

107TH CONGRESS
1ST SESSION

H. RES. 310

Providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 1291.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2001

Mr. SMITH of New Jersey submitted the following resolution; which was considered and agreed to

RESOLUTION

Providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 1291.

1 *Resolved*, That, upon the adoption of this resolution,
2 the House shall be considered to have taken from the
3 Speaker's table the bill H.R. 1291, with the Senate
4 amendments thereto, and to have concurred in the Senate
5 amendment to the title of the bill and to have concurred
6 in the Senate amendment to the text of the bill with the
7 following amendment:

8 In lieu of the matter proposed to be inserted by the
9 amendment of the Senate to the text of the bill, insert
10 the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Veterans Education and Benefits Expansion Act of
 4 2001”.

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

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

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

- Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
- Sec. 102. Increase in rates of survivors’ and dependents’ educational assistance.
- Sec. 103. Restoration of certain education benefits of individuals being ordered to active duty.
- Sec. 104. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.
- Sec. 105. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.
- Sec. 106. Increase in maximum allowable annual Senior ROTC educational assistance for eligibility for benefits under the Montgomery GI Bill.
- Sec. 107. Expansion of work-study opportunities.
- Sec. 108. Eligibility for survivors’ and dependents’ educational assistance of spouses and surviving spouses of veterans with total service-connected disabilities.
- Sec. 109. Expansion of special restorative training benefit to certain disabled spouses or surviving spouses.
- Sec. 110. Inclusion of certain private technology entities in definition of educational institution.
- Sec. 111. Distance education.

TITLE II—COMPENSATION AND PENSION PROVISIONS

- Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam veterans.
- Sec. 202. Payment of compensation for Persian Gulf War veterans with certain chronic disabilities.
- Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Persian Gulf War veterans.
- Sec. 204. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
- Sec. 205. Extension of round-down requirement for compensation cost-of-living adjustments.

- Sec. 206. Expansion of presumptions of permanent and total disability for veterans applying for nonservice-connected pension.
- Sec. 207. Eligibility of veterans 65 years of age or older for veterans' pension benefits.

TITLE III—TRANSITION AND OUTREACH PROVISIONS

- Sec. 301. Authority to establish overseas veterans assistance offices to expand transition assistance.
- Sec. 302. Timing of preseparation counseling.
- Sec. 303. Improvement in education and training outreach services for separating servicemembers and veterans.
- Sec. 304. Improvement of veterans outreach programs.

TITLE IV—HOUSING MATTERS

- Sec. 401. Increase in home loan guaranty amount for construction and purchase of homes.
- Sec. 402. Native American veteran housing loan pilot program.
- Sec. 403. Modification of loan assumption notice requirement.
- Sec. 404. Increase in assistance amount for specially adapted housing.
- Sec. 405. Extension of other housing authorities.
- Sec. 406. Clarifying amendment relating to eligibility of members of the Selected Reserve for housing loans.

TITLE V—OTHER MATTERS

- Sec. 501. Increase in burial benefits.
- Sec. 502. Government markers for marked graves at private cemeteries.
- Sec. 503. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.
- Sec. 504. Extension of limitation on pension for certain recipients of medicaid-covered nursing home care.
- Sec. 505. Prohibition on provision of certain benefits with respect to persons who are fugitive felons.
- Sec. 506. Limitation on payment of compensation for veterans remaining incarcerated since October 7, 1980.
- Sec. 507. Elimination of requirement for providing a copy of notice of appeal to the Secretary of Veterans Affairs.
- Sec. 508. Increase in fiscal year limitation on number of veterans in programs of independent living services and assistance.
- Sec. 509. Technical and clerical amendments.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 601. Facilitation of staggered terms of judges through temporary expansion of the Court.
- Sec. 602. Repeal of requirement for written notice regarding acceptance of reappointment as condition to retirement from the Court.
- Sec. 603. Termination of notice of disagreement as jurisdictional requirement for the Court.
- Sec. 604. Registration fees.
- Sec. 605. Administrative authorities.

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

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

7 **TITLE I—EDUCATIONAL**
 8 **ASSISTANCE PROVISIONS**

9 **SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL AS-**
 10 **SISTANCE UNDER MONTGOMERY GI BILL.**

11 (a) IN GENERAL.—(1) Paragraph (1) of section
 12 3015(a) is amended to read as follows:

13 “(1) for an approved program of education pur-
 14 sued on a full-time basis, at the monthly rate of—

15 “(A) for months beginning on or after
 16 January 1, 2002, \$800;

17 “(B) for months occurring during fiscal
 18 year 2003, \$900;

19 “(C) for months occurring during fiscal
 20 year 2004, \$985; and

21 “(D) for months occurring during a subse-
 22 quent fiscal year, the amount for months occur-
 23 ring during the previous fiscal year increased
 24 under subsection (h); or”.

25 (2) Paragraph (1) of section 3015(b) is amended to
 26 read as follows:

1 “(1) for an approved program of education pur-
2 sued on a full-time basis, at the monthly rate of—

3 “(A) for months beginning on or after
4 January 1, 2002, \$650;

5 “(B) for months occurring during fiscal
6 year 2003, \$732;

7 “(C) for months occurring during fiscal
8 year 2004, \$800; and

9 “(D) for months occurring during a subse-
10 quent fiscal year, the amount for months occur-
11 ring during the previous fiscal year increased
12 under subsection (h); or”.

13 (b) CPI ADJUSTMENT.—No adjustment in rates of
14 educational assistance shall be made under section
15 3015(h) of title 38, United States Code, for fiscal years
16 2003 and 2004.

17 **SEC. 102. INCREASE IN RATES OF SURVIVORS’ AND DE-**
18 **PENDENTS’ EDUCATIONAL ASSISTANCE.**

19 (a) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL
20 ASSISTANCE.—Section 3532 is amended—

21 (1) in subsection (a)(1)—

22 (A) by striking “\$588” and inserting
23 “\$670”;

24 (B) by striking “\$441” and inserting
25 “\$503”; and

1 (C) by striking “\$294” and inserting
2 “\$335”;

3 (2) in subsection (a)(2), by striking “\$588” and
4 inserting “\$670”;

5 (3) in subsection (b), by striking “\$588” and
6 inserting “\$670”; and

7 (4) in subsection (c)(2)—

8 (A) by striking “\$475” and inserting
9 “\$541”;

10 (B) by striking “\$356” and inserting
11 “\$406”; and

12 (C) by striking “\$238” and inserting
13 “\$271”.

