

106TH CONGRESS  
2D SESSION

# S. 1810

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## AN ACT

To amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Veterans Programs Enhancement Act of 2000”.

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

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

TITLE I—BENEFITS MATTERS

Subtitle A—Compensation and Pension Matters

- Sec. 101. Clarification and enhancement of authorities relating to the processing of claims for veterans benefits.  
 Sec. 102. Expansion of list of diseases presumed to be service-connected for radiation-exposed veterans.  
 Sec. 103. Special monthly compensation for female veterans who lose a breast as a result of a service-connected disability.

Subtitle B—Education Matters

- Sec. 111. Making uniform the requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.  
 Sec. 112. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.  
 Sec. 113. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.  
 Sec. 114. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.  
 Sec. 115. Adjusted effective date for award of survivors' and dependents' educational assistance.

Subtitle C—Housing Matters

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

Subtitle D—Insurance Matters

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

Subtitle E—Burial Matters

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

Subtitle F—Employment Matters

- Sec. 151. Veterans employment emphasis under Federal contracts for recently separated veterans.

Sec. 152. Comptroller General audit of veterans employment and training service of the Department of Labor.

Subtitle G—Benefits for Children of Female Vietnam Veterans

Sec. 161. Short title.

Sec. 162. Benefits for the children of female Vietnam veterans who suffer from certain birth defects.

Subtitle H—Other Benefits Matters

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

TITLE II—HEALTH CARE MATTERS

Sec. 201. Veterans not subject to copayments for medications.

Sec. 202. Establishment of position of Advisor on Physician Assistants within Office of Undersecretary for Health.

Sec. 203. Temporary full-time appointments of certain medical personnel.

TITLE III—CONSTRUCTION AND FACILITIES MATTERS

Subtitle A—Construction Matters

Sec. 301. Authorization of major medical facility projects for fiscal year 2001.

Sec. 302. Authorization of additional major medical facility project for fiscal year 2000.

Sec. 303. Authorization of appropriations.

Subtitle B—Other Matters

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

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

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

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

**1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2       Except as otherwise expressly provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
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—BENEFITS MATTERS**  
 2     **Subtitle A—Compensation and**  
 3     **Pension Matters**

4     **SEC. 101. CLARIFICATION AND ENHANCEMENT OF AU-**  
 5                   **THORITIES RELATING TO THE PROCESSING**  
 6                   **OF CLAIMS FOR VETERANS BENEFITS.**

7       (a) DEFINITION OF CLAIMANT.—Chapter 51 is  
 8 amended—

9           (1) by redesignating section 5101 as section  
 10       5101A; and

11          (2) by inserting before section 5101A, as so re-  
 12       designated, the following new section:

13     **“§ 5101. Definition of ‘claimant’**

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

17       (b) INCOMPLETE APPLICATIONS.—Section 5103(a) is  
 18 amended by striking “evidence” both places it appears and  
 19 inserting “information”.

20       (c) REAFFIRMATION AND CLARIFICATION OF DUTY  
 21 TO ASSIST.—Chapter 51 is further amended by inserting  
 22 after section 5103 the following new section:

23     **“§ 5103A. Assistance to claimants**

24       “(a) Except as provided in subsection (b), the Sec-  
 25 retary shall make reasonable efforts to assist in the devel-

1 opment of information and medical or lay evidence nec-  
2 essary to establish the eligibility of a claimant for benefits  
3 under the laws administered by the Secretary.

4       “(b) The Secretary is not required to provide assist-  
5 ance to a claimant under subsection (a) if no reasonable  
6 possibility exists, as determined in accordance with regula-  
7 tions prescribed under subsection (f), that such assistance  
8 would aid in the establishment of the eligibility of the  
9 claimant for benefits under the laws administered by the  
10 Secretary.

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

14               “(1) Informing the claimant and the claimant’s  
15 representative, if any, of the information and med-  
16 ical or lay evidence needed in order to aid in the es-  
17 tablishment of the eligibility of the claimant for ben-  
18 efits under the laws administered by the Secretary.

19               “(2) Informing the claimant and the claimant’s  
20 representative, if any, if the Secretary is unable to  
21 obtain any information or medical or lay evidence  
22 described in paragraph (1).

23       “(d)(1) In any claim for disability compensation  
24 under chapter 11 of this title, the assistance provided by  
25 the Secretary under subsection (a) shall include, in addi-

1 tion to the assistance provided under subsection (c), the  
2 following:

3           “(A) Obtaining the relevant service and medical  
4 records maintained by applicable governmental enti-  
5 ties that pertain to the veteran for the period or pe-  
6 riods of the veteran’s service in the active military,  
7 naval, or air service.

8           “(B) Obtaining existing records of relevant  
9 medical treatment or examination provided at De-  
10 partment health-care facilities or at the expense of  
11 the Department, but only if the claimant has fur-  
12 nished information sufficient to locate such records.

13           “(C) Obtaining from governmental entities any  
14 other relevant records the claimant adequately iden-  
15 tifies and authorizes the Secretary to obtain.

16           “(D) Making reasonable efforts to obtain from  
17 private persons and entities any other relevant  
18 records the claimant adequately identifies and au-  
19 thORIZES the Secretary to obtain.

20           “(E) Providing a medical examination needed  
21 for the purpose of determining the existence of a  
22 current disability if the claimant submits verifiable  
23 evidence, as determined in accordance with the regu-  
24 lations prescribed under subsection (f), establishing

1       that the claimant is unable to afford medical treat-  
2       ment.

3               “(F) Providing such other assistance as the  
4       Secretary considers appropriate.

5       “(2) The efforts made to obtain records under sub-  
6       paragraphs (A), (B), and (C) of paragraph (1) shall con-  
7       tinue until it is reasonably certain, as determined in ac-  
8       cordance with the regulations prescribed under subsection  
9       (f), that such records do not exist.

10       “(e) If while obtaining or after obtaining information  
11       or lay or medical evidence under subsection (d) the Sec-  
12       retary determines that a medical examination or a medical  
13       opinion is necessary to substantiate entitlement to a ben-  
14       efit, the Secretary shall provide such medical examination  
15       or obtain such medical opinion.

16       “(f) The Secretary shall prescribe regulations for  
17       purposes of the administration of this section.”.

