date of this title).

13           (c) REPEAL OF AUTHORITY TO SELL PARTICIPATION  
14 CERTIFICATES AND OF OBSOLETE REQUIREMENT TO  
15 CREDIT PROCEEDS.—

16           (1) REPEAL OF AUTHORITY TO SELL PARTICI-  
17 PATION CERTIFICATES.—Section 3720 is amended  
18 by striking out subsection (e).

19           (2) REPEAL OF OBSOLETE REQUIREMENT TO  
20 CREDIT PROCEEDS.—Section 3733 is amended by  
21 striking out subsection (e).

22           (d) SUBMISSION OF SUMMARY FINANCIAL STATE-  
23 MENT ON HOUSING PROGRAMS.—Section 3734 is amend-  
24 ed by adding at the end the following new subsection:

1       “(c) The information submitted under subsection (a)  
2 shall include a statement that summarizes the financial  
3 activity of each of the housing programs operated under  
4 this chapter. The statement shall be presented in a form  
5 that is simple, concise, and readily understandable, and  
6 shall not include references to financing accounts, liq-  
7 uidating accounts, or program accounts.”.

8       (e) CONFORMING AND CLERICAL AMENDMENTS.—

9           (1) CONFORMING AMENDMENTS TO CHAPTER  
10       37.—Chapter 37 is amended as follows:

11           (A) Section 3703(e)(1) is amended by  
12       striking out “3729(c)(1)” and inserting in lieu  
13       thereof “3729(c)”.

14           (B) Section 3711(k) is amended by strik-  
15       ing out “and section 3723 of this title” both  
16       places it appears.

17           (C) Section 3727(e) is amended by striking  
18       out “funds established pursuant to sections  
19       3723 and 3724 of this title, as applicable” and  
20       inserting in lieu thereof “fund established pur-  
21       suant to section 3722 of this title”.

22           (D) Section 3729 is amended—

23           (i) in subsection (c)—

24                   (I) by striking out “(c)(1)” and  
25       inserting in lieu thereof “(c)”; and

1 (II) by striking out paragraphs  
2 (2) and (3); and

3 (ii) in subsection (a)(1), by striking  
4 out “(c)(1)” and inserting in lieu thereof  
5 “(c)”.

6 (E) Section 3733(a)(6) is amended by  
7 striking out “Department of Veterans Affairs  
8 Loan Guaranty Revolving Fund established by  
9 section 3724(a)” and inserting in lieu thereof  
10 “Veterans Housing Benefit Program Fund es-  
11 tablished by section 3722(a)”.

12 (F) Section 3734, as amended by sub-  
13 section (d), is further amended—

14 (i) in subsection (a)—

15 (I) by striking out “Loan Guar-  
16 anty Revolving Fund and the Guar-  
17 anty and Indemnity Fund” in para-  
18 graph (1) and inserting in lieu thereof  
19 “Veterans Housing Benefit Program  
20 Fund”; and

21 (II) by striking out “funds,” in  
22 paragraph (2) and inserting in lieu  
23 thereof “fund,”;

24 (ii) in subsection (b), by striking out  
25 “each fund” in the matter preceding para-

1 graph (1) and inserting in lieu thereof “the  
2 fund”; and

3 (iii) in subsection (b)(2)—

4 (I) by striking out subparagraph  
5 (B);

6 (II) by redesignating subpara-  
7 graphs (C), (D), (E), (F), and (G) as  
8 subparagraphs (B), (C), (D), (E), and  
9 (F), respectively; and

10 (III) in subparagraph (B), as so  
11 redesignated, by striking out “sub-  
12 sections (a)(3) and (c)(2) of section  
13 3729” and inserting in lieu thereof  
14 “section 3729(a)(3)”.

15 (G) Section 3735(a)(3)(A)(i) is amended  
16 by striking out “Loan Guaranty Revolving  
17 Fund and the Guaranty and Indemnity Fund”  
18 and inserting in lieu thereof “Veterans Housing  
19 Benefit Program Fund”.

20 (2) OTHER CONFORMING AMENDMENT.—Sec-  
21 tion 2106(e) is amended by striking out “, as appro-  
22 priate, deposited in either the direct loan or loan  
23 guaranty revolving fund established by section 3723  
24 or 3724 of this title, respectively” and inserting in  
25 lieu thereof “deposited in the Veterans Housing



1 Benefit Program Fund established by section 3722  
2 of this title”.

3 (3) TECHNICAL AND CLERICAL AMEND-  
4 MENTS.—(A) The heading for section 3734 is  
5 amended to read as follows:

6 **“§ 3734. Annual submission of information on the Vet-**  
7 **erans Housing Benefit Program Fund and**  
8 **housing programs”.**

9 (B) The heading for section 3763 is amended  
10 to read as follows:

11 **“§ 3763. Native American Veteran Housing Loan Pro-**  
12 **gram Account”.**

13 (C) The table of sections at the beginning of  
14 chapter 37 is amended—

15 (i) by inserting after the item relating to  
16 section 3721 the following new item:

“3722. Veterans Housing Benefit Program Fund.”;

17 (ii) by striking out the items relating to  
18 sections 3723, 3724, and 3725;

19 (iii) by striking out the item relating to  
20 section 3734 and inserting in lieu thereof the  
21 following:

“3734. Annual submission of information on the Veterans Housing Benefit Pro-  
gram Fund and housing programs.”;

22 and

1 (iv) by striking out the item relating to  
2 section 3763 and inserting in lieu thereof the  
3 following:

“3763. Native American Veteran Housing Loan Program Account.”.

4 (f) EFFECTIVE DATE.—This title and the amend-  
5 ments made by this title shall take effect on October 1,  
6 1998.

7 **SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SE-**  
8 **LECTED RESERVE FOR VETERANS HOUSING**  
9 **LOANS.**

10 (a) EXTENSION.—Section 3702(a)(2)(E) is amended  
11 by striking out “October 27, 1999,” and inserting in lieu  
12 thereof “September 30, 2003,”.

13 (b) ONE-YEAR EXTENSION OF FEE PROVISION.—  
14 Section 3729(a)(4) is amended—

15 (1) by striking out “With respect to a loan  
16 closed after September 30, 1993, and before October  
17 1, 2002,” and inserting in lieu thereof “(A) With re-  
18 spect to a loan closed during the period specified in  
19 subparagraph (B)”;

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

21 “(B) The specified period for purposes of subpara-  
22 graph (A) is the period beginning on October 1, 1993, and  
23 ending on September 30, 2002, except that in the case  
24 of a loan described in subparagraph (D) of paragraph (2),  
25 such period ends on September 30, 2003.”.

1 **SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CER-**  
2 **TAIN CONTRACTS OF DEPARTMENT OF VET-**  
3 **ERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 3720(b) is amended by  
5 striking “; however” and all that follows and inserting the  
6 following: “, except that title III of the Federal Property  
7 and Administrative Services Act of 1949 (41 U.S.C. 251  
8 et seq.) shall apply to any contract for services or supplies  
9 on account of any property acquired pursuant to this sec-  
10 tion.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall apply with respect to contracts entered  
13 into under section 3720 of title 38, United States Code,  
14 after the end of the 60-day period beginning on the date  
15 of the enactment of this Act.

16 **TITLE VII—CONSTRUCTION AND**  
17 **FACILITIES MATTERS**

18 **SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
19 **PROJECTS.**

20 (a) IN GENERAL.—The Secretary of Veterans Affairs  
21 may carry out the following major medical facility  
22 projects, with each project to be carried out in the amount  
23 specified for that project:

24 (1) Alterations and demolition at the Depart-  
25 ment of Veterans Affairs Medical Center, Long

1 Beach, California, in an amount not to exceed  
2 \$23,200,000.

3 (2) Construction and seismic work at the De-  
4 partment of Veterans Affairs Medical Center, San  
5 Juan, Puerto Rico, in an amount not to exceed  
6 \$50,000,000.