14 (b) CORRESPONDENCE COURSES.—Section 3534(b)
15 is amended by striking “\$588” and inserting “\$670”.

16 (c) SPECIAL RESTORATIVE TRAINING.—Section
17 3542(a) is amended—

18 (1) by striking “\$588” and inserting “\$670”;

19 and

20 (2) by striking “\$184” each place it appears
21 and inserting “\$210”.

22 (d) APPRENTICESHIP TRAINING.—Section
23 3687(b)(2) is amended—

24 (1) by striking “\$428” and inserting “\$488”;

25 (2) by striking “\$320” and inserting “\$365”;

1 (3) by striking “\$212” and inserting “\$242”;

2 and

3 (4) by striking “\$107” and inserting “\$122”.

4 (e) EFFECTIVE DATE.—The amendments made by
 5 this section shall take effect as of January 1, 2002, and
 6 shall apply with respect to educational assistance allow-
 7 ances payable under chapter 35 and section 3687(b)(2)
 8 of title 38, United States Code, for months beginning on
 9 or after that date.

10 **SEC. 103. RESTORATION OF CERTAIN EDUCATION BENE-**

11 **FITS OF INDIVIDUALS BEING ORDERED TO**

12 **ACTIVE DUTY.**

13 (a) IN GENERAL.—Sections 3013(f)(2)(A),
 14 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) are each amended
 15 by striking “, in connection with the Persian Gulf War,
 16 to serve on active duty under section 672 (a), (d), or (g),
 17 673, 673b, or 688 of title 10;” and inserting “to serve
 18 on active duty under section 688, 12301(a), 12301(d),
 19 12301(g), 12302, or 12304 of title 10;”.

20 (b) INCREASE IN CHAPTER 35 DELIMITING PE-

21 RIOD.—Section 3512 is amended by adding at the end the

22 following new subsection:

23 “(h) Notwithstanding any other provision of this sec-

24 tion, if an eligible person, during the delimiting period oth-

25 erwise applicable to such person under this section, serves

1 on active duty pursuant to an order to active duty issued
2 under section 688, 12301(a), 12301(d), 12301(g), 12302,
3 or 12304 of title 10, such person shall be granted an ex-
4 tension of such delimiting period for the length of time
5 equal to the period of such active duty plus four months.”.

6 (c) APPLICATION TO CHAPTER 31.—(1) Section 3105
7 is amended by adding at the end the following new sub-
8 section:

9 “(e)(1) Notwithstanding any other provision of this
10 chapter or chapter 36 of this title, any payment of a sub-
11 sistence allowance and other assistance described in para-
12 graph (2) shall not—

13 “(A) be charged against any entitlement of any
14 veteran under this chapter; or

15 “(B) be counted toward the aggregate period
16 for which section 3695 of this title limits an individ-
17 ual’s receipt of allowance or assistance.

18 “(2) The payment of the subsistence allowance and
19 other assistance referred to in paragraph (1) is the pay-
20 ment of such an allowance or assistance for the period
21 described in paragraph (3) to a veteran for participation
22 in a vocational rehabilitation program under this chapter
23 if the Secretary finds that the veteran had to suspend or
24 discontinue participation in such vocational rehabilitation
25 program as a result of being ordered to serve on active

1 duty under section 688, 12301(a), 12301(d), 12301(g),
2 12302, or 12304 of title 10.

3 “(3) The period for which, by reason of this sub-
4 section, a subsistence allowance and other assistance is not
5 charged against entitlement or counted toward the appli-
6 cable aggregate period under section 3695 of this title
7 shall be the period of participation in the vocational reha-
8 bilitation program for which the veteran failed to receive
9 credit or with respect to which the veteran lost training
10 time, as determined by the Secretary.”.

11 (2) Section 3103 is amended by adding at the end
12 the following new subsection:

13 “(e) In any case in which the Secretary has deter-
14 mined that a veteran was prevented from participating in
15 a vocational rehabilitation program under this chapter
16 within the period of eligibility otherwise prescribed in this
17 section as a result of being ordered to serve on active duty
18 under section 688, 12301(a), 12301(d), 12301(g), 12302,
19 or 12304 of title 10, such period of eligibility shall not
20 run for the period of such active duty service plus four
21 months.

22 (d) CONFORMING AMENDMENTS.—Sections
23 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each
24 amended by striking “, in connection with such War,”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as of September 11, 2001.

3 **SEC. 104. ACCELERATED PAYMENTS OF EDUCATIONAL AS-**
4 **SISTANCE UNDER MONTGOMERY GI BILL FOR**
5 **EDUCATION LEADING TO EMPLOYMENT IN**
6 **HIGH TECHNOLOGY INDUSTRY.**

7 (a) IN GENERAL.—(1) Chapter 30 is amended by in-
8 serting after section 3014 the following new section:

9 **“§ 3014A. Accelerated payment of basic educational**
10 **assistance for education leading to em-**
11 **ployment in high technology industry**

12 “(a) An individual described in subsection (b) who
13 is entitled to basic educational assistance under this sub-
14 chapter may elect to receive an accelerated payment of the
15 basic educational assistance allowance otherwise payable
16 to the individual under section 3015 of this title.

17 “(b) An individual described in this subsection is an
18 individual who is—

19 “(1) enrolled in an approved program of edu-
20 cation that leads to employment in a high technology
21 industry (as determined pursuant to regulations pre-
22 scribed by the Secretary); and

23 “(2) charged tuition and fees for the program
24 of education that, when divided by the number of
25 months (and fractions thereof) in the enrollment pe-

1 riod, exceeds the amount equal to 200 percent of the
2 monthly rate of basic educational assistance allow-
3 ance otherwise payable to the individual under sec-
4 tion 3015 of this title.

5 “(c)(1) The amount of the accelerated payment of
6 basic educational assistance made to an individual making
7 an election under subsection (a) for a program of edu-
8 cation shall be the lesser of—

9 “(A) the amount equal to 60 percent of the es-
10 tablished charges for the program of education; or

11 “(B) the aggregate amount of basic educational
12 assistance to which the individual remains entitled
13 under this chapter at the time of the payment.