18       (d) COST OF OTHER AGENCIES IN FURNISHING IN-  
19       FORMATION.—Section 5106 is amended by adding at the  
20       end the following new sentence: “The cost of providing  
21       such information shall be borne by the department or  
22       agency providing such information.”.

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

1 **“§ 5107. Burden of proof; benefit of the doubt**

2       “(a) Except when otherwise provided by this title or  
3 by the Secretary in accordance with the provisions of this  
4 title, a claimant shall have the burden of proof in estab-  
5 lishing entitlement to benefits under the laws administered  
6 by the Secretary.

7       “(b) The Secretary shall consider all information and  
8 lay and medical evidence of record in a case before the  
9 Department with respect to benefits under laws adminis-  
10 tered by the Secretary, and shall give the claimant the  
11 benefit of the doubt when there is an approximate balance  
12 of positive and negative evidence regarding an issue mate-  
13 rial to the determination of the matter.”.

14       (f) APPLICABILITY OF ENHANCED AUTHORITIES.—

15 (1) Except as specifically provided otherwise, section  
16 5103A of title 38, United States Code (as added by sub-  
17 section (c)), and section 5107 of title 38, United States  
18 Code (as amended by subsection (e)), shall apply to any  
19 claim pending on or filed on or after the date of the enact-  
20 ment of this Act.

21       (2)(A) In the case of a claim for benefits described  
22 in subparagraph (B), the Secretary of Veterans Affairs  
23 shall, upon the request of the claimant, or upon the Sec-  
24 retary’s motion, order such claim readjudicated in accord-  
25 ance with section 5103A of title 38, United States Code  
26 (as so added), and section 5107 of title 38, United States



1 Code (as so amended), as if the denial or dismissal of such  
2 claim as described in that subparagraph had not been  
3 made.

4 (B) A claim for benefits described in this subpara-  
5 graph is any claim for benefits—

6 (i) the denial of which became final during the  
7 period beginning on July 14, 1999, and ending on  
8 the date of the enactment of this Act; and

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

13 (3) No claim shall be readjudicated under paragraph  
14 (2) unless the request for readjudication is filed, or the  
15 motion made, not later than two years after the date of  
16 the enactment of this Act.

17 (4) In the absence of a timely request of a claimant  
18 under paragraph (3), nothing in this subsection shall be  
19 construed as establishing a duty on the part of the Sec-  
20 retary to locate and readjudicate a claim described in  
21 paragraph (2)(B).

22 (g) CLERICAL AMENDMENTS.—The table of sections  
23 at the beginning of chapter 51 is amended—

24 (1) by striking the item relating to section 5101  
25 and inserting the following new items:

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

1           (2) by inserting after the item relating to sec-  
 2           tion 5103 the following new item:

“5103A. Assistance to claimants.”.

3 **SEC. 102. EXPANSION OF LIST OF DISEASES PRESUMED TO**  
 4           **BE SERVICE-CONNECTED FOR RADIATION-EX-**  
 5           **POSED VETERANS.**

6           Section 1112(c)(2) is amended by adding at the end  
 7 the following:

8           “(P) Lung cancer.

9           “(Q) Colon cancer.

10          “(R) Tumors of the brain and central nervous  
 11 system.

12          “(S) Ovarian cancer.”.

13 **SEC. 103. SPECIAL MONTHLY COMPENSATION FOR FEMALE**  
 14           **VETERANS WHO LOSE A BREAST AS A RE-**  
 15           **SULT OF A SERVICE-CONNECTED DISABILITY.**

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

17           (1) by striking “or has suffered” and inserting  
 18 “has suffered”; and

19           (2) by inserting after “air and bone conduc-  
 20 tion,” the following: “or, in the case of a female vet-  
 21 eran, has suffered the anatomical loss of one or both  
 22 breasts (including loss by mastectomy),”.

1 (b) EFFECTIVE DATE.—(1) The amendments made  
2 by subsection (a) shall take effect on the date of the enact-  
3 ment of this Act, and shall apply with respect to payment  
4 of compensation under section 1114(k) of title 38, United  
5 States Code (as so amended), for months beginning on  
6 or after that date.

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

## 10 **Subtitle B—Education Matters**

### 11 **SEC. 111. MAKING UNIFORM THE REQUIREMENT FOR HIGH** 12 **SCHOOL DIPLOMA OR EQUIVALENCY BEFORE** 13 **APPLICATION FOR MONTGOMERY GI BILL** 14 **BENEFITS.**

15 (a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is  
16 amended—

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

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

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

2 (C) by redesignating subsections (f), (g), (h),  
3 and (i) as subsections (e), (f), (g), and (h), respec-  
4 tively.

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

7 (b) SELECTED RESERVE PROGRAM.—Section 3012 is  
8 amended—

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

11 “(2) who completes the requirements of a sec-  
12 ondary school diploma (or equivalency certificate), or  
13 successfully completes (or otherwise receives aca-  
14 demic credit for) the equivalent of 12 semester hours  
15 in a program of education leading to a standard col-  
16 lege degree, before applying for benefits under this  
17 section; and”;

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

19 (3) by redesignating subsection (g) as sub-  
20 section (f).

21 (c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—

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

23 “(4) before applying for benefits under this  
24 section—



1           uous active duty in the Armed Forces; or”;

2           and

3           (B) in clause (ii)(II), by striking “in the  
4           case of an individual who completed not less  
5           than 20 months” and all that follows through  
6           “was at least three years” and inserting “if, in  
7           the case of an individual with an obligated pe-  
8           riod of service of two years, the individual com-  
9           pletes not less than 20 months of continuous  
10          active duty under that period of obligated serv-  
11          ice, or, in the case of an individual with an obli-  
12          gated period of service of three years, the indi-  
13          vidual completes not less than 30 months of  
14          continuous active duty under that period of ob-  
15          ligated service”;

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

21          (3) in subsection (g)(2)(A), as redesignated by  
22          section 111(a)(1)(C) of this Act, by striking “during  
23          an initial period of active duty,” and inserting “dur-  
24          ing the obligated period of active duty on which enti-

1 tlement to assistance under this section is based,”;  
2 and

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

5 (b) SELECTED RESERVE PROGRAM.—Section 3012 is  
6 amended—

7 (1) in subsection (a)(1)(A)(i), by striking “, as  
8 the individual’s” and all that follows through  
9 “Armed Forces” and inserting “an obligated period  
10 of active duty of at least two years of continuous ac-  
11 tive duty in the Armed Forces”; and

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

13 (c) DURATION OF ASSISTANCE.—Section 3013 is  
14 amended—

15 (1) in subsection (a)(2), by striking “individ-  
16 ual’s initial obligated period of active duty” and in-  
17 serting “obligated period of active duty on which  
18 such entitlement is based”; and

19 (2) in subsection (b)(1), by striking “individ-  
20 ual’s initial obligated period of active duty” and in-  
21 serting “obligated period of active duty on which  
22 such entitlement is based”.