7 (3) Outpatient clinic expansion at the Depart-  
8 ment of Veterans Affairs Medical Center, Washing-  
9 ton, D.C., in an amount not to exceed \$29,700,000.

10 (4) Construction of a psychogeriatric care build-  
11 ing and demolition of a seismically unsafe building  
12 at the Department of Veterans Affairs Medical Cen-  
13 ter, Palo Alto, California, in an amount not to ex-  
14 ceed \$22,400,000.

15 (5) Construction of an ambulatory care addition  
16 and renovations for ambulatory care at the Depart-  
17 ment of Veterans Affairs Medical Center, Cleveland  
18 (Wade Park), Ohio, in an amount not to exceed  
19 \$28,300,000, of which \$7,500,000 shall be derived  
20 from funds appropriated for a fiscal year before fis-  
21 cal year 1999 that remain available for obligation.

22 (6) Construction of an ambulatory care addition  
23 at the Department of Veterans Affairs Medical Cen-  
24 ter, Tucson, Arizona, in an amount not to exceed  
25 \$35,000,000.

1           (7) Construction of an addition for psychiatric  
2           care at the Department of Veterans Affairs Medical  
3           Center, Dallas, Texas, in an amount not to exceed  
4           \$24,200,000.

5           (8) Outpatient clinic projects at Auburn and  
6           Merced, California, as part of the Northern Califor-  
7           nia Healthcare Systems Project, in an amount not  
8           to exceed \$3,000,000, to be derived only from funds  
9           appropriated for Construction, Major Projects, for a  
10          fiscal year before fiscal year 1999 that remain avail-  
11          able for obligation.

12          (9) Renovations to a nursing home care unit at  
13          the Department of Veterans Affairs Medical Center,  
14          Lebanon, Pennsylvania, in an amount not to exceed  
15          \$9,500,000.

16          (10) Construction of a spinal cord injury center  
17          at the Department of Veterans Affairs Medical Cen-  
18          ter, Tampa, Florida, in an amount not to exceed  
19          \$46,300,000, of which \$20,000,000 shall be derived  
20          from funds appropriated for a fiscal year before fis-  
21          cal year 1999 that remain available for obligation.

22          (b) CONSTRUCTION OF PARKING FACILITY.—The  
23          Secretary may construct a parking structure at the De-  
24          partment of Veterans Affairs Medical Center, Denver, Col-  
25          orado, in an amount not to exceed \$13,000,000, of which

1 \$11,900,000 shall be derived from funds in the Parking  
2 Revolving Fund.

3 **SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
4 **LEASES.**

5 The Secretary of Veterans Affairs may enter into  
6 leases for satellite outpatient clinics as follows:

7 (1) Baton Rouge, Louisiana, in an amount not  
8 to exceed \$1,800,000.

9 (2) Daytona Beach, Florida, in an amount not  
10 to exceed \$2,600,000.

11 (3) Oakland Park, Florida, in an amount not to  
12 exceed \$4,100,000.

13 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-  
15 priated to the Secretary of Veterans Affairs for fiscal year  
16 1999 and for fiscal year 2000—

17 (1) for the Construction, Major Projects, ac-  
18 count \$241,100,000 for the projects authorized in  
19 section 701(a); and

20 (2) for the Medical Care account, \$8,500,000  
21 for the leases authorized in section 702.

22 (b) LIMITATION.—(1) The projects authorized in sec-  
23 tion 701(a) may only be carried out using—

1 (A) funds appropriated for fiscal year 1999 or  
 2 fiscal year 2000 pursuant to the authorization of ap-  
 3 propriations in subsection (a);

4 (B) funds appropriated for Construction, Major  
 5 Projects, for a fiscal year before fiscal year 1999  
 6 that remain available for obligation; and

7 (C) funds appropriated for Construction, Major  
 8 Projects, for fiscal year 1999 for a category of activ-  
 9 ity not specific to a project.

10 (2) The project authorized in section 701(b) may only  
 11 be carried out using funds appropriated for a fiscal year  
 12 before fiscal year 1999—

13 (A) for the Parking Revolving Fund; or

14 (B) for Construction, Major Projects, for a cat-  
 15 egory of activity not specific to a project.

16 **SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**  
 17 **FACILITY LEASES FOR PURPOSES OF CON-**  
 18 **GRESSIONAL AUTHORIZATION.**

19 Section 8104(a)(3)(B) is amended by striking out  
 20 “\$300,000” and inserting in lieu thereof “\$600,000”.

21 **SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FA-**  
 22 **CILITY PROJECT AS A MAJOR MEDICAL FA-**  
 23 **CILITY PROJECT.**

24 Section 8109(i)(2) is amended by striking out  
 25 “\$3,000,000” and inserting in lieu thereof “\$4,000,000”.

1 **SEC. 706. PARKING FEES.**

2 (a) LIMITATION.—The Secretary of Veterans Affairs  
3 may not establish or collect any parking fee at any parking  
4 facility associated with the Spark M. Matsunaga Depart-  
5 ment of Veterans Affairs Medical and Regional Office  
6 Center in Honolulu, Hawaii.

7 (b) REPORT.—Not later than September 15, 1999,  
8 the Secretary shall submit to the Committees on Veterans'  
9 Affairs of the Senate and House of Representatives a re-  
10 port regarding the Department's experience in exercising  
11 and administering the authority of the Secretary to charge  
12 parking fees under subsections (d) and (e) of section 8109  
13 of title 38, United States Code. The report shall include—

14 (1) the results of a survey which shall describe  
15 the parking facilities and number of parking spaces  
16 available to employees of the Department at each  
17 medical facility of the Department with more than  
18 50 employees;

19 (2) an analysis of the means by which the Sec-  
20 retary could implement in a cost-effective manner  
21 the authority of the Secretary under subsection (e)  
22 of section 8109 of title 38, United States Code; and

23 (3) recommendations for amending section  
24 8109 of such title—

25 (A) to address the applicability of parking  
26 fees to employees of the Secretary who are em-



1           employed at a regional office which is co-located  
2           with a medical facility;

3           (B) to address the applicability of parking  
4           fees to persons using parking facilities at De-  
5           partment of Veterans Affairs medical centers  
6           co-located with facilities of the Department of  
7           Defense;

8           (C) to link any schedule of applicable fees  
9           to applicable commercial rates; and

10          (D) to achieve any other purpose.

11 **SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT**  
12 **OF VETERANS AFFAIRS LANDS AT WEST LOS**  
13 **ANGELES MEDICAL CENTER, CALIFORNIA.**

14          (a) REPORT.—The Secretary of Veterans Affairs  
15 shall submit to Congress a report on the master plan of  
16 the Department of Veterans Affairs relating to the use  
17 of Department lands at the West Los Angeles Department  
18 of Veterans Affairs Medical Center, California.

19          (b) REPORT ELEMENTS.—The report under sub-  
20 section (a) shall set forth the following:

21           (1) The master plan referred to in that sub-  
22 section, if such a plan currently exists.

23           (2) A current assessment of the master plan.

1           (3) Any proposal of the Department for a veter-  
2           ans park on the lands referred to in subsection (a),  
3           and an assessment of such proposals.

4           (4) Any proposal to use a portion of those lands  
5           as dedicated green space, and an assessment of such  
6           proposals.

7           (c) **ALTERNATIVE REPORT ELEMENT.**—If a master  
8           plan referred to in subsection (a) does not exist as of the  
9           date of the enactment of this Act, the Secretary shall set  
10          forth in the report under that subsection, in lieu of the  
11          matters specified in paragraphs (1) and (2) of subsection  
12          (b), a plan for the development of a master plan for the  
13          use of the lands referred to in subsection (a) over the next  
14          25 years and over the next 50 years.