14 “(2) In this subsection, the term ‘established
15 charges’, in the case of a program of education, means
16 the actual charges (as determined pursuant to regulations
17 prescribed by the Secretary) for tuition and fees which
18 similarly circumstanced nonveterans enrolled in the pro-
19 gram of education would be required to pay. Established
20 charges shall be determined on the following basis:

21 “(A) In the case of an individual enrolled in a
22 program of education offered on a term, quarter, or
23 semester basis, the tuition and fees charged the indi-
24 vidual for the term, quarter, or semester.

1 “(B) In the case of an individual enrolled in a
2 program of education not offered on a term, quarter,
3 or semester basis, the tuition and fees charged the
4 individual for the entire program of education.

5 “(3) The educational institution providing the pro-
6 gram of education for which an accelerated payment of
7 basic educational assistance allowance is elected by an in-
8 dividual under subsection (a) shall certify to the Secretary
9 the amount of the established charges for the program of
10 education.

11 “(d) An accelerated payment of basic educational as-
12 sistance made to an individual under this section for a
13 program of education shall be made not later than the last
14 day of the month immediately following the month in
15 which the Secretary receives a certification from the edu-
16 cational institution regarding—

17 “(1) the individual’s enrollment in and pursuit
18 of the program of education; and

19 “(2) the amount of the established charges for
20 the program of education.

21 “(e)(1) Except as provided in paragraph (2), for each
22 accelerated payment of basic educational assistance made
23 to an individual under this section, the individual’s entitle-
24 ment to basic educational assistance under this chapter
25 shall be charged the number of months (and any fraction

1 thereof) determined by dividing the amount of the acceler-
2 ated payment by the full-time monthly rate of basic edu-
3 cational assistance allowance otherwise payable to the in-
4 dividual under section 3015 of this title as of the begin-
5 ning date of the enrollment period for the program of edu-
6 cation for which the accelerated payment is made.

7 “(2) If the monthly rate of basic educational assist-
8 ance allowance otherwise payable to an individual under
9 section 3015 of this title increases during the enrollment
10 period of a program of education for which an accelerated
11 payment of basic educational assistance is made under
12 this section, the charge to the individual’s entitlement to
13 basic educational assistance under this chapter shall be
14 determined by prorating the entitlement chargeable, in the
15 matter provided for under paragraph (1), for the periods
16 covered by the initial rate and increased rate, respectively,
17 in accordance with regulations prescribed by the Sec-
18 retary.

19 “(f) The Secretary may not make an accelerated pay-
20 ment under this section for a program of education to an
21 individual who has received an advance payment under
22 section 3680(d) of this title for the same enrollment pe-
23 riod.

24 “(g) The Secretary shall prescribe regulations to
25 carry out this section. The regulations shall include re-

1 requirements, conditions, and methods for the request,
 2 issuance, delivery, certification of receipt and use, and re-
 3 covery of overpayment of an accelerated payment under
 4 this section.”.

5 (2) The table of sections at the beginning of that
 6 chapter is amended by inserting after the item relating
 7 to section 3014 the following new item:

“3014A. Accelerated payment of basic educational assistance for education lead-
 ing to employment in high technology industry.”.

8 (b) RESTATEMENT AND ENHANCEMENT OF CERTAIN
 9 ADMINISTRATIVE AUTHORITIES.—Subsection (g) of sec-
 10 tion 3680 is amended to read as follows:

11 “Determination of Enrollment, Pursuit, and Attendance

12 “(g)(1) The Secretary may, pursuant to regulations
 13 which the Secretary shall prescribe, determine and define
 14 with respect to an eligible veteran and eligible person the
 15 following:

16 “(A) Enrollment in a course or program of edu-
 17 cation or training.

18 “(B) Pursuit of a course or program of edu-
 19 cation or training.

20 “(C) Attendance at a course or program of edu-
 21 cation or training.

22 “(2) The Secretary may withhold payment of benefits
 23 to an eligible veteran or eligible person until the Secretary
 24 receives such proof as the Secretary may require of enroll-

1 ment in and satisfactory pursuit of a program of education
2 by the eligible veteran or eligible person. The Secretary
3 shall adjust the payment withheld, when necessary, on the
4 basis of the proof the Secretary receives.

5 “(3) In the case of an individual other than an indi-
6 vidual described in paragraph (4), the Secretary may ac-
7 cept the individual’s monthly certification of enrollment in
8 and satisfactory pursuit of a program of education as suf-
9 ficient proof of the certified matters.

10 “(4) In the case of an individual who has received
11 an accelerated payment of basic educational assistance
12 under section 3014A of this title during an enrollment pe-
13 riod for a program of education, the Secretary may accept
14 the individual’s certification of enrollment in and satisfac-
15 tory pursuit of the program of education as sufficient
16 proof of the certified matters if the certification is sub-
17 mitted after the enrollment period has ended.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect October 1, 2002, and shall
20 apply with respect to enrollments in courses or programs
21 of education or training beginning on or after that date.

1 **SEC. 105. ELIGIBILITY FOR MONTGOMERY GI BILL BENE-**
2 **FITS OF CERTAIN ADDITIONAL VIETNAM ERA**
3 **VETERANS.**

4 (a) ACTIVE DUTY PROGRAM.—Section 3011(a)(1) is
5 amended—

6 (1) by striking “or” at the end of subparagraph
7 (A);

8 (2) by adding “or” at the end of subparagraph
9 (B); and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(C) as of December 31, 1989, was eligible
13 for educational assistance benefits under chap-
14 ter 34 of this title and—

15 “(i) was not on active duty on October
16 19, 1984;

17 “(ii) reenlists or reenters on a period
18 of active duty on or after October 19,
19 1984; and

20 “(iii) on or after July 1, 1985,
21 either—

22 “(I) serves at least three years of
23 continuous active duty in the Armed
24 Forces; or

25 “(II) is discharged or released
26 from active duty (aa) for a service-

1 connected disability, for a medical
2 condition which preexisted such serv-
3 ice on active duty and which the Sec-
4 retary determines is not service con-
5 nected, for hardship, or for a physical
6 or mental condition that was not char-
7 acterized as a disability, as described
8 in subparagraph (A)(ii)(I) of this
9 paragraph, (bb) for the convenience of
10 the Government, if the individual com-
11 pleted not less than 30 months of con-
12 tinuous active duty after that date, or
13 (cc) involuntarily for the convenience
14 of the Government as a result of a re-
15 duction in force, as determined by the
16 Secretary of the military department
17 concerned in accordance with regula-
18 tions prescribed by the Secretary of
19 Defense or by the Secretary of Trans-
20 portation with respect to the Coast
21 Guard when it is not operating as a
22 service in the Navy;”.