23 (d) AMOUNT OF ASSISTANCE.—Section 3015 is  
24 amended—

1           (1) in the second sentence of subsection (a), by  
2 inserting before “a basic educational assistance al-  
3 lowance” the following: “in the case of an individual  
4 entitled to an educational assistance allowance under  
5 this chapter whose obligated period of active duty on  
6 which such entitlement is based is three years,”;

7           (2) in subsection (b), by striking “and whose  
8 initial obligated period of active duty is two years,”  
9 and inserting “whose obligated period of active duty  
10 on which such entitlement is based is two years,”;  
11 and

12           (3) in subsection (c)(2), by striking subpara-  
13 graphs (A) and (B) and inserting the following new  
14 subparagraphs (A) and (B):

15           “(A) whose obligated period of active duty on  
16 which such entitlement is based is less than three  
17 years;

18           “(B) who, beginning on the date of the com-  
19 mencement of such obligated period of active duty,  
20 serves a continuous period of active duty of not less  
21 than three years; and”.



1 **SEC. 113. AVAILABILITY UNDER SURVIVORS' AND DEPEND-**  
 2 **ENTS' EDUCATIONAL ASSISTANCE OF PRE-**  
 3 **PARATORY COURSES FOR COLLEGE AND**  
 4 **GRADUATE SCHOOL ENTRANCE EXAMS.**

5 Paragraph (5) of section 3501(a) is amended by add-  
 6 ing at the end the following new sentence: "The term also  
 7 includes any preparatory course described in section  
 8 3002(3)(B) of this title."

9 **SEC. 114. ELECTION OF CERTAIN RECIPIENTS OF COM-**  
 10 **MENCEMENT OF PERIOD OF ELIGIBILITY**  
 11 **FOR SURVIVORS' AND DEPENDENTS' EDU-**  
 12 **CATIONAL ASSISTANCE.**

13 Section 3512(a)(3) is amended by striking "8 years  
 14 after," and all that follows through the end and inserting  
 15 "8 years after the date elected by the person (if such elec-  
 16 tion is approved as the beginning date of such period by  
 17 the Secretary and is made during the period between such  
 18 birthdays) which beginning date—

19 " (A) in the case of a person whose eligi-  
 20 bility is based on a parent who has a service-  
 21 connected total disability permanent in nature,  
 22 shall be between the dates described in sub-  
 23 section (d) of this section; and

24 " (B) in the case of a person whose eligi-  
 25 bility is based on the death of a parent, shall  
 26 be between—

1                   “(i) the date of the parent’s death;  
2                   and  
3                   “(ii) the date of the Secretary’s deci-  
4                   sion that the death was service-con-  
5                   nected;”.

6 **SEC. 115. ADJUSTED EFFECTIVE DATE FOR AWARD OF SUR-**  
7 **VIVORS’ AND DEPENDENTS’ EDUCATIONAL**  
8 **ASSISTANCE.**

9           (a) IN GENERAL.—Section 5113 is amended—

10           (1) in subsection (a), by striking “subsection  
11           (b) of this section,” and inserting “subsections (b)  
12           and (c),”;

13           (2) by redesignating subsection (b) as sub-  
14           section (c); and

15           (3) by inserting after subsection (a) the fol-  
16           lowing new subsection (b):

17           “(b)(1) In determining the effective date of an award  
18           of educational assistance under chapter 35 of this title for  
19           an individual described in paragraph (2) based on an origi-  
20           nal claim, the Secretary shall consider the individual’s ap-  
21           plication under section 3513 of this title as having been  
22           filed on the effective date from which the Secretary, by  
23           rating decision, determines that the veteran from whom  
24           eligibility for such educational assistance is derived either  
25           died of a service-connected disability or established the ex-

1 istence of a total service-connected disability evaluated as  
2 permanent in nature if that effective date is more than  
3 one year before the date the rating decision is made.

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

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

14 “(B) claims such educational assistance for  
15 pursuit of an approved program of education during  
16 a period or periods preceding the one-year period  
17 ending on the date on which the individual’s applica-  
18 tion under that section is received by the Secretary;  
19 and

20 “(C) would, without regard to this subsection,  
21 have been entitled to such educational assistance for  
22 pursuit of such approved program of education if the  
23 individual had submitted such application on the ef-  
24 fective date from which the Secretary determined

1 that the individual was eligible for such educational  
2 assistance.”.

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

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

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

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

## 17 **Subtitle C—Housing Matters**

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

22 Section 2102 is amended by adding at the end the  
23 following new subsection:

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

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

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

7 (a) IN GENERAL.—Subparagraph (A)(i)(IV) of sec-  
 8 tion 3703(a)(1) is amended by striking “\$50,750” and in-  
 9 serting “\$63,175”.

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

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

17 Section 3729(c) is amended—

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

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

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

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

#### 4 **Subtitle D—Insurance Matters**

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

8 Section 1922 is amended by adding at the end the  
 9 following new subsection:

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

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

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

21 (b) MAXIMUM UNDER VETERANS’ GROUP LIFE IN-  
 22 SURANCE.—Section 1977(a) is amended by striking  
 23 “\$200,000” each place it appears and inserting  
 24 “\$250,000”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on the first day of the first  
 3 month that begins more than 120 days after the date of  
 4 the enactment of this Act.

5 **SEC. 133. FAMILY COVERAGE UNDER SERVICEMEMBERS'**  
 6 **GROUP LIFE INSURANCE.**

7 (a) INSURABLE DEPENDENTS.—Section 1965 is  
 8 amended by adding at the end the following:

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

11 “(A) The member’s spouse.

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

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

19 **“§ 1967A. Insurance of dependents**

20 “(a) Subject to the provisions of this section, any pol-  
 21 icy of insurance purchased by the Secretary under section  
 22 1966 of this title shall also automatically insure against  
 23 death each insurable dependent of a member.