15   **SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS**  
16                   **AFFAIRS MEDICAL CENTER, ASPINWALL,**  
17                   **PENNSYLVANIA.**

18          The Department of Veterans Affairs medical center  
19          in Aspinwall, Pennsylvania, is hereby designated as the  
20          “H. John Heinz III Department of Veterans Affairs Medi-  
21          cal Center”. Any reference to that medical center in any  
22          law, regulation, map, document, record, or other paper of  
23          the United States shall be considered to be a reference  
24          to the H. John Heinz III Department of Veterans Affairs  
25          Medical Center.

1 **SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS**  
2 **AFFAIRS MEDICAL CENTER, GAINESVILLE,**  
3 **FLORIDA.**

4 The Department of Veterans Affairs medical center  
5 in Gainesville, Florida, is hereby designated as the  
6 “Malcom Randall Department of Veterans Affairs Medical  
7 Center”. Any reference to that medical center in any law,  
8 regulation, map, document, record, or other paper of the  
9 United States shall be considered to be a reference to the  
10 Malcom Randall Department of Veterans Affairs Medical  
11 Center.

12 **SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS**  
13 **AFFAIRS OUTPATIENT CLINIC, COLUMBUS,**  
14 **OHIO.**

15 The Department of Veterans Affairs outpatient clinic  
16 in Columbus, Ohio, shall after the date of the enactment  
17 of this Act be known and designated as the “Chalmers  
18 P. Wylie Veterans Outpatient Clinic”. Any reference to  
19 that outpatient clinic in any law, regulation, map, docu-  
20 ment, record, or other paper of the United States shall  
21 be considered to be a reference to the Chalmers P. Wylie  
22 Veterans Outpatient Clinic.

1 **TITLE VIII—HEALTH PROFES-**  
 2 **SIONALS EDUCATIONAL AS-**  
 3 **SISTANCE**

4 **SEC. 801. SHORT TITLE.**

5 This title may be cited as the “Department of Veter-  
 6 ans Affairs Health Care Personnel Incentive Act of 1998”.

7 **SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF**  
 8 **VETERANS AFFAIRS EMPLOYEES RECEIVING**  
 9 **EDUCATION OR TRAINING IN THE HEALTH**  
 10 **PROFESSIONS.**

11 (a) PROGRAM AUTHORITY.—Chapter 76 is amended  
 12 by adding at the end the following new subchapter:

13 “SUBCHAPTER VI—EMPLOYEE INCENTIVE  
 14 SCHOLARSHIP PROGRAM

15 “§ 7671. Authority for program

16 “As part of the Educational Assistance Program, the  
 17 Secretary may carry out a scholarship program under this  
 18 subchapter. The program shall be known as the Depart-  
 19 ment of Veterans Affairs Employee Incentive Scholarship  
 20 Program (hereinafter in this subchapter referred to as the  
 21 ‘Program’). The purpose of the Program is to assist,  
 22 through the establishment of an incentive program for in-  
 23 dividuals employed in the Veterans Health Administra-  
 24 tion, in meeting the staffing needs of the Veterans Health  
 25 Administration for health professional occupations for

1 which recruitment or retention of qualified personnel is  
2 difficult.

3 **“§ 7672. Eligibility; agreement**

4 “(a) ELIGIBILITY.—To be eligible to participate in  
5 the Program, an individual must be an eligible Depart-  
6 ment employee who is accepted for enrollment or enrolled  
7 (as described in section 7602 of this title) as a full-time  
8 or part-time student in a field of education or training  
9 described in subsection (c).

10 “(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For  
11 purposes of subsection (a), an eligible Department em-  
12 ployee is any employee of the Department who, as of the  
13 date on which the employee submits an application for  
14 participation in the Program, has been continuously em-  
15 ployed by the Department for not less than two years.

16 “(c) QUALIFYING FIELDS OF EDUCATION OR TRAIN-  
17 ING.—A scholarship may be awarded under the Program  
18 only for education and training in a field leading to ap-  
19 pointment or retention in a position under section 7401  
20 of this title.

21 “(d) AWARD OF SCHOLARSHIPS.—Notwithstanding  
22 section 7603(d) of this title, the Secretary, in selecting  
23 participants in the Program, may award a scholarship only  
24 to applicants who have a record of employment with the  
25 Veterans Health Administration which, in the judgment

1 of the Secretary, demonstrates a high likelihood that the  
2 applicant will be successful in completing such education  
3 or training and in employment in such field.

4 “(e) AGREEMENT.—(1) An agreement between the  
5 Secretary and a participant in the Program shall (in addi-  
6 tion to the requirements set forth in section 7604 of this  
7 title) include the following:

8 “(A) The Secretary’s agreement to provide the  
9 participant with a scholarship under the Program  
10 for a specified number (from one to three) of school  
11 years during which the participant pursues a course  
12 of education or training described in subsection (c)  
13 that meets the requirements set forth in section  
14 7602(a) of this title.

15 “(B) The participant’s agreement to serve as a  
16 full-time employee in the Veterans Health Adminis-  
17 tration for a period of time (hereinafter in this sub-  
18 chapter referred to as the ‘period of obligated serv-  
19 ice’) determined in accordance with regulations pre-  
20 scribed by the Secretary of up to three calendar  
21 years for each school year or part thereof for which  
22 the participant was provided a scholarship under the  
23 Program, but for not less than three years.

1           “(C) The participant’s agreement to serve  
2           under subparagraph (B) in a Department facility se-  
3           lected by the Secretary.

4           “(2) In a case in which an extension is granted under  
5           section 7673(c)(2) of this title, the number of years for  
6           which a scholarship may be provided under the Program  
7           shall be the number of school years provided for as a result  
8           of the extension.

9           “(3) In the case of a participant who is a part-time  
10          student, the period of obligated service shall be reduced  
11          in accordance with the proportion that the number of cred-  
12          it hours carried by such participant in any such school  
13          year bears to the number of credit hours required to be  
14          carried by a full-time student in the course of training  
15          being pursued by the participant, but in no event to less  
16          than one year.

17          **“§ 7673. Scholarship**

18          “(a) SCHOLARSHIP.—A scholarship provided to a  
19          participant in the Program for a school year shall consist  
20          of payment of the tuition (or such portion of the tuition  
21          as may be provided under subsection (b)) of the partici-  
22          pant for that school year and payment of other reasonable  
23          educational expenses (including fees, books, and labora-  
24          tory expenses) for that school year.

1       “(b) AMOUNTS.—The total amount of the scholarship  
2 payable under subsection (a)—

3               “(1) in the case of a participant in the Program  
4 who is a full-time student, may not exceed \$10,000  
5 for any one year; and

6               “(2) in the case of a participant in the Program  
7 who is a part-time student, shall be the amount  
8 specified in paragraph (1) reduced in accordance  
9 with the proportion that the number of credit hours  
10 carried by the participant in that school year bears  
11 to the number of credit hours required to be carried  
12 by a full-time student in the course of education or  
13 training being pursued by the participant.

14       “(c) LIMITATION ON YEARS OF PAYMENT.—(1) Sub-  
15 ject to paragraph (2), a participant in the Program may  
16 not receive a scholarship under subsection (a) for more  
17 than three school years.

18       “(2) The Secretary may extend the number of school  
19 years for which a scholarship may be awarded to a partici-  
20 pant in the Program who is a part-time student to a maxi-  
21 mum of six school years if the Secretary determines that  
22 the extension would be in the best interest of the United  
23 States.

24       “(d) PAYMENT OF EDUCATIONAL EXPENSES BY  
25 EDUCATIONAL INSTITUTIONS.—The Secretary may ar-



1 range with an educational institution in which a partici-  
2 pant in the Program is enrolled for the payment of the  
3 educational expenses described in subsection (a). Such  
4 payments may be made without regard to subsections (a)  
5 and (b) of section 3324 of title 31.