23 (b) SELECTED RESERVE PROGRAM.—Section
24 3012(a)(1) is amended—

1 (1) by striking “or” at the end of subparagraph
2 (A);

3 (2) by adding “or” at the end of subparagraph
4 (B); and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(C) as of December 31, 1989, was eligible
8 for educational assistance under chapter 34 of
9 this title and—

10 “(i) was not on active duty on October
11 19, 1984;

12 “(ii) reenlists or reenters on a period
13 of active duty on or after October 19,
14 1984; and

15 “(iii) on or after July 1, 1985—

16 “(I) serves at least two years of
17 continuous active duty in the Armed
18 Forces, subject to subsection (b) of
19 this section, characterized by the Sec-
20 retary concerned as honorable service;
21 and

22 “(II) subject to subsection (b) of
23 this section and beginning within one
24 year after completion of such two
25 years of service, serves at least four

1 continuous years in the Selected Re-
2 serve during which the individual par-
3 ticipates satisfactorily in training as
4 prescribed by the Secretary con-
5 cerned;”.

6 (c) TIME FOR USE OF ENTITLEMENT.—Section 3031
7 is amended—

8 (1) in subsection (a)—

9 (A) by striking “and” at the end of para-
10 graph (1);

11 (B) by striking the period at the end of
12 paragraph (2) and inserting “; and”; and

13 (C) by adding at the end the following new
14 paragraph:

15 “(3) in the case of an individual who becomes
16 entitled to such assistance under section
17 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the
18 date of the enactment of this paragraph.”; and

19 (2) in subsection (e)(1), by striking “section
20 3011(a)(1)(B) or 3012(a)(1)(B)” and inserting
21 “section 3011(a)(1)(B), 3011(a)(1)(C),
22 3012(a)(1)(B), or 3012(a)(1)(C)”.

1 **SEC. 106. INCREASE IN MAXIMUM ALLOWABLE ANNUAL**
 2 **SENIOR ROTC EDUCATIONAL ASSISTANCE**
 3 **FOR ELIGIBILITY FOR BENEFITS UNDER THE**
 4 **MONTGOMERY GI BILL.**

5 (a) IN GENERAL.—Sections 3011(c)(3)(B) and
 6 3012(d)(3)(B) are each amended by striking “\$2,000”
 7 and inserting “\$3,400”.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 subsection (a) shall apply with respect to educational as-
 10 sistance allowances paid under chapter 30 of title 38,
 11 United States Code, for months beginning after the date
 12 of the enactment of this Act.

13 **SEC. 107. EXPANSION OF WORK-STUDY OPPORTUNITIES.**

14 (a) FIVE-YEAR EXPANSION OF QUALIFYING WORK-
 15 STUDY ACTIVITIES.—Subsection (a) of section 3485 is
 16 amended to read as follows:

17 “(a)(1) Individuals utilized under the authority of
 18 subsection (b) shall be paid an additional educational as-
 19 sistance allowance (hereinafter in this section referred to
 20 as ‘work-study allowance’). Such allowance shall be paid
 21 in return for an individual’s entering into an agreement
 22 described in paragraph (3).

23 “(2) Such work-study allowance shall be paid in an
 24 amount equal to the product of—

25 “(A) the applicable hourly minimum wage; and

1 “(B) the number of hours worked during the
2 applicable period.

3 “(3) An agreement described in this paragraph is an
4 agreement of an individual to perform services, during or
5 between periods of enrollment, aggregating not more than
6 a number of hours equal to 25 times the number of weeks
7 in the semester or other applicable enrollment period, re-
8 quired in connection with a qualifying work-study activity.

9 “(4) For the purposes of this section, the term ‘quali-
10 fying work-study activity’ means any of the following:

11 “(A) The outreach services program under sub-
12 chapter II of chapter 77 of this title as carried out
13 under the supervision of a Department employee or,
14 during the five-year period beginning on the date of
15 the enactment of the Veterans Education and Bene-
16 fits Expansion Act of 2001, outreach services to
17 servicemembers and veterans furnished by employees
18 of a State approving agency.

19 “(B) The preparation and processing of nec-
20 essary papers and other documents at educational
21 institutions or regional offices or facilities of the De-
22 partment.

23 “(C) The provision of hospital and domiciliary
24 care and medical treatment under chapter 17 of this
25 title, including, during the five-year period beginning

1 on the date of the enactment of the Veterans Edu-
2 cation and Benefits Expansion Act of 2001, the pro-
3 vision of such care to veterans in a State home for
4 which payment is made under section 1741 of this
5 title.

6 “(D) Any other activity of the Department as
7 the Secretary determines appropriate.

8 “(E) In the case of an individual who is receiv-
9 ing educational assistance under chapter 1606 of
10 title 10, an activity relating to the administration of
11 that chapter at Department of Defense, Coast
12 Guard, or National Guard facilities.

13 “(F) During the five-year period beginning on
14 the date of the enactment of the Veterans Education
15 and Benefits Expansion Act of 2001, an activity re-
16 lating to the administration of a national cemetery
17 or a State veterans’ cemetery.

18 “(5) An individual may elect, in a manner prescribed
19 by the Secretary, to be paid in advance an amount equal
20 to 40 percent of the total amount of the work-study allow-
21 ance agreed to be paid under the agreement in return for
22 the individual’s agreement to perform the number of hours
23 of work specified in the agreement (but not more than
24 an amount equal to 50 times the applicable hourly min-
25 imum wage).

1 “(6) For the purposes of this subsection and sub-
 2 section (e), the term ‘applicable hourly minimum wages’
 3 means—

4 “(A) the hourly minimum wage under section
 5 6(a) of the Fair Labor Standards Act of 1938 (29
 6 U.S.C. 206(a)); or

7 “(B) the hourly minimum wage under com-
 8 parable law of the State in which the services are to
 9 be performed, if such wage is higher than the wage
 10 referred to in subparagraph (A) and the Secretary
 11 has made a determination to pay such higher
 12 wage.”.