1       “(b)(1) A member insurable under this subchapter  
2 may make an election not to insure a spouse under this  
3 subchapter.

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

7       “(3) Except as otherwise provided under this section,  
8 no insurable dependent of a member is insured under this  
9 section unless the member is insured under this sub-  
10 chapter.

11       “(c)(1) Subject to an election under paragraph (2),  
12 the amount for which a person insured under this section  
13 is insured under this subchapter is as follows:

14               “(A) In the case of a member’s spouse, the less-  
15 er of—

16                       “(i) the amount for which the member is  
17 insured under this subchapter; or

18                       “(ii) \$50,000.

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

20       “(2) A member may elect in writing to insure the  
21 member’s spouse in an amount less than the amount pro-  
22 vided for under paragraph (1)(A). The amount of insur-  
23 ance so elected shall be evenly divisible by \$10,000.

24       “(3) If a spouse eligible for insurance under this sec-  
25 tion is not so insured, or is insured for less than the max-



1 imum amount provided for under subparagraph (A) of  
2 paragraph (1) by reason of an election made by the mem-  
3 ber concerned under paragraph (2), the spouse may there-  
4 after be insured under this section in the maximum  
5 amount or any lesser amount elected as provided for in  
6 paragraph (2) upon written application by the member,  
7 proof of good health of the spouse, and compliance with  
8 such other terms and conditions as may be prescribed by  
9 the Secretary.

10 “(d)(1) Insurance coverage under this section with  
11 respect to an insurable dependent of the member shall  
12 cease—

13 “(A) upon election made in writing by the  
14 member to terminate the coverage; or

15 “(B) the date that is 120 days after the earlier  
16 of—

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

18 “(ii) the date of termination of the insur-  
19 ance on the member under this subchapter; or

20 “(iii) the date on which the insurable de-  
21 pendent of the member no longer meets the cri-  
22 teria applicable to an insurable dependent as  
23 specified in section 1965(10) of this title.

24 “(2)(A) At the election of an insured spouse whose  
25 insurance under this subchapter is terminated under para-

1 graph (1), the insurance shall be converted to an indi-  
2 vidual policy of insurance upon written application for  
3 conversion made to the participating company selected by  
4 the insured spouse and the payment of the required pre-  
5 miums.

6 “(B) The individual policy of insurance of an insured  
7 spouse making an election under subparagraph (A) shall  
8 become effective on the date of the termination of the  
9 spouse’s insurance under paragraph (1).

10 “(C) The second, fourth, and fifth sentences of sec-  
11 tion 1977(e) of this title shall apply with respect to the  
12 insurance of an insured spouse under this paragraph.

13 “(e)(1) During any period in which the spouse of a  
14 member is insured under this section, there shall be de-  
15 ducted each month from the member’s basic or other pay,  
16 or otherwise collected from the member, until the mem-  
17 ber’s separation or release from active duty an amount  
18 determined by the Secretary (which shall be the same for  
19 all such members) as the premium allocable to the pay  
20 period for providing that insurance coverage.

21 “(2)(A) The Secretary shall determine the premium  
22 amounts to be charged for insurance coverage for spouses  
23 of members under this section.

24 “(B) The premium amounts shall be determined on  
25 the basis of sound actuarial principles and shall include

1 an amount necessary to cover the administrative costs to  
2 the insurer or insurers providing such insurance.

3 “(C) Each premium rate for the first policy year shall  
4 be continued for subsequent policy years, except that the  
5 rate may be adjusted for any such subsequent policy year  
6 on the basis of the experience under the policy, as deter-  
7 mined by the Secretary in advance of that policy year.

8 “(3) Any amounts deducted or collected under para-  
9 graph (1), together with the income derived from any divi-  
10 dends or premium rate adjustments received from insurers  
11 with respect to insurance under this section, shall be de-  
12 posited to the credit of the revolving fund established by  
13 section 1969(d) of this title, and shall be available for pay-  
14 ment and use in accordance with the provisions of that  
15 section.

16 “(f) Any amount of insurance in force on an insurable  
17 dependent of a member under this section on the date of  
18 the dependent’s death shall be paid, upon the establish-  
19 ment of a valid claim therefor, to the member or, in the  
20 event of the member’s death before payment to the mem-  
21 ber can be made, then to the person or persons entitled  
22 to receive payment of the proceeds of insurance on the  
23 member’ life under section 1970 of this title.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to section 1967 the following new item:

“1967A. Insurance of dependents.”.

4           (c) EFFECTIVE DATE AND INITIAL IMPLEMENTA-  
5 TION.—(1) This section and the amendments made by this  
6 section shall take effect on the first day of the first month  
7 that begins more than 120 days after the date of the en-  
8 actment of this Act, except that paragraph (2) shall take  
9 effect on the date of the enactment of this Act.

10          (2) The Secretary of Veterans Affairs, in consultation  
11 with the Secretaries of the military departments, the Sec-  
12 retary of Transportation, the Secretary of Commerce, and  
13 the Secretary of Health and Human Services, shall take  
14 such action as is necessary to ensure that each member  
15 of the uniformed services on active duty (other than active  
16 duty for training) during the period between the date of  
17 the enactment of this Act and the effective date under  
18 paragraph (1) is furnished an explanation of the insurance  
19 benefits available for dependents under the amendments  
20 made by this section and is afforded an opportunity before  
21 such effective date to make elections that are authorized  
22 under those amendments to be made with respect to de-  
23 pendants.

## 1           **Subtitle E—Burial Matters**

### 2   **SEC. 141. ELIGIBILITY FOR INTERMENT IN THE NATIONAL** 3                   **CEMETERIES OF CERTAIN FILIPINO VET-** 4                   **ERANS OF WORLD WAR II.**

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

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

11                          “(A) was a naturalized citizen of the  
12                          United States; and

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

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

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

1     **Subtitle F—Employment Matters**

2     **SEC. 151. VETERANS EMPLOYMENT EMPHASIS UNDER FED-**  
 3                   **ERAL CONTRACTS FOR RECENTLY SEPA-**  
 4                   **RATED VETERANS.**

5           (a) EMPLOYMENT EMPHASIS.—Subsection (a) of sec-  
 6 tion 4212 is amended in the first sentence by inserting  
 7 “recently separated veterans,” after “veterans of the Viet-  
 8 nam era,”.