6 **“§ 7674. Obligated service**

7       “(a) IN GENERAL.—Each participant in the Program  
8 shall provide service as a full-time employee of the Depart-  
9 ment for the period of obligated service provided in the  
10 agreement of the participant entered into under section  
11 7603 of this title. Such service shall be provided in the  
12 full-time clinical practice of such participant’s profession  
13 or in another health-care position in an assignment or lo-  
14 cation determined by the Secretary.

15       “(b) DETERMINATION OF SERVICE COMMENCEMENT  
16 DATE.—(1) Not later than 60 days before a participant’s  
17 service commencement date, the Secretary shall notify the  
18 participant of that service commencement date. That date  
19 is the date for the beginning of the participant’s period  
20 of obligated service.

21       “(2) As soon as possible after a participant’s service  
22 commencement date, the Secretary shall—

23               “(A) in the case of a participant who is not a  
24 full-time employee in the Veterans Health Adminis-

1       tration, appoint the participant as such an employee;  
2       and

3               “(B) in the case of a participant who is an em-  
4       ployee in the Veterans Health Administration but is  
5       not serving in a position for which the participant’s  
6       course of education or training prepared the partici-  
7       pant, assign the participant to such a position.

8       “(3)(A) In the case of a participant receiving a de-  
9       gree from a school of medicine, osteopathy, dentistry, op-  
10      tometry, or podiatry, the participant’s service commence-  
11      ment date is the date upon which the participant becomes  
12      licensed to practice medicine, osteopathy, dentistry, op-  
13      tometry, or podiatry, as the case may be, in a State.

14      “(B) In the case of a participant receiving a degree  
15      from a school of nursing, the participant’s service com-  
16      mencement date is the later of—

17               “(i) the participant’s course completion date; or

18               “(ii) the date upon which the participant be-  
19      comes licensed as a registered nurse in a State.

20      “(C) In the case of a participant not covered by sub-  
21      paragraph (A) or (B), the participant’s service commence-  
22      ment date is the later of—

23               “(i) the participant’s course completion date; or

24               “(ii) the date the participant meets any applica-  
25      ble licensure or certification requirements.

1       “(4) The Secretary shall by regulation prescribe the  
2 service commencement date for participants who were  
3 part-time students. Such regulations shall prescribe terms  
4 as similar as practicable to the terms set forth in para-  
5 graph (3).

6       “(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1)  
7 Except as provided in paragraph (2), a participant in the  
8 Program shall be considered to have begun serving the  
9 participant’s period of obligated service—

10           “(A) on the date, after the participant’s course  
11 completion date, on which the participant (in accord-  
12 ance with subsection (b)) is appointed as a full-time  
13 employee in the Veterans Health Administration; or

14           “(B) if the participant is a full-time employee  
15 in the Veterans Health Administration on such  
16 course completion date, on the date thereafter on  
17 which the participant is assigned to a position for  
18 which the participant’s course of training prepared  
19 the participant.

20       “(2) A participant in the Program who on the partici-  
21 pant’s course completion date is a full-time employee in  
22 the Veterans Health Administration serving in a capacity  
23 for which the participant’s course of training prepared the  
24 participant shall be considered to have begun serving the

1 participant's period of obligated service on such course  
2 completion date.

3       “(d) COURSE COMPLETION DATE DEFINED.—In this  
4 section, the term ‘course completion date’ means the date  
5 on which a participant in the Program completes the par-  
6 ticipant’s course of education or training under the Pro-  
7 gram.

8 **“§ 7675. Breach of agreement: liability**

9       “(a) LIQUIDATED DAMAGES.—A participant in the  
10 Program (other than a participant described in subsection  
11 (b)) who fails to accept payment, or instructs the edu-  
12 cational institution in which the participant is enrolled not  
13 to accept payment, in whole or in part, of a scholarship  
14 under the agreement entered into under section 7603 of  
15 this title shall be liable to the United States for liquidated  
16 damages in the amount of \$1,500. Such liability is in addi-  
17 tion to any period of obligated service or other obligation  
18 or liability under the agreement.

19       “(b) LIABILITY DURING COURSE OF EDUCATION OR  
20 TRAINING.—(1) Except as provided in subsection (d), a  
21 participant in the Program shall be liable to the United  
22 States for the amount which has been paid to or on behalf  
23 of the participant under the agreement if any of the fol-  
24 lowing occurs:

1           “(A) The participant fails to maintain an ac-  
2           ceptable level of academic standing in the edu-  
3           cational institution in which the participant is en-  
4           rolled (as determined by the educational institution  
5           under regulations prescribed by the Secretary).

6           “(B) The participant is dismissed from such  
7           educational institution for disciplinary reasons.

8           “(C) The participant voluntarily terminates the  
9           course of education or training in such educational  
10          institution before the completion of such course of  
11          education or training.

12          “(D) The participant fails to become licensed to  
13          practice medicine, osteopathy, dentistry, podiatry, or  
14          optometry in a State, fails to become licensed as a  
15          registered nurse in a State, or fails to meet any ap-  
16          plicable licensure requirement in the case of any  
17          other health-care personnel who provide either direct  
18          patient-care services or services incident to direct  
19          patient-care services, during a period of time deter-  
20          mined under regulations prescribed by the Secretary.

21          “(E) In the case of a participant who is a part-  
22          time student, the participant fails to maintain em-  
23          ployment, while enrolled in the course of training  
24          being pursued by the participant, as a Department  
25          employee.

1       “(2) Liability under this subsection is in lieu of any  
2 service obligation arising under a participant’s agreement.

3       “(c) LIABILITY DURING PERIOD OF OBLIGATED  
4 SERVICE.—(1) Except as provided in subsection (d), if a  
5 participant in the Program breaches the agreement by  
6 failing for any reason to complete such participant’s pe-  
7 riod of obligated service, the United States shall be enti-  
8 tled to recover from the participant an amount determined  
9 in accordance with the following formula:

$$A=3\Phi \left( \frac{t-s}{t} \right)$$

10       “(2) In such formula:

11           “(A) ‘A’ is the amount the United States is en-  
12 titled to recover.

13           “(B) ‘ $\Phi$ ’ is the sum of—

14               “(i) the amounts paid under this sub-  
15 chapter to or on behalf of the participant; and

16               “(ii) the interest on such amounts which  
17 would be payable if at the time the amounts  
18 were paid they were loans bearing interest at  
19 the maximum legal prevailing rate, as deter-  
20 mined by the Treasurer of the United States.

21           “(C) ‘t’ is the total number of months in the  
22 participant’s period of obligated service, including

1 any additional period of obligated service in accord-  
2 ance with section 7673(c)(2) of this title.

3 “(D) ‘s’ is the number of months of such period  
4 served by the participant in accordance with section  
5 7673 of this title.

6 “(d) LIMITATION ON LIABILITY FOR REDUCTIONS-  
7 IN-FORCE.—Liability shall not arise under subsection  
8 (b)(1)(E) or (c) in the case of a participant otherwise cov-  
9 ered by the subsection concerned if the participant fails  
10 to maintain employment as a Department employee due  
11 to a staffing adjustment.

12 “(e) PERIOD FOR PAYMENT OF DAMAGES.—Any  
13 amount of damages which the United States is entitled  
14 to recover under this section shall be paid to the United  
15 States within the one-year period beginning on the date  
16 of the breach of the agreement.

17 **“§ 7676. Expiration of program**

18 “The Secretary may not furnish scholarships to indi-  
19 viduals who have not commenced participation in the Pro-  
20 gram before December 31, 2001.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by adding  
23 at the end the following new items:

“SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP  
PROGRAM

“7671. Authority for program.

“7672. Eligibility; agreement.