13 (b) EFFECTIVE DATE.—The amendment made by
 14 this section shall apply with respect to agreements entered
 15 into under section 3485 of title 38, United States Code,
 16 on or after the date of the enactment of this Act.

17 **SEC. 108. ELIGIBILITY FOR SURVIVORS’ AND DEPENDENTS’**
 18 **EDUCATIONAL ASSISTANCE OF SPOUSES AND**
 19 **SURVIVING SPOUSES OF VETERANS WITH**
 20 **TOTAL SERVICE-CONNECTED DISABILITIES.**

21 (a) DESIGNATION OF ELIGIBILITY.—Section
 22 3501(a)(1)(D) is amended—

23 (1) by inserting “(i)” after “(D)”; and

24 (2) by inserting “(ii)” after “or”.

1 (b) RESTATEMENT AND EXPANSION OF TREATMENT
2 OF USE OF ELIGIBILITY.—(1) Section 3511 is amended
3 by adding at the end the following new subsection:

4 “(c) Any entitlement used by an eligible person as
5 a result of eligibility under section 3501(a)(1)(A)(iii),
6 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be
7 deducted from any entitlement to which such person may
8 subsequently be entitled under this chapter.”.

9 (2) Section 3512 is amended by striking subsection
10 (g).

11 (c) DELIMITING PERIOD.—(1) Section 3511(a)(1) is
12 amended by adding at the end the following new sentence:
13 “In no event may the aggregate educational assistance af-
14 farded to a spouse made eligible under both
15 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed
16 45 months.”.

17 (2) Paragraph (1) of section 3512(b) is amended to
18 read as follows:

19 “(1)(A) Except as provided in subparagraph (B), a
20 person made eligible by subparagraph (B) or (D) of sec-
21 tion 3501(a)(1) of this title may be afforded educational
22 assistance under this chapter during the 10-year period
23 beginning on the date (as determined by the Secretary)
24 the person becomes an eligible person within the meaning
25 of section 3501(a)(1)(B), 3501(a)(1)(D)(i), or

1 3501(a)(1)(D)(ii) of this title. In the case of a surviving
2 spouse made eligible by clause (ii) of section
3 3501(a)(1)(D) of this title, the 10-year period may not
4 be reduced by any earlier period during which the person
5 was eligible for educational assistance under this chapter
6 as a spouse made eligible by clause (i) of that section.

7 “(B) Notwithstanding subparagraph (A), an eligible
8 person referred to in that subparagraph may, subject to
9 the Secretary’s approval, elect a later beginning date for
10 the 10-year period than would otherwise be applicable to
11 the person under that subparagraph. The beginning date
12 so elected may be any date between the beginning date
13 determined for the person under subparagraph (A) and
14 whichever of the following dates applies:

15 “(i) The date on which the Secretary notifies
16 the veteran from whom eligibility is derived that the
17 veteran has a service-connected total disability per-
18 manent in nature.

19 “(ii) The date on which the Secretary deter-
20 mines that the veteran from whom eligibility is de-
21 rived died of a service-connected disability.”.

22 (3) Section 3512(b) is further amended by striking
23 paragraph (3).

24 (4) The amendments made by this subsection shall
25 apply with respect to any determination (whether adminis-

1 trative or judicial) of the eligibility of a spouse or surviving
 2 spouse for educational assistance under chapter 35 of title
 3 38, United States Code, made on or after the date of the
 4 enactment of this Act, whether pursuant to an original
 5 claim for such assistance or pursuant to a reapplication
 6 or attempt to reopen or readjudicate a claim for such as-
 7 sistance.

8 **SEC. 109. EXPANSION OF SPECIAL RESTORATIVE TRAINING**
 9 **BENEFIT TO CERTAIN DISABLED SPOUSES OR**
 10 **SURVIVING SPOUSES.**

11 (a) IN GENERAL.—Section 3540 is amended by strik-
 12 ing “section 3501(a)(1)(A) of this title” and inserting
 13 “subparagraphs (A), (B), and (D) of section 3501(a)(1)
 14 of this title”.

15 (b) CONFORMING AMENDMENTS.—(1) Section
 16 3541(a) is amended in the matter preceding paragraph
 17 (1) by striking “of the parent or guardian”.

18 (2) Section 3542(a) is amended—

19 (A) by striking “the parent or guardian shall be
 20 entitled to receive on behalf of such person” and in-
 21 serting “the eligible person shall be entitled to re-
 22 ceive”; and

23 (B) by striking “upon election by the parent or
 24 guardian of the eligible person” and inserting “upon
 25 election by the eligible person”.

1 (3) The second sentence of section 3543(a) is amend-
2 ed by striking “the parent or guardian for the training
3 provided to an eligible person” and inserting “for the
4 training provided to the eligible person”.

5 (4) Section 3543 is amended by adding at the end
6 the following new subsection:

7 “(c) In a case in which the Secretary authorizes
8 training under section 3541(a) of this title on behalf of
9 an eligible person, the parent or guardian shall be
10 entitled—

11 “(1) to receive on behalf of the eligible person
12 the special training allowance provided for under
13 section 3542(a) of this title;

14 “(2) to elect an increase in the basic monthly
15 allowance provided for under such section; and

16 “(3) to agree with the Secretary on the fair and
17 reasonable amounts which may be charged under
18 subsection (a).”.

19 **SEC. 110. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY**
20 **ENTITIES IN DEFINITION OF EDUCATIONAL**
21 **INSTITUTION.**

22 (a) IN GENERAL.—Sections 3452(e) and 3501(a)(6)
23 are each amended by adding at the end the following new
24 sentence: “Such term also includes any private entity (that
25 meets such requirements as the Secretary may establish)

1 that offers, either directly or under an agreement with an-
2 other entity (that meets such requirements), a course or
3 courses to fulfill requirements for the attainment of a li-
4 cense or certificate generally recognized as necessary to
5 obtain, maintain, or advance in employment in a profes-
6 sion or vocation in a high technology occupation (as deter-
7 mined by the Secretary).”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall apply to enrollments in courses begin-
10 ning on or after the date of the enactment of this Act.