9           (b) CONFORMING AMENDMENTS.—Subsection (d)(1)  
 10 of that section is amended by inserting “recently sepa-  
 11 rated veterans,” after “veterans of the Vietnam era,” each  
 12 place it appears in subparagraphs (A) and (B).

13          (c) RECENTLY SEPARATED VETERAN DEFINED.—  
 14 Section 4211 is amended by adding at the end the fol-  
 15 lowing new paragraph:

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

19     **SEC. 152. COMPTROLLER GENERAL AUDIT OF VETERANS**  
 20                   **EMPLOYMENT AND TRAINING SERVICE OF**  
 21                   **THE DEPARTMENT OF LABOR.**

22          (a) REQUIREMENT.—The Comptroller General of the  
 23 United States shall carry out a comprehensive audit of the  
 24 Veterans Employment and Training Service of the De-  
 25 partment of Labor. The purpose of the audit is to provide

1 a basis for future evaluations of the effectiveness of the  
2 Service is meeting its mission.

3 (b) COMMENCEMENT DATE.—The audit required by  
4 subsection (a) shall commence not earlier than January  
5 1, 2001.

6 (c) ELEMENTS.—In carrying out the audit of the  
7 Veterans Employment and Training Service required by  
8 subsection (a), the Comptroller General shall—

9 (1) review the requirements applicable to the  
10 Service under law, including requirements under title  
11 38, United States Code, and the regulations there-  
12 under;

13 (2) evaluate the organizational structure of the  
14 Service; and

15 (3) evaluate or assess any other matter relating  
16 to the Service that the Comptroller General con-  
17 sidered appropriate for the purpose specified in sub-  
18 section (a).

19 (d) REPORT.—Not later than one year after the date  
20 of the enactment of this Act, the Comptroller General shall  
21 submit to the Committees on Veterans' Affairs of the Sen-  
22 ate and House of Representatives a report on the audit  
23 carried out under subsection (a). The report shall  
24 include—

25 (1) the results of the audit; and

1           (2) any recommendations that the Comptroller  
 2           General considers appropriate regarding the organi-  
 3           zation or functions of the Veterans Employment and  
 4           Training Service of the Department of Labor.

5           **Subtitle G—Benefits for Children**  
 6           **of Female Vietnam Veterans**

7           **SEC. 161. SHORT TITLE.**

8           This subtitle may be cited as the “Children of Women  
 9           Vietnam Veterans’ Benefits Act of 2000”.

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

11                           **NAM VETERANS WHO SUFFER FROM CERTAIN**

12                           **BIRTH DEFECTS.**

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

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

18          “§ 1811. **Definitions**

19                “In this subchapter:

20                    “(1) The term ‘child’, with respect to a female  
 21                    Vietnam veteran, means a natural child of the fe-  
 22                    male Vietnam veteran, regardless of age or marital  
 23                    status, who was conceived after the date on which  
 24                    the female Vietnam veteran first entered the Repub-



1       lic of Vietnam during the Vietnam era (as specified  
2       in section 101(29)(A) of this title).

3               “(2) The term ‘covered birth defect’ means each  
4       birth defect identified by the Secretary under section  
5       1812 of this title.

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

11   **“§ 1812. Birth defects covered**

12      “(a) IDENTIFICATION.—Subject to subsection (b),  
13      the Secretary shall identify the birth defects of children  
14      of female Vietnam veterans that—

15               “(1) are associated with the service of female  
16      Vietnam veterans in the Republic of Vietnam during  
17      the Vietnam era (as specified in section 101(29)(A)  
18      of this title); and

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

21      “(b) LIMITATIONS.—(1) The birth defects identified  
22      under subsection (a) may not include birth defects result-  
23      ing from the following:

24               “(A) A familial disorder.

25               “(B) A birth-related injury.

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

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

5           “(c) LIST.—The Secretary shall prescribe in regula-  
6           tions a list of the birth defects identified under subsection  
7           (a).

8           **“§ 1813. Benefits and assistance**

9           “(a) HEALTH CARE.—(1) The Secretary shall pro-  
10          vide a child of a female Vietnam veteran who was born  
11          with a covered birth defect such health care as the Sec-  
12          retary determines is needed by the child for such birth  
13          defect or any disability that is associated with such birth  
14          defect.

15          “(2) The Secretary may provide health care under  
16          this subsection directly or by contract or other arrange-  
17          ment with a health care provider.

18          “(3) For purposes of this subsection, the definitions  
19          in section 1803(c) of this title shall apply with respect to  
20          the provision of health care under this subsection, except  
21          that for such purposes—

22                  “(A) the reference to ‘specialized spina bifida  
23                  clinic’ in paragraph (2) of such section 1803(c) shall  
24                  be treated as a reference to a specialized clinic treat-

1       ing the birth defect concerned under this subsection;  
2       and

3               “(B) the reference to ‘vocational training under  
4       section 1804 of this title’ in paragraph (8) of such  
5       section 1803(c) shall be treated as a reference to vo-  
6       cational training under subsection (b).

7       “(b) VOCATIONAL TRAINING.—(1) The Secretary  
8       may provide a program of vocational training to a child  
9       of a female Vietnam veteran who was born with a covered  
10      birth defect if the Secretary determines that the achieve-  
11      ment of a vocational goal by the child is reasonably fea-  
12      sible.

13      “(2) Subsections (b) through (e) of section 1804 of  
14      this title shall apply with respect to any program of voca-  
15      tional training provided under paragraph (1).

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

20      “(2) The amount of the monthly allowance paid  
21      under this subsection shall be based on the degree of dis-  
22      ability suffered by the child concerned, as determined in  
23      accordance with a schedule for rating disabilities resulting  
24      from covered birth defects that is prescribed by the Sec-  
25      retary.

1       “(3) In prescribing a schedule for rating disabilities  
2 under paragraph (2), the Secretary shall establish four  
3 levels of disability upon which the amount of the monthly  
4 allowance under this subsection shall be based.

5       “(4) The amount of the monthly allowance paid  
6 under this subsection shall be as follows:

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

10          “(B) In the case of a child suffering from the  
11 lower intermediate level of disability prescribed in  
12 the schedule for rating disabilities under this sub-  
13 section, the greater of—

14           “(i) \$214; or

15           “(ii) the monthly amount payable under  
16 section 1805(b)(3) of this title for the lowest  
17 level of disability prescribed for purposes of  
18 that section.