“7673. Scholarship.

“7674. Obligated service.

“7675. Breach of agreement: liability.

“7676. Expiration of program.”.

1 **SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR**  
 2 **VETERANS HEALTH ADMINISTRATION**  
 3 **HEALTH PROFESSIONALS.**

4 (a) PROGRAM AUTHORITY.—Chapter 76 (as amended  
 5 by section 802(a)), is further amended by adding after  
 6 subchapter VI the following new subchapter:

7 “SUBCHAPTER VII—EDUCATION DEBT  
 8 REDUCTION PROGRAM

9 “§ 7681. Authority for program

10 “(a) IN GENERAL.—(1) As part of the Educational  
 11 Assistance Program, the Secretary may carry out an edu-  
 12 cation debt reduction program under this subchapter. The  
 13 program shall be known as the Department of Veterans  
 14 Affairs Education Debt Reduction Program (hereinafter  
 15 in this subchapter referred to as the ‘Education Debt Re-  
 16 duction Program’).

17 “(2) The purpose of the Education Debt Reduction  
 18 Program is to assist in the recruitment of qualified health  
 19 care professionals for positions in the Veterans Health Ad-  
 20 ministration for which recruitment or retention of an ade-  
 21 quate supply of qualified personnel is difficult.

22 “(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
 23 PROGRAM.—Education debt reduction payments under



1 the Education Debt Reduction Program may be in addi-  
2 tion to other assistance available to individuals under the  
3 Educational Assistance Program.

4 **“§ 7682. Eligibility**

5 “(a) ELIGIBILITY.—An individual is eligible to par-  
6 ticipate in the Education Debt Reduction Program if the  
7 individual—

8 “(1) is a recently appointed employee in the  
9 Veterans Health Administration serving under an  
10 appointment under section 7402(b) of this title in a  
11 position for which recruitment or retention of a  
12 qualified health-care personnel (as determined by the  
13 Secretary) is difficult; and

14 “(2) owes any amount of principal or interest  
15 under a loan, the proceeds of which were used by or  
16 on behalf of that individual to pay costs relating to  
17 a course of education or training which led to a de-  
18 gree that qualified the individual for the position re-  
19 ferred to in paragraph (1).

20 “(b) COVERED COSTS.—For purposes of subsection  
21 (a)(2), costs relating to a course of education or training  
22 include—

23 “(1) tuition expenses;

1           “(2) all other reasonable educational expenses,  
2           including expenses for fees, books, and laboratory  
3           expenses; and

4           “(3) reasonable living expenses.

5           “(c) RECENTLY APPOINTED INDIVIDUALS.—For  
6 purposes of subsection (a), an individual shall be consid-  
7 ered to be recently appointed to a position if the individual  
8 has held that position for less than six months.

9           **“§ 7683. Education debt reduction**

10          “(a) IN GENERAL.—Education debt reduction pay-  
11 ments under the Education Debt Reduction Program shall  
12 consist of payments to individuals selected to participate  
13 in the program of amounts to reimburse such individuals  
14 for payments by such individuals of principal and interest  
15 on loans described in section 7682(a)(2) of this title.

16          “(b) FREQUENCY OF PAYMENT.—(1) The Secretary  
17 may make education debt reduction payments to any given  
18 participant in the Education Debt Reduction Program on  
19 a monthly or annual basis, as determined by the Sec-  
20 retary.

21          “(2) The Secretary shall make such payments at the  
22 end of the period determined by the Secretary under para-  
23 graph (1).

24          “(c) PERFORMANCE REQUIREMENT.—The Secretary  
25 may make education debt reduction payments to a partici-

1 participant in the Education Debt Reduction Program for a pe-  
2 riod only if the Secretary determines that the individual  
3 maintained an acceptable level of performance in the posi-  
4 tion or positions served by the participant during the pe-  
5 riod.

6 “(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to  
7 paragraph (2), the amount of education debt reduction  
8 payments made to a participant for a year under the Edu-  
9 cation Debt Reduction Program may not exceed—

10 “(A) \$6,000 for the first year of the partici-  
11 pant’s participation in the Program;

12 “(B) \$8,000 for the second year of the partici-  
13 pant’s participation in the Program; and

14 “(C) \$10,000 for the third year of the partici-  
15 pant’s participation in the Program.

16 “(2) The total amount payable to a participant in  
17 such Program for any year may not exceed the amount  
18 of the principal and interest on loans referred to in sub-  
19 section (a) that is paid by the individual during such year.

20 **“§ 7684. Expiration of program**

21 “The Secretary may not make education debt reduc-  
22 tion payments to individuals who have not commenced  
23 participation in the Education Debt Reduction Program  
24 before December 31, 2001.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter (as amended by section  
 3 802(b)) is further amended by adding at the end the fol-  
 4 lowing new items:

“SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

“7681. Authority for program.

“7682. Eligibility.

“7683. Education debt reduction.

“7684. Expiration of program.”.

5 **SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUI-**  
 6 **TION LOANS.**

7 Section 523(b) of the Veterans Health Care Act of  
 8 1992 (Public Law 102–585; 106 Stat. 4959; 38 U.S.C.  
 9 7601 note) is repealed.

10 **SEC. 805. CONFORMING AMENDMENTS.**

11 Chapter 76 is amended as follows:

12 (1) Section 7601(a) is amended—

13 (A) by striking out “and” at the end of  
 14 paragraph (2);

15 (B) by striking out the period at the end  
 16 of paragraph (3) and inserting in lieu thereof a  
 17 semicolon; and

18 (C) by adding at the end the following new  
 19 paragraphs:

20 “(4) the employee incentive scholarship pro-  
 21 gram provided for in subchapter VI of this chapter;  
 22 and”; and

1           “(5) the education debt reduction program pro-  
2           vided for in subchapter VII of this chapter.”.

3           (2) Section 7602 is amended—

4           (A) in subsection (a)(1)—

5           (i) by striking out “subchapter I or  
6           II” and inserting in lieu thereof “sub-  
7           chapter II, III, or VI”;

8           (ii) by striking out “or for which” and  
9           inserting in lieu thereof “, for which”; and

10          (iii) by inserting before the period at  
11          the end the following: “, or for which a  
12          scholarship may be awarded under sub-  
13          chapter VI of this chapter, as the case may  
14          be”; and

15          (B) in subsection (b), by striking out “sub-  
16          chapter I or II” and inserting in lieu thereof  
17          “subchapter II, III, or VI”.

18          (3) Section 7603 is amended—

19          (A) in subsection (a)—

20          (i) by striking out “To apply to par-  
21          ticipate in the Educational Assistance Pro-  
22          gram,” and inserting in lieu thereof “(1)  
23          To apply to participate in the Educational  
24          Assistance Program under subsection II,  
25          III, V, or VI of this chapter,”; and

1 (ii) by adding at the end the follow-  
2 ing:

3 “(2) To apply to participate in the Educational As-  
4 sistance Program under subchapter VII of this chapter,  
5 an individual shall submit to the Secretary an application  
6 for such participation.”; and

7 (B) in subsection (b)(1), by inserting “(if  
8 required)” before the period at the end.

9 (4) Section 7604 is amended by striking out  
10 “subchapter II, III, or V” in paragraphs (1)(A),  
11 (2)(D), and (5) and inserting in lieu thereof “sub-  
12 chapter II, III, V, or VI”.

13 (5) Section 7632 is amended—

14 (A) in paragraph (1)—

15 (i) by striking out “and the Tuition  
16 Reimbursement Program” and inserting in  
17 lieu thereof “, the Tuition Reimbursement  
18 Program, the Employee Incentive Scholar-  
19 ship Program, and the Education Debt Re-  
20 duction Program”; and

21 (ii) by inserting “(if any)” after  
22 “number of students”;

23 (B) in paragraph (2), by inserting “(if  
24 any)” after “education institutions”; and

25 (C) in paragraph (4)—

1 (i) by striking “and per participant”  
2 and inserting in lieu thereof “, per partici-  
3 pant”; and

4 (ii) by inserting “, per participant in  
5 the Employee Incentive Scholarship Pro-  
6 gram, and per participant in the Education  
7 Debt Reduction Program” before the pe-  
8 riod at the end.