11 **SEC. 111. DISTANCE EDUCATION.**

12 (a) IN GENERAL.—Subsection (a)(4) of section
13 3680A is amended—

14 (1) by inserting “(A)” after “leading”; and
15 (2) by inserting before the period the following:
16 “, or (B) to a certificate that reflects educational at-
17 tainment offered by an institution of higher learn-
18 ing”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply to enrollments in independent
21 study courses beginning on or after the date of the enact-
22 ment of this Act.

1 **TITLE II—COMPENSATION AND**
2 **PENSION PROVISIONS**

3 **SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES**
4 **ON PRESUMPTION OF SERVICE-CONNECTION**
5 **FOR HERBICIDE-RELATED DISABILITIES OF**
6 **VIETNAM VETERANS.**

7 (a) PRESUMPTIVE PERIOD FOR RESPIRATORY CAN-
8 CERS.—(1)(A) Subparagraph (F) of subsection (a)(2) of
9 section 1116 is amended by striking “within 30 years”
10 and all that follows through “May 7, 1975”.

11 (B) The amendment made by subparagraph (A) shall
12 take effect January 1, 2002.

13 (2) The Secretary of Veterans Affairs shall enter into
14 a contract with the National Academy of Sciences, not
15 later than six months after the date of the enactment of
16 this Act, for the performance of a study to include a review
17 of all available scientific literature on the effects of expo-
18 sure to an herbicide agent containing dioxin on the devel-
19 opment of respiratory cancers in humans and whether it
20 is possible to identify a period of time after exposure to
21 herbicides after which a presumption of service-connection
22 for such exposure would not be warranted. Under the con-
23 tract, the National Academy of Sciences shall submit a
24 report to the Secretary setting forth its conclusions. The

1 report shall be submitted not later than 18 months after
2 the contract is entered into.

3 (3) For a period of six months beginning on the date
4 of the receipt of the report of the National Academy of
5 Sciences under paragraph (2), the Secretary may, if war-
6 ranted by clear scientific evidence presented in the Na-
7 tional Academy of Sciences report, initiate a rulemaking
8 under which the Secretary would specify a limit on the
9 number of years after a claimant's departure from Viet-
10 nam after which respiratory cancers would not be pre-
11 sumed to have been associated with the claimant's expo-
12 sure to herbicides while serving in Vietnam. Any such limit
13 under such a rule may not take effect until 120 days have
14 passed after the publication of a final rule to impose such
15 a limit.

16 (4)(A) Subject to subparagraphs (B) and (C), if the
17 Secretary imposes such a limit under paragraph (3), that
18 limit shall be effective only as to claims filed on or after
19 the effective date of that limit.

20 (B) In the case of any veteran whose disability or
21 death due to respiratory cancer is found by the Secretary
22 to be service-connected under section 1116(a)(2)(F) of
23 title 38, United States Code, as amended by paragraph
24 (1), such disability or death shall remain service-connected
25 for purposes of all provisions of law under such title not-

1 withstanding the imposition, if any, of a time limit by the
2 Secretary by rulemaking authorized under paragraph (3).

3 (C) Subparagraph (B) does not apply in a case in
4 which—

5 (i) the original award of compensation or serv-
6 ice connection was based on fraud; or

7 (ii) it is clearly shown from military records
8 that the person concerned did not have the requisite
9 service or character of discharge.

10 (b) PRESUMPTION THAT DIABETES MELLITUS
11 (TYPE 2) IS SERVICE-CONNECTED.—Subsection (a)(2) of
12 section 1116 is further amended by adding at the end the
13 following new subparagraph:

14 “(H) Diabetes Mellitus (Type 2).”.

15 (c) PRESUMPTION OF EXPOSURE TO HERBICIDE
16 AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Sec-
17 tion 1116 is further amended—

18 (A) by transferring paragraph (3) of subsection
19 (a) to the end of the section and redesignating such
20 paragraph, as so transferred, as subsection (f);

21 (B) by redesignating paragraph (4) of sub-
22 section (a) as paragraph (3); and

23 (C) in subsection (f), as transferred and red-
24 igned by subparagraph (A) of this paragraph—

1 (i) by striking “For the purposes of this
2 subsection, a veteran” and inserting “For pur-
3 poses of establishing service connection for a
4 disability or death resulting from exposure to a
5 herbicide agent, including a presumption of
6 service-connection under this section, a vet-
7 eran”; and

8 (ii) by striking “and has a disease referred
9 to in paragraph (1)(B) of this subsection”.

10 (2)(A) The heading of that section is amended to
11 read as follows:

12 **“§ 1116. Presumptions of service connection for dis-**
13 **eases associated with exposure to certain**
14 **herbicide agents; presumption of expo-**
15 **sure for veterans who served in the Re-**
16 **public of Vietnam”.**

17 (B) The item relating to that section in the table of
18 sections at the beginning of chapter 11 is amended to read
19 as follows:

“1116. Presumptions of service connection for diseases associated with exposure
to certain herbicide agents; presumption of exposure for veter-
erans who served in the Republic of Vietnam.”.

20 (d) EXTENSION OF AUTHORITY TO PRESUME SERV-
21 ICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Sub-
22 section (e) of such section is amended by striking “10
23 years” and all that follows through “Agent Orange Act
24 of 1991” and inserting “on September 30, 2015”.

1 (2) Section 3(i) of the Agent Orange Act of 1991 (38
2 U.S.C. 1116 note) is amended by striking “10 years” and
3 all that follows and inserting “on October 1, 2014.”.

4 **SEC. 202. PAYMENT OF COMPENSATION FOR PERSIAN GULF**
5 **WAR VETERANS WITH CERTAIN CHRONIC**
6 **DISABILITIES.**

7 (a) ILLNESSES THAT CANNOT BE CLEARLY DE-
8 FINED.—(1) Subsection (a) of section 1117 is amended
9 to read as follows:

10 “(a)(1) The Secretary may pay compensation under
11 this subchapter to a Persian Gulf veteran with a qualifying
12 chronic disability that became manifest—

13 “(A) during service on active duty in the Armed
14 Forces in the Southwest Asia theater of operations
15 during the Persian Gulf War; or

16 “(B) to a degree of 10 percent or more during
17 the presumptive period prescribed under subsection
18 (b).