19          “(C) In the case of a child suffering from the  
20 higher intermediate level of disability prescribed in  
21 the schedule for rating disabilities under this sub-  
22 section, the greater of—

23           “(i) \$743; or

24           “(ii) the monthly amount payable under  
25 section 1805(b)(3) of this title for the inter-

1           mediate level of disability prescribed for pur-  
2           poses of that section.

3           “(D) In the case of a child suffering from the  
4           highest level of disability prescribed in the schedule  
5           for rating disabilities under this subsection, the  
6           greater of—

7                     “(i) \$1,272; or

8                     “(ii) the monthly amount payable under  
9                     section 1805(b)(3) of this title for the highest  
10                    level of disability prescribed for purposes of  
11                    that section.

12           “(5) Amounts under subparagraphs (A), (B)(i),  
13 (C)(i), and (D)(i) of paragraph (4) shall be subject to ad-  
14 justment from time to time under section 5312 of this  
15 title.

16           “(6) Subsections (c) and (d) of section 1805 of this  
17 title shall apply with respect to any monthly allowance  
18 paid under this subsection.

19           “(d) GENERAL LIMITATIONS ON AVAILABILITY OF  
20 BENEFITS AND ASSISTANCE.—(1) No individual receiving  
21 benefits or assistance under this section may receive any  
22 benefits or assistance under subchapter I of this chapter.

23           “(2) In any case where affirmative evidence estab-  
24 lishes that the covered birth defect of a child results from  
25 a cause other than the active military, naval, or air service

1 in the Republic of Vietnam of the female Vietnam veteran  
 2 who is the mother of the child, no benefits or assistance  
 3 may be provided the child under this section.

4 “(e) REGULATIONS.—The Secretary shall prescribe  
 5 regulations for purposes of the administration of the provi-  
 6 sions of this section.”.

7 (b) ADMINISTRATIVE PROVISIONS.—Chapter 18 is  
 8 further amended by inserting after subchapter II, as  
 9 added by subsection (a) of this section, the following new  
 10 subchapter:

11 “SUBCHAPTER III—ADMINISTRATIVE MATTERS

12 “§ 1821. **Applicability of certain administrative provi-**  
 13 **sions**

14 “The provisions of sections 5101(e), 5110(a), (b)(2),  
 15 (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and  
 16 (b)(10) of this title shall apply with respect to benefits  
 17 and assistance under this chapter in the same manner as  
 18 such provisions apply to veterans’ disability compensation.

19 “§ 1822. **Treatment of receipt of monetary allowance**  
 20 **on other benefits**

21 “(a) Notwithstanding any other provision of law, re-  
 22 ceipt by an individual of a monetary allowance under this  
 23 chapter shall not impair, infringe, or otherwise affect the  
 24 right of the individual to receive any other benefit to which

1 the individual is otherwise entitled under any law adminis-  
2 tered by the Secretary.

3 “(b) Notwithstanding any other provision of law, re-  
4 ceipt by an individual of a monetary allowance under this  
5 chapter shall not impair, infringe, or otherwise affect the  
6 right of any other individual to receive any benefit to  
7 which such other individual is entitled under any law ad-  
8 ministered by the Secretary based on the relationship of  
9 such other individual to the individual who receives such  
10 monetary allowance.

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

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

18 (2) Section 1806 is repealed.

19 (d) REDESIGNATION OF EXISTING MATTER.—Chap-  
20 ter 18 is further amended by inserting before section 1801  
21 the following:

1       “SUBCHAPTER I—CHILDREN OF VIETNAM  
2       VETERANS BORN WITH SPINA BIFIDA”.

3       (e) CONFORMING AMENDMENTS.—(1) Sections 1801  
4 and 1802 are each amended by striking “this chapter”  
5 and inserting “this subchapter”.

6       (2) Section 1805(a) is amended by striking “this  
7 chapter” and inserting “this section”.

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

10       **“CHAPTER 18—BENEFITS FOR CHILDREN**  
11                               **OF VIETNAM VETERANS”.**

12       (1) The tables of chapters at beginning, and at the  
13 beginning of part II, are each amended by striking the  
14 item relating to chapter 18 and inserting the following new  
15 item:

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

16       (2) The table of sections at the beginning of chapter  
17 18 is amended—

18               (A) by inserting after the chapter heading the  
19       following:

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

20               (B) by striking the item relating to section  
21       1806; and

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

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



“1811. Definitions.

“1812. Birth defects covered.

“1813. Benefits and assistance.

“SUBCHAPTER III—ADMINISTRATIVE MATTERS

“1821. Applicability of certain administrative provisions.

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

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

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

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

16 **Subtitle H—Other Benefits Matters**

17 **SEC. 171. REVIEW OF DOSE RECONSTRUCTION PROGRAM**

18 **OF THE DEFENSE THREAT REDUCTION AGEN-**

19 **CY.**

20 (a) REVIEW BY NATIONAL ACADEMY OF  
21 SCIENCES.—Not later than 30 days after the date of the  
22 enactment of this Act, the Secretary of Defense shall enter

1 into a contract with the National Academy of Sciences to  
2 carry out periodic reviews of the dose reconstruction pro-  
3 gram of the Defense Threat Reduction Agency.

4 (b) REVIEW ACTIVITIES.—The periodic reviews of the  
5 dose reconstruction program under the contract under  
6 subsection (a) shall consist of the periodic selection of ran-  
7 dom samples of doses reconstructed by the Defense Threat  
8 Reduction Agency in order to determine—

9 (1) whether or not the reconstruction of the  
10 sampled doses is accurate;

11 (2) whether or not the reconstructed dosage  
12 number is accurately reported;

13 (3) whether or not the assumptions made re-  
14 garding radiation exposure based upon the sampled  
15 doses are credible; and

16 (4) whether or not the data from nuclear tests  
17 used by the Defense Threat Reduction Agency as  
18 part of the reconstruction of the sampled doses is  
19 accurate.

20 (c) DURATION OF REVIEW.—The periodic reviews  
21 under the contract under subsection (a) shall occur over  
22 a period of 24 months.

23 (d) REPORT.—(1) Not later than 60 days after the  
24 conclusion of the period referred to in subsection (c) the  
25 National Academy of Sciences shall submit to Congress

1 a report on its activities under the contract under this sec-  
2 tion.