9 (6) Section 7636 is amended by striking “or a  
10 stipend” and inserting “a stipend, or education debt  
11 reduction”.

12 **SEC. 806. COORDINATION WITH APPROPRIATIONS PROVI-**  
13 **SION.**

14 This title shall be considered to be the authorizing  
15 legislation referred to in the third proviso under the head-  
16 ing “VETERANS HEALTH ADMINISTRATION—MEDICAL  
17 CARE” in title I of the Departments of Veterans Affairs  
18 and Housing and Urban Development, and Independent  
19 Agencies Appropriations Act, 1999, and the reference in  
20 that proviso to the “Primary Care Providers Incentive  
21 Act” shall be treated as referring to this title.

1 **TITLE IX—MISCELLANEOUS**  
2 **MEDICAL CARE AND MEDICAL**  
3 **ADMINISTRATION PROVI-**  
4 **SIONS**

5 **SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH**  
6 **CERTAIN RADIATION TREATMENT.**

7 (a) IN GENERAL.—Chapter 17 is amended by insert-  
8 ing after section 1720D the following new section:

9 **“§ 1720E. Nasopharyngeal radium irradiation**

10 “(a) The Secretary may provide any veteran a medi-  
11 cal examination, and hospital care, medical services, and  
12 nursing home care, which the Secretary determines is  
13 needed for the treatment of any cancer of the head or neck  
14 which the Secretary finds may be associated with the vet-  
15 eran’s receipt of nasopharyngeal radium irradiation treat-  
16 ments in active military, naval, or air service.

17 “(b) The Secretary shall provide care and services to  
18 a veteran under subsection (a) only on the basis of evi-  
19 dence in the service records of the veteran which document  
20 nasopharyngeal radium irradiation treatment in service,  
21 except that, notwithstanding the absence of such docu-  
22 mentation, the Secretary may provide such care to a vet-  
23 eran who—



1           “(1) served as an aviator in the active military,  
2           naval, or air service before the end of the Korean  
3           conflict; or

4           “(2) underwent submarine training in active  
5           naval service before January 1, 1965.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7           at the beginning of such chapter is amended by inserting  
8           after the item relating to section 1720D the following new  
9           item:

          “1720E. Nasopharyngeal radium irradiation.”.

10   **SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND**  
11                           **TREAT VETERANS FOR SEXUAL TRAUMA.**

12           Section 1720D(a) is amended by striking out “De-  
13           cember 31, 1998” in paragraphs (1) and (3) and inserting  
14           in lieu thereof “December 31, 2001”.

15   **SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND**  
16                           **REHABILITATIVE PROGRAMS.**

17           (a) STANDARDS OF JOB PERFORMANCE.—Section  
18           1706(b) is amended—

19                   (1) in paragraph (2), by striking out “April 1,  
20                   1997, April 1, 1998, and April 1, 1999” and insert-  
21                   ing in lieu thereof “April 1, 1999, April 1, 2000,  
22                   and April 1, 2001”; and

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

1       “(3)(A) To ensure compliance with paragraph (1),  
2 the Under Secretary for Health shall prescribe objective  
3 standards of job performance for employees in positions  
4 described in subparagraph (B) with respect to the job per-  
5 formance of those employees in carrying out the require-  
6 ments of paragraph (1). Those job performance standards  
7 shall include measures of workload, allocation of re-  
8 sources, and quality-of-care indicators.

9       “(B) Positions described in this subparagraph are po-  
10 sitions in the Veterans Health Administration that have  
11 responsibility for allocating and managing resources appli-  
12 cable to the requirements of paragraph (1).

13       “(C) The Under Secretary shall develop the job per-  
14 formance standards under subparagraph (A) in consulta-  
15 tion with the Advisory Committee on Prosthetics and Spe-  
16 cial Disabilities Programs and the Committee on Care of  
17 Severely Chronically Mentally Ill Veterans.”.

18       (b) DEADLINE FOR PRESCRIBING STANDARDS.—The  
19 standards of job performance required by paragraph (3)  
20 of section 1706(b) of title 38, United States Code, as  
21 added by subsection (a), shall be prescribed not later than  
22 January 1, 1999.

1 **SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES**  
2 **OF DEPARTMENT OF VETERANS AFFAIRS**  
3 **MEDICAL FACILITIES AMOUNTS AVAILABLE**  
4 **BY REASON OF THE LIMITATION ON PENSION**  
5 **FOR VETERANS RECEIVING NURSING HOME**  
6 **CARE.**

7 (a) **IN GENERAL.**—Section 5503(a)(1)(B) is amend-  
8 ed by striking “Effective through September 30, 1997,  
9 any” in the second sentence and inserting “Any”.

10 (b) **EFFECTIVE DATE.**—The amendment made by  
11 subsection (a) shall take effect as of October 1, 1997.

12 **SEC. 905. REPORT ON NURSE LOCALITY PAY.**

13 (a) **REPORT REQUIRED.**—(1) Not later than Feb-  
14 ruary 1, 1999, the Secretary of Veterans Affairs shall sub-  
15 mit to the Committees on Veterans’ Affairs of the Senate  
16 and the House of Representatives a report assessing the  
17 system of locality-based pay for nurses established under  
18 the Department of Veterans Affairs Nurse Pay Act of  
19 1990 (Public Law 101–366) and now set forth in section  
20 7451 of title 38, United States Code.

21 (2) The Secretary shall submit with the report under  
22 paragraph (1) a copy of the report on the locality pay sys-  
23 tem prepared by the contractor pursuant to a contract  
24 with Systems Flow, Inc., that was entered into on May  
25 22, 1998.

1 (b) MATTERS TO BE INCLUDED—The report of the  
2 Secretary under subsection (a)(1) shall include the follow-  
3 ing:

4 (1) An assessment of the effects of the locality-  
5 based pay system, including information, shown by  
6 facility and grade level, regarding the frequency and  
7 percentage increases, if any, in the rate of basic pay  
8 under that system of nurses employed in the Veter-  
9 ans Health Administration.

10 (2) An assessment of the manner in which that  
11 system is being applied.

12 (3) Plans and recommendations of the Sec-  
13 retary for administrative and legislative improve-  
14 ments or revisions to the locality pay system.

15 (4) An explanation of the reasons for any deci-  
16 sion not to adopt any recommendation in the report  
17 referred to in subsection (a)(2).

18 (c) UPDATED REPORT.—Not later than February 1,  
19 2000, the Secretary shall submit to the Committees on  
20 Veterans' Affairs of the Senate and House of Representa-  
21 tives a report updating the report submitted under sub-  
22 section (a)(1).

1 **SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDI-**  
2 **TURES OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS FOR DOMESTIC RESPONSE TO WEAP-**  
4 **ONS OF MASS DESTRUCTION.**

5 (a) IN GENERAL.—Subchapter II of chapter 5 is  
6 amended by adding at the end the following new section:

7 **“§ 530. Annual report on program and expenditures**  
8 **for domestic response to weapons of mass**  
9 **destruction**

10 “(a) The Secretary shall submit to the Committees  
11 on Veterans’ Affairs of the Senate and House of Rep-  
12 resentatives an annual report, to be submitted each year  
13 at the time that the President submits the budget for the  
14 next fiscal year under section 1105 of title 31, on the ac-  
15 tivities of the Department relating to preparation for, and  
16 participation in, a domestic medical response to an attack  
17 involving weapons of mass destruction.