19 “(2) For purposes of this subsection, the term ‘quali-
20 fying chronic disability’ means a chronic disability result-
21 ing from any of the following (or any combination of any
22 of the following):

23 “(A) An undiagnosed illness.

24 “(B) A medically unexplained chronic multi-
25 symptom illness (such as chronic fatigue syndrome,

1 fibromyalgia, and irritable bowel syndrome) that is
2 defined by a cluster of signs or symptoms.

3 “(C) Any diagnosed illness that the Secretary
4 determines in regulations prescribed under sub-
5 section (d) warrants a presumption of service-con-
6 nection.”.

7 (2) Subsection (c)(1) of such section is amended—

8 (A) in the matter preceding subparagraph (A),
9 by striking “for an undiagnosed illness (or combina-
10 tion of undiagnosed illnesses)”;

11 (B) in subparagraph (A), by striking “for such
12 illness (or combination of illnesses)”.

13 (b) SIGNS OR SYMPTOMS THAT MAY INDICATE
14 UNDIAGNOSED ILLNESSES.—(1) Such section is further
15 amended by adding at the end the following new sub-
16 section:

17 “(g) For purposes of this section, signs or symptoms
18 that may be a manifestation of an undiagnosed illness or
19 a chronic multisymptom illness include the following:

20 “(1) Fatigue.

21 “(2) Unexplained rashes or other dermato-
22 logical signs or symptoms.

23 “(3) Headache.

24 “(4) Muscle pain.

25 “(5) Joint pain.

1 “(6) Neurological signs and symptoms.

2 “(7) Neuropsychological signs or symptoms.

3 “(8) Signs or symptoms involving the upper or
4 lower respiratory system.

5 “(9) Sleep disturbances.

6 “(10) Gastrointestinal signs or symptoms.

7 “(11) Cardiovascular signs or symptoms.

8 “(12) Abnormal weight loss.

9 “(13) Menstrual disorders.”.

10 (2) Section 1118(a) is amended by adding at the end
11 the following new paragraph:

12 “(4) For purposes of this section, signs or symptoms
13 that may be a manifestation of an undiagnosed illness in-
14 clude the signs and symptoms listed in section 1117(g)
15 of this title.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsections (a) and (b) shall take effect on March 1, 2002.

18 (d) CLARIFICATION OF AUTHORITY TO PRESUME
19 SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1)
20 Sections 1117(c)(2) and 1118(e) are each amended by
21 striking “10 years” and all that follows through “of 1998”
22 and inserting “on September 30, 2011”.

23 (2) Section 1603(j) of the Persian Gulf War Veterans
24 Act of 1998 (38 U.S.C. 1117 note) is amended by striking

1 “10 years” and all that follows and inserting “on October
2 1, 2010.”.

3 **SEC. 203. PRESERVATION OF SERVICE CONNECTION FOR**
4 **UNDIAGNOSED ILLNESSES TO PROVIDE FOR**
5 **PARTICIPATION IN RESEARCH PROJECTS BY**
6 **PERSIAN GULF WAR VETERANS.**

7 (a) AUTHORITY FOR SECRETARY TO PROVIDE FOR
8 PARTICIPATION WITHOUT LOSS OF BENEFITS.—Section
9 1117 is amended by adding after subsection (g), as added
10 by section 202(b), the following new subsection:

11 “(h)(1) If the Secretary determines with respect to
12 a medical research project sponsored by the Department
13 that it is necessary for the conduct of the project that Per-
14 sian Gulf veterans in receipt of compensation under this
15 section or section 1118 of this title participate in the
16 project without the possibility of loss of service connection
17 under either such section, the Secretary shall provide that
18 service connection granted under either such section for
19 disability of a veteran who participated in the research
20 project may not be terminated. Except as provided in
21 paragraph (2), notwithstanding any other provision of
22 law any grant of service-connection protected under this
23 subsection shall remain service-connected for purposes of
24 all provisions of law under this title.

1 “(2) Paragraph (1) does not apply in a case in
2 which—

3 “(A) the original award of compensation or
4 service connection was based on fraud; or

5 “(B) it is clearly shown from military records
6 that the person concerned did not have the requisite
7 service or character of discharge.

8 “(3) The Secretary shall publish in the Federal Reg-
9 ister a list of medical research projects sponsored by the
10 Department for which service connection granted under
11 this section or section 1118 of this title may not be termi-
12 nated pursuant to paragraph (1).”.

13 (b) EFFECTIVE DATE.—The authority provided by
14 subsection (h) of section 1117 of title 38, United States
15 Code, as added by subsection (a), may be used by the Sec-
16 retary of Veterans Affairs with respect to any medical re-
17 search project of the Department of Veterans Affairs,
18 whether commenced before, on, or after the date of the
19 enactment of this Act.

20 **SEC. 204. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
21 **FITS TO INCOMPETENT INSTITUTIONALIZED**
22 **VETERANS.**

23 (a) REPEAL.—Section 5503 is amended—

24 (1) by striking subsections (b) and (c); and

1 (2) by redesignating subsections (d), (e), and
2 (f) as subsections (b), (c), and (d), respectively.

3 (b) CONFORMING AMENDMENTS.—(1) Section
4 1114(r) is amended by striking “section 5503(e)” and in-
5 serting “section 5503(e)”.

6 (2) Section 5112 is amended by striking subsection
7 (c).

8 **SEC. 205. EXTENSION OF ROUND-DOWN REQUIREMENT FOR**
9 **COMPENSATION COST-OF-LIVING ADJUST-**
10 **MENTS.**

11 Sections 1104(a) and 1303(a) are amended by strik-
12 ing “2002” and inserting “2011”.

13 **SEC. 206. EXPANSION OF PRESUMPTIONS OF PERMANENT**
14 **AND TOTAL DISABILITY FOR VETERANS AP-**
15 **PLYING FOR NONSERVICE-CONNECTED PEN-**
16 **SION.**

17 (a) IN GENERAL.—Section 1502(a) is amended by
18 striking “such a person” and all that follows through the
19 end of the subsection and inserting the following: “such
20 person is any of the following:

21 “(1) A patient in a nursing home for long-term
22 care because of disability.

23 “(2) Disabled, as determined by the Commis-
24 sioner of Social Security for purposes of any benefits
25 administered by the Commissioner.

1 “(3) Unemployable as a result of disability rea-
2 sonably certain to continue throughout the life of the
3 person.