3 (2) The report shall include the following:

4 (A) A detailed description of the activities of  
5 the National Academy of Sciences under the con-  
6 tract.

7 (B) Any recommendations that the National  
8 Academy of Sciences considers appropriate regard-  
9 ing a permanent system of review of the dose recon-  
10 struction program of the Defense Threat Reduction  
11 Agency.

## 12 **TITLE II—HEALTH CARE** 13 **MATTERS**

### 14 **SEC. 201. VETERANS NOT SUBJECT TO COPAYMENTS FOR** 15 **MEDICATIONS.**

16 Subparagraph (B) of section 1722A(a)(3) is amended  
17 to read as follows:

18 “(B) to a veteran who is considered by the Sec-  
19 retary to be unable to defray the expenses of nec-  
20 essary care under section 1722 of this title.”.

### 21 **SEC. 202. ESTABLISHMENT OF POSITION OF ADVISOR ON** 22 **PHYSICIAN ASSISTANTS WITHIN OFFICE OF** 23 **UNDERSECRETARY FOR HEALTH.**

24 (a) ESTABLISHMENT.—Subsection (a) of section  
25 7306 is amended—

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

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

5           “(9) The Advisor on Physician Assistants, who  
6 shall carry out the responsibilities set forth in sub-  
7 section (f).”.

8           (b) RESPONSIBILITIES.—That section is further  
9 amended—

10           (1) by redesignating subsection (f) as sub-  
11 section (g); and

12           (2) by inserting after subsection (e) the fol-  
13 lowing new subsection (f):

14           “(f) The Advisor on Physician Assistants under sub-  
15 section (a)(9) shall—

16           “(1) advise the Under Secretary for Health on  
17 matters regarding the optimal utilization of physi-  
18 cian assistants by the Veterans Health Administra-  
19 tion;

20           “(2) advise the Under Secretary for Health on  
21 the feasibility and desirability of establishing clinical  
22 privileges and practice areas for physician assistants  
23 in the Administration;

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

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

11          “(5) carry out such other responsibilities as the  
12          Under Secretary for Health shall specify.”.

13 **SEC. 203. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**  
14 **TAIN MEDICAL PERSONNEL.**

15          (a) PHYSICIAN ASSISTANTS AWAITING CERTIFI-  
16          CATION OR LICENSURE.—Paragraph (2) of section  
17          7405(c) is amended—

18                 (1) by striking “nursing,” and inserting “nurs-  
19                 ing”; and

20                 (2) by inserting “who have successfully com-  
21                 pleted a full course of training as a physician assist-  
22                 ant in a recognized school approved by the Sec-  
23                 retary,” before “or who”.

24          (b) MEDICAL SUPPORT PERSONNEL.—That section  
25          is further amended—

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

3           (2) by inserting after paragraph (2) the fol-  
4           lowing new paragraph (3):

5           “(3)(A) Temporary full-time appointments of persons  
6 in positions referred to in subsection (a)(1)(D) shall not  
7 exceed three years.

8           “(B) Temporary full-time appointments under this  
9 paragraph may be renewed for one or more additional pe-  
10 riods not in excess of three years each.”.

11   **TITLE III—CONSTRUCTION AND**  
12           **FACILITIES MATTERS**

13   **Subtitle A—Construction Matters**

14   **SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
15           **PROJECTS FOR FISCAL YEAR 2001.**

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

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

23           (2) Construction of a nursing home at the De-  
24 partment of Veterans Affairs Medical Center, Beck-  
25 ley, West Virginia, \$9,500,000.

1 **SEC. 302. AUTHORIZATION OF ADDITIONAL MAJOR MED-**  
2 **ICAL FACILITY PROJECT FOR FISCAL YEAR**  
3 **2000.**

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

7 “(7) Renovation of psychiatric nursing units at  
8 the Department of Veterans Affairs Medical Center,  
9 Murfreesboro, Tennessee, in an amount not to ex-  
10 ceed \$14,000,000.”.

11 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
13 **CAL YEAR 2001 PROJECTS.**—There are authorized to be  
14 appropriated to the Secretary of Veterans Affairs for fiscal  
15 year 2001 and for fiscal year 2002, \$36,100,000 for the  
16 Construction, Major Projects, account for the projects au-  
17 thorized in section 301.

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

22 (1) in subsection (a)(1), by striking  
23 “\$57,500,000 for the projects authorized in para-  
24 graphs (1) through (5)” and inserting “\$71,500,000  
25 for the projects authorized in paragraphs (1)  
26 through (5) and (7)”; and

1           (2) in subsection (b), by inserting “and (7)”  
 2           after “through (5)” in the matter preceding para-  
 3           graph (1).

4           (c) LIMITATION.—The projects authorized in section  
 5           301 may only be carried out using—

6           (1) funds appropriated for fiscal year 2001 or  
 7           fiscal year 2002 pursuant to the authorization of ap-  
 8           propriations in subsection (a);

9           (2) funds appropriated for Construction, Major  
 10          Projects for a fiscal year before fiscal year 2001 that  
 11          remain available for obligation; and

12          (3) funds appropriated for Construction, Major  
 13          Projects for fiscal year 2001 for a category of activ-  
 14          ity not specific to a project.

## 15           **Subtitle B—Other Matters**

### 16   **SEC. 311. MAXIMUM TERM OF LEASE OF DEPARTMENT OF** 17                           **VETERANS AFFAIRS PROPERTY FOR HOME-** 18                           **LESS PURPOSES.**

19          Section 3735(a)(4) is amended by striking “three  
 20          years” and inserting “20 years”.

### 21   **SEC. 312. LAND CONVEYANCE, MILES CITY VETERANS AD-** 22                           **MINISTRATION MEDICAL COMPLEX, MILES** 23                           **CITY, MONTANA.**

24          (a) CONVEYANCE REQUIRED.—The Secretary of Vet-  
 25          erans Affairs shall convey, without consideration, to Cus-



1 ter County, Montana (in this section referred to as the  
2 “County”), all right, title, and interest of the United  
3 States in and to the parcels of real property consisting  
4 of the Miles City Veterans Administration Medical Center  
5 complex, which has served as a medical and support com-  
6 plex for the Department of Veterans Affairs in Miles City,  
7 Montana.