18 “(b) Each report under subsection (a) shall include  
19 the following:

20 “(1) A statement of the amounts of funds and  
21 the level of personnel resources (stated in terms of  
22 full-time equivalent employees) expected to be used  
23 by the Department during the next fiscal year in  
24 preparation for a domestic medical response to an  
25 attack involving weapons of mass destruction, in-  
26 cluding the anticipated source of those funds and

1 any anticipated shortfalls in funds or personnel re-  
2 sources to achieve the tasks assigned the Depart-  
3 ment by the President in connection with prepara-  
4 tion for such a response.

5 “(2) A detailed statement of the funds ex-  
6 pended and personnel resources (stated in terms of  
7 full-time equivalent employees) used during the fis-  
8 cal year preceding the fiscal year during which the  
9 report is submitted in preparation for a domestic  
10 medical response to an attack involving weapons of  
11 mass destruction or in response to such an attack,  
12 including identification of the source of those funds  
13 and a description of how those funds were expended.

14 “(3) A detailed statement of the funds ex-  
15 pended and expected to be expended, and the per-  
16 sonnel resources (stated in terms of full-time equiva-  
17 lent employees) used and expected to be used, dur-  
18 ing the fiscal year during which the report is submit-  
19 ted in preparation for a domestic medical response  
20 to an attack involving weapons of mass destruction  
21 or in response to such an attack, including identi-  
22 fication of the source of funds expended and a de-  
23 scription of how those funds were expended.

24 “(c) This section shall expire on January 1, 2009.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 529 the following new  
 4 item:

“530. Annual report on program and expenditures for domestic response to  
 weapons of mass destruction.”.

5 **SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY**  
 6 **FOR HEALTH.**

7 The President may appoint to the position of Under  
 8 Secretary for Health of the Department of Veterans Af-  
 9 fairs, for service through June 30, 1999, the individual  
 10 whose appointment to that position under section 305 of  
 11 title 38, United States Code, expired on September 28,  
 12 1998.

13 **TITLE X—OTHER MATTERS**

14 **SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT**  
 15 **PROPERTY.**

16 (a) IN GENERAL.—(1) Subchapter II of chapter 5,  
 17 as amended by section 906(a), is further amended by add-  
 18 ing at the end the following new section:

19 **“§ 531. Requirement relating to naming of Depart-**  
 20 **ment property**

21 “Except as expressly provided by law, a facility,  
 22 structure, or real property of the Department, and a major  
 23 portion (such as a wing or floor) of any such facility,  
 24 structure, or real property, may be named only for the

1 geographic area in which the facility, structure, or real  
2 property is located.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by inserting after the item relating  
5 to section 530, as added by section 906(b), the following  
6 new item:

“531. Requirement relating to naming of Department property.”.

7 (b) EFFECTIVE DATE.—Section 531 of title 38,  
8 United States Code, as added by subsection (a)(1), shall  
9 apply with respect to the assignment or designation of the  
10 name of a facility, structure, or real property of the De-  
11 partment of Veterans Affairs (or of a major portion there-  
12 of) after the date of the enactment of this Act.

13 **SEC. 1002. MEMBERS OF THE BOARD OF VETERANS’ AP-**  
14 **PEALS.**

15 (a) REQUIREMENT FOR BOARD MEMBERS TO BE  
16 ATTORNEYS.—Section 7101A(a) is amended—

17 (1) by inserting “(1)” after “(a)”; and

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

20 “(2) Each member of the Board shall be a member  
21 in good standing of the bar of a State.”.

22 (b) EMPLOYMENT REVERSION RIGHTS.—Paragraph  
23 (2) of section 7101A(d) is amended to read as follows:

24 “(2)(A) Upon removal from the Board under para-  
25 graph (1) of a member of the Board who before appoint-



1 ment to the Board served as an attorney in the civil serv-  
2 ice, the Secretary shall appoint that member to an attor-  
3 ney position at the Board, if the removed member so re-  
4 quests. If the removed member served in an attorney posi-  
5 tion at the Board immediately before appointment to the  
6 Board, appointment to an attorney position under this  
7 paragraph shall be in the grade and step held by the re-  
8 moved member immediately before such appointment to  
9 the Board.

10 “(B) The Secretary is not required to make an ap-  
11 pointment to an attorney position under this paragraph  
12 if the Secretary determines that the member of the Board  
13 removed under paragraph (1) is not qualified for the posi-  
14 tion.”.

15 **SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF**  
16 **APPEALS BY BOARD OF VETERANS’ APPEALS.**

17 (a) FLEXIBILITY IN ORDER OF CONSIDERATION AND  
18 DETERMINATION.—Subsection (a) of section 7107 is  
19 amended—

20 (1) in paragraph (1), by inserting “in para-  
21 graphs (2) and (3) and” after “Except as provided”;

22 (2) in paragraph (2), by striking out the second  
23 sentence and inserting in lieu thereof the following:

24 “Any such motion shall set forth succinctly the

1 grounds upon which the motion is based. Such a mo-  
2 tion may be granted only—

3 “(A) if the case involves interpretation of law of  
4 general application affecting other claims;

5 “(B) if the appellant is seriously ill or is under  
6 severe financial hardship; or

7 “(C) for other sufficient cause shown.”; and

8 (3) by adding at the end the following new  
9 paragraph:

10 “(3) A case referred to in paragraph (1) may be post-  
11 poned for later consideration and determination if such  
12 postponement is necessary to afford the appellant a hear-  
13 ing.”.

14 (b) SCHEDULING OF FIELD HEARINGS.—Subsection  
15 (d) of such section is amended—

16 (1) in paragraph (2), by striking out “in the  
17 order” and all that follows through the end and in-  
18 serting in lieu thereof “in accordance with the place  
19 of the case on the docket under subsection (a) rel-  
20 ative to other cases on the docket for which hearings  
21 are scheduled to be held within that area.”; and

22 (2) by striking out paragraph (3) and inserting  
23 in lieu thereof the following new paragraph (3):

24 “(3) A hearing to be held within an area served by  
25 a regional office of the Department may, for cause shown,

1 be advanced on motion for an earlier hearing. Any such  
2 motion shall set forth succinctly the grounds upon which  
3 the motion is based. Such a motion may be granted only—

4 “(A) if the case involves interpretation of law of  
5 general application affecting other claims;

6 “(B) if the appellant is seriously ill or is under  
7 severe financial hardship; or

8 “(C) for other sufficient cause shown.”.

9 **SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPE-**  
10 **CIALISTS.**

11 (a) IN GENERAL.—Section 4103A(a)(1) is amend-  
12 ed—

13 (1) in the first sentence, by striking out “for  
14 each 6,900 veterans residing in such State” through  
15 the period and inserting in lieu thereof “for each  
16 7,400 veterans who are between the ages of 20 and  
17 64 residing in such State.”;

18 (2) in the third sentence, by striking out “of  
19 the Vietnam era”; and

20 (3) by striking out the fourth sentence.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply with respect to appointments of  
23 disabled veterans’ outreach program specialists under sec-  
24 tion 4103A of title 38, United States Code, on or after  
25 the date of the enactment of this Act.

1 **SEC. 1005. TECHNICAL AMENDMENTS.**

2 (a) SECTION REDESIGNATION.—Section 1103, as  
3 added by section 8031(a) of the Veterans Reconciliation  
4 Act of 1997 (title VIII of Public Law 105–33), is redesi-  
5 gnated as section 1104, and the item relating to that sec-  
6 tion in the table of sections at the beginning of chapter  
7 11 is revised to reflect that redesignation.

8 (b) OTHER AMENDMENTS TO TITLE 38, U.S.C.—

9 (1) Section 712(a) is amended by striking out  
10 “the date of the enactment of this section” and in-  
11 serting in lieu thereof “November 2, 1994.”