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

11 (c) CONDITIONS OF CONVEYANCE.—The conveyance  
12 required by subsection (a) shall be subject to the condition  
13 that the County—

14 (1) use the parcels conveyed, whether directly  
15 or through an agreement with a public or private en-  
16 tity, for veterans activities, community and economic  
17 development, or such other public purposes as the  
18 County considers appropriate; or

19 (2) convey the parcels to an appropriate public  
20 or private entity for use for the purposes specified  
21 in paragraph (1).

22 (d) CONVEYANCE OF IMPROVEMENTS.—(1) As part  
23 of the conveyance required by subsection (a), the Sec-  
24 retary may also convey to the County any improvements,  
25 equipment, fixtures, and other personal property located

1 on the parcels conveyed under that subsection that are not  
2 required by the Secretary.

3 (2) Any conveyance under this subsection shall be  
4 without consideration.

5 (e) USE PENDING CONVEYANCE.—Until such time as  
6 the real property to be conveyed under subsection (a) is  
7 conveyed by deed under this section, the Secretary may  
8 continue to lease the real property, together with any im-  
9 provements thereon, under the terms and conditions of the  
10 current lease of the real property.

11 (f) MAINTENANCE PENDING CONVEYANCE.—The  
12 Secretary shall be responsible for maintaining the real  
13 property to be conveyed under subsection (a), and any im-  
14 provements, equipment, fixtures, and other personal prop-  
15 erty to be conveyed under subsection (d), in its condition  
16 as of the date of the enactment of this Act until such time  
17 as the real property, and such improvements, equipment,  
18 fixtures, and other personal property are conveyed by deed  
19 under this section.

20 (g) LEGAL DESCRIPTION.—The exact acreage and  
21 legal description of the real property to be conveyed under  
22 subsection (a) shall be determined by a survey satisfactory  
23 to the Secretary.

24 (h) ADDITIONAL TERMS AND CONDITIONS.—The  
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under this section  
2 as the Secretary determines appropriate to protect the in-  
3 terests of the United States.

4 **SEC. 313. CONVEYANCE OF FT. LYON DEPARTMENT OF VET-**  
5 **ERANS AFFAIRS MEDICAL CENTER, COLO-**  
6 **RADO, TO THE STATE OF COLORADO.**

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

18 (b) PUBLIC ACCESS.—(1) The Secretary may not  
19 make the conveyance of real property authorized by sub-  
20 section (a) unless the State of Colorado agrees to provide  
21 appropriate public access to Kit Carson Chapel, which is  
22 located on the real property, and the cemetery located ad-  
23 jacent to the real property.

24 (2) The State of Colorado may satisfy the condition  
25 specified in paragraph (1) with respect to Kit Carson

1 Chapel by relocating the chapel to Fort Lyon National  
2 Cemetery, Colorado, or another appropriate location ap-  
3 proved by the Secretary.

4 (c) PLAN REGARDING CONVEYANCE.—(1) The Sec-  
5 retary may not make the conveyance authorized by sub-  
6 section (a) before the date on which the Secretary imple-  
7 ments a plan providing the following:

8 (A) Notwithstanding sections 1720(a)(3) and  
9 1741 of title 38, United States Code, that veterans  
10 who are receiving inpatient or institutional long-term  
11 care at Ft. Lyon Department of Veterans Affairs  
12 Medical Center as of the date of the enactment of  
13 this Act are provided appropriate inpatient or insti-  
14 tutional long-term care under the same terms and  
15 conditions as such veterans are receiving inpatient  
16 or institutional long-term care as of that date.

17 (B) That the conveyance of the Ft. Lyon De-  
18 partment of Veterans Affairs Medical Center does  
19 not result in a reduction of health care services  
20 available to veterans in the catchment area of the  
21 Medical Center.

22 (C) Improvements in veterans' overall access to  
23 health care in the catchment area through, for ex-  
24 ample, the opening of additional outpatient clinics.

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

5           (3) The Secretary shall publish a copy of the plan  
6 referred to in paragraph (1) before implementation of the  
7 plan.

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

15           (e) PERSONAL PROPERTY.—As part of the convey-  
16 ance authorized by subsection (a), the Secretary may con-  
17 vey, without consideration, to the State of Colorado any  
18 furniture, fixtures, equipment, and other personal prop-  
19 erty associated with the property conveyed under that sub-  
20 section that the Secretary determines is not required for  
21 purposes of the Department of Veterans Affairs health  
22 care facilities to be established by the Secretary in south-  
23 ern Colorado or for purposes of Fort Lyon National Ceme-  
24 tery.

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

6           (g) ADDITIONAL TERMS AND CONDITIONS.—The  
7 Secretary may require such other terms and conditions in  
8 connection with the conveyances authorized by subsections  
9 (a) and (e) as the Secretary considers appropriate to pro-  
10 tect the interests of the United States.

11 **SEC. 314. EFFECT OF CLOSURE OF FT. LYON DEPARTMENT**  
12                           **OF VETERANS AFFAIRS MEDICAL CENTER ON**  
13                           **ADMINISTRATION OF HEALTH CARE FOR**  
14                           **VETERANS.**

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

1           (b) OBLIGATION TO PROVIDE EXTENDED CARE  
2 SERVICES.—Nothing in section 313 of this Act or this sec-  
3 tion may be construed to alter or otherwise effect the obli-  
4 gation of the Secretary to meet the requirements of section  
5 1710B(b) of title 38, United States Code, relating to staff-  
6 ing and levels of extended care services in fiscal years after  
7 fiscal year 1998.

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

19           (d) REPORT ON VETERANS HEALTH CARE IN  
20 SOUTHERN COLORADO.—Not later than one year after the  
21 conveyance, if any, authorized by section 313, the Under  
22 Secretary for Health of the Department of Veterans Af-  
23 fairs, acting through the Director of Veterans Integrated  
24 Service Network (VISN) 19, shall submit to the Commit-  
25 tees on Veterans' Affairs of the Senate and the House of

1 Representatives a report on the status of the health care  
2 system for veterans under the Network in the Southern  
3 Colorado. The report shall describe any improvements to  
4 the system in Southern Colorado that have been put into  
5 effect in the period beginning on the date of the convey-  
6 ance and ending on the date of the report.

Passed the Senate September 21, 2000.

Attest:

*Secretary.*



106TH CONGRESS  
2D SESSION

**S. 1810**

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**AN ACT**

To amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.

S 1810 ES—2

S 1810 ES—3

S 1810 ES—4

S 1810 ES—5