12 (2) Section 1706(b)(1) is amended by striking  
13 out “the date of the enactment of this section” at  
14 the end of the first sentence and inserting in lieu  
15 thereof “October 9, 1996”.

16 (3) Section 1710(e)(2)(A)(ii) is amended by  
17 striking out “section 2” and inserting in lieu thereof  
18 “section 3”.

19 (4) Section 1803(c)(2) is amended by striking  
20 out “who furnishes health care that the Secretary  
21 determines authorized” and inserting in lieu thereof  
22 “furnishing health care services that the Secretary  
23 determines are authorized”.

24 (5) Section 2408(d)(1) is amended—

1 (A) by striking out “the date of the enact-  
2 ment of this subsection” and inserting in lieu  
3 thereof “November 21, 1997,”; and

4 (B) by striking out “on the condition de-  
5 scribed in” and inserting in lieu thereof “sub-  
6 ject to the condition specified in”.

7 (6) Section 3018B(a)(2)(E) is amended by  
8 striking out “before the one-year period beginning  
9 on the date of enactment of this section,” and in-  
10 sserting in lieu thereof “before October 23, 1993,”.

11 (7) Section 3231(a)(2) is amended by striking  
12 out “subsection (f)” and inserting in lieu thereof  
13 “subsection (e)”.

14 (8) Section 3674A(b)(1) is amended by striking  
15 out “after the 18-month period beginning on the  
16 date of the enactment of this section”.

17 (9) Section 3680A(d)(2)(C) is amended by  
18 striking out “section”.

19 (10) Section 3714(f)(1)(B) is amended by strik-  
20 ing out “more than 45 days after the date of the en-  
21 actment of the Veterans’ Benefits and Programs Im-  
22 provement Act of 1988” and inserting in lieu thereof  
23 “after January 1, 1989”.

1           (11) Section 3727(a) is amended by striking  
2 out “the date of enactment of this section” and in-  
3 sserting in lieu thereof “May 7, 1968”.

4           (12) Section 3730(a) is amended by striking  
5 out “Within” and all that follows through “steps to”  
6 and inserting in lieu thereof “The Secretary shall”.

7           (13) Section 4102A(e)(1) is amended by strik-  
8 ing out the second sentence and inserting in lieu  
9 thereof the following: “A person may not be assigned  
10 after October 9, 1996, as such a Regional Adminis-  
11 trator unless the person is a veteran.”.

12           (14) Section 4110A is amended—

13                 (A) by striking out subsection (b); and

14                 (B) by redesignating paragraph (3) of sub-  
15 section (a) as subsection (b) and striking out  
16 “paragraph (1)” therein and inserting in lieu  
17 thereof “subsection (a)”.

18           (15) Section 5303A(d) is amended—

19                 (A) in paragraph (2)(B), by striking out  
20 “on or after the date of the enactment of this  
21 subsection” and inserting in lieu thereof “after  
22 October 13, 1982,”; and

23                 (B) in paragraph (3)(B)(i), by striking out  
24 “on or after the date of the enactment of this

1 subsection,” and inserting in lieu thereof “after  
2 October 13, 1982,”.

3 (16) Section 5313(d)(1) is amended by striking  
4 out “the date of the enactment of this section,” and  
5 inserting in lieu thereof “October 7, 1980,”.

6 (17) Section 5315(b)(1) is amended by striking  
7 out “the date of the enactment of this section,” and  
8 inserting in lieu thereof “October 17, 1980,”.

9 (18) Section 8107(b)(3)(E) is amended by  
10 striking out “section 7305” and inserting in lieu  
11 thereof “section 7306(f)(1)(A)”.

12 (c) PUBLIC LAW 104–275.—The Veterans’ Benefits  
13 Improvements Act of 1996 (Public Law 104–275) is  
14 amended as follows:

15 (1) Section 303(b) (110 Stat. 3332; 38 U.S.C.  
16 4104 note) is amended by striking out “sections  
17 4104(b)(1) and (c)” and inserting in lieu thereof  
18 “subsections (b)(1) and (c) of section 4104”.

19 (2) Section 705(e) (110 Stat. 3350; 38 U.S.C.  
20 545 note) is amended by striking out “section 5316”  
21 and inserting in lieu thereof “section 5315”.

1           **TITLE XI—COMPENSATION**  
2           **COST-OF-LIVING ADJUSTMENT**

3   **SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSA-**  
4                   **TION AND DEPENDENCY AND INDEMNITY**  
5                   **COMPENSATION.**

6           (a) **RATE ADJUSTMENT.**—The Secretary of Veterans  
7   Affairs shall, effective on December 1, 1998, increase the  
8   dollar amounts in effect for the payment of disability com-  
9   pensation and dependency and indemnity compensation by  
10   the Secretary, as specified in subsection (b).

11          (b) **AMOUNTS TO BE INCREASED.**—The dollar  
12   amounts to be increased pursuant to subsection (a) are  
13   the following:

14           (1) **COMPENSATION.**—Each of the dollar  
15   amounts in effect under section 1114 of title 38,  
16   United States Code.

17           (2) **ADDITIONAL COMPENSATION FOR DEPEND-**  
18   **ENTS.**—Each of the dollar amounts in effect under  
19   sections 1115(1) of such title.

20           (3) **CLOTHING ALLOWANCE.**—The dollar  
21   amount in effect under section 1162 of such title.

22           (4) **NEW DIC RATES.**—The dollar amounts in  
23   effect under paragraphs (1) and (2) of section  
24   1311(a) of such title.



1           (5) OLD DIC RATES.—Each of the dollar  
2 amounts in effect under section 1311(a)(3) of such  
3 title.

4           (6) ADDITIONAL DIC FOR SURVIVING SPOUSES  
5 WITH MINOR CHILDREN.—The dollar amount in ef-  
6 fect under section 1311(b) of such title.

7           (7) ADDITIONAL DIC FOR DISABILITY.—The  
8 dollar amounts in effect under sections 1311(c) and  
9 1311(d) of such title.

10          (8) DIC FOR DEPENDENT CHILDREN.—The  
11 dollar amounts in effect under sections 1313(a) and  
12 1314 of such title.

13          (c) DETERMINATION OF INCREASE.—(1) The in-  
14 crease under subsection (a) shall be made in the dollar  
15 amounts specified in subsection (b) as in effect on Novem-  
16 ber 30, 1998.

17          (2) Except as provided in paragraph (3), each such  
18 amount shall be increased by the same percentage as the  
19 percentage by which benefit amounts payable under title  
20 II of the Social Security Act (42 U.S.C. 401 et seq.) are  
21 increased effective December 1, 1998, as a result of a de-  
22 termination under section 215(i) of such Act (42 U.S.C.  
23 415(i)).

1       (3) Each dollar amount increased pursuant to para-  
2 graph (2) shall, if not a whole dollar amount, be rounded  
3 down to the next lower whole dollar amount.

4       (d) SPECIAL RULE.—The Secretary may adjust ad-  
5 ministratively, consistent with the increases made under  
6 subsection (a), the rates of disability compensation pay-  
7 able to persons within the purview of section 10 of Public  
8 Law 85–857 (72 Stat. 1263) who are not in receipt of  
9 compensation payable pursuant to chapter 11 of title 38,  
10 United States Code.

11 **SEC. 1102. PUBLICATION OF ADJUSTED RATES.**

12       At the same time as the matters specified in section  
13 215(i)(2)(D) of the Social Security Act (42 U.S.C.  
14 415(i)(2)(D)) are required to be published by reason of  
15 a determination made under section 215(i) of such Act  
16 during fiscal year 1998, the Secretary of Veterans Affairs  
17 shall publish in the Federal Register the amounts specified  
18 in subsection (b) of section 1101, as increased pursuant  
19 to that section.

Attest:

*Clerk.*