4 “(4) Suffering from—

5 “(A) any disability which is sufficient to
6 render it impossible for the average person to
7 follow a substantially gainful occupation, but
8 only if it is reasonably certain that such dis-
9 ability will continue throughout the life of the
10 person; or

11 “(B) any disease or disorder determined by
12 the Secretary to be of such a nature or extent
13 as to justify a determination that persons suf-
14 fering therefrom are permanently and totally
15 disabled.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect as of September 17, 2001.

18 **SEC. 207. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR**

19 **OLDER FOR VETERANS’ PENSION BENEFITS.**

20 (a) IN GENERAL.—(1) Subchapter II of chapter 15
21 is amended by inserting after section 1512 the following
22 new section:

23 **“§ 1513. Veterans 65 years of age and older**

24 “(a) The Secretary shall pay to each veteran of a pe-
25 riod of war who is 65 years of age or older and who meets

1 the service requirements of section 1521 of this title (as
2 prescribed in subsection (j) of that section) pension at the
3 rates prescribed by 1521 of this title and under the condi-
4 tions (other than the permanent and total disability re-
5 quirement) applicable to pension paid under that section.

6 “(b) If a veteran is eligible for pension under both
7 this section and section 1521 of this title, pension shall
8 be paid to the veteran only under section 1521 of this
9 title.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by inserting after the item relating
12 to section 1512 the following new item:

“1513. Veterans 65 years of age and older.”.

13 (b) CONFORMING AMENDMENTS.—(1) Section
14 1521(f)(1) is amended by inserting “or the age and service
15 requirements prescribed in section 1513 of this title,”
16 after “of this section,”.

17 (2) Section 1522(a) is amended by inserting “1513
18 or” after “under section”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect as of September 17, 2001.

1 **TITLE III—TRANSITION AND**
2 **OUTREACH PROVISIONS**

3 **SEC. 301. AUTHORITY TO ESTABLISH OVERSEAS VETERANS**
4 **ASSISTANCE OFFICES TO EXPAND TRANSI-**
5 **TION ASSISTANCE.**

6 Section 7723(a) is amended by inserting after the
7 first sentence the following new sentence: “The Secretary
8 may maintain such offices on such military installations
9 located elsewhere as the Secretary, after consultation with
10 the Secretary of Defense, determines to be necessary to
11 carry out such purposes.”.

12 **SEC. 302. TIMING OF PRESEPARATION COUNSELING.**

13 (a) IN GENERAL.—(1) The first sentence of section
14 1142(a)(1) of title 10, United States Code, is amended
15 to read as follows: “Within the time periods specified in
16 paragraph (3), the Secretary concerned shall (except as
17 provided in paragraph (4)) provide for individual
18 preseparation counseling of each member of the armed
19 forces whose discharge or release from active duty is an-
20 ticipated as of a specific date.”.

21 (2) Such section is further amended by adding at the
22 end the following new paragraphs:

23 “(3)(A) In the case of an anticipated retirement,
24 preseparation counseling shall commence as soon as pos-
25 sible during the 24-month period preceding the anticipated

1 retirement date. In the case of a separation other than
2 a retirement, preseparation counseling shall commence as
3 soon as possible during the 12-month period preceding the
4 anticipated date. Except as provided in subparagraph (B),
5 in no event shall preseparation counseling commence later
6 than 90 days before the date of discharge or release.

7 “(B) In the event that a retirement or other separa-
8 tion is unanticipated until there are 90 or fewer days be-
9 fore the anticipated retirement or separation date,
10 preseparation counseling shall begin as soon as possible
11 within the remaining period of service.

12 “(4)(A) Subject to subparagraph (B), the Secretary
13 concerned shall not provide preseparation counseling to a
14 member who is being discharged or released before the
15 completion of that member’s first 180 days of active duty.

16 “(B) Subparagraph (A) shall not apply in the case
17 of a member who is being retired or separated for dis-
18 ability.”.

19 (b) CONFORMING AMENDMENT.—The second sen-
20 tence of section 1144(a)(1) of title 10, United States
21 Code, is amended by striking “during the 180-day period”
22 and all that follows and inserting “within the time periods
23 provided under paragraph (3) of section 1142(a) of this
24 title, except that the Secretary concerned shall not provide

1 prepreparation counseling to a member described in para-
2 graph (4)(A) of such section.”.

3 **SEC. 303. IMPROVEMENT IN EDUCATION AND TRAINING**
4 **OUTREACH SERVICES FOR SEPARATING**
5 **SERVICEMEMBERS AND VETERANS.**

6 (a) PROVIDING OUTREACH THROUGH STATE AP-
7 PROVING AGENCIES.—Section 3672(d) is amended by in-
8 serting “and State approving agencies” before “shall ac-
9 tively promote the development of programs of training
10 on the job”.

11 (b) ADDITIONAL DUTY.—Such section is further
12 amended—

13 (1) by inserting “(1)” after “(d)”; and

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

16 “(2) In conjunction with outreach services provided
17 by the Secretary under chapter 77 of this title for edu-
18 cation and training benefits, each State approving agency
19 shall conduct outreach programs and provide outreach
20 services to eligible persons and veterans about education
21 and training benefits available under applicable Federal
22 and State law.”.

23 **SEC. 304. IMPROVEMENT OF VETERANS OUTREACH PRO-**
24 **GRAMS.**

25 Section 7722(c) is amended—

1 (1) by inserting “(1)” after “(c)”; and

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

3 “(2) Whenever a veteran or dependent first applies
4 for any benefit under laws administered by the Secretary
5 (including a request for burial or related benefits or an
6 application for life insurance proceeds), the Secretary shall
7 provide to the veteran or dependent information con-
8 cerning benefits and health care services under programs
9 administered by the Secretary. Such information shall be
10 provided not later than three months after the date of
11 such application.”.

12 **TITLE IV—HOUSING MATTERS**

13 **SEC. 401. INCREASE IN HOME LOAN GUARANTY AMOUNT** 14 **FOR CONSTRUCTION AND PURCHASE OF** 15 **HOMES.**

16 Section 3703(a)(1) is amended by striking “\$50,750”
17 each place it appears in subparagraphs (A)(i)(IV) and (B)
18 and inserting “\$60,000”.

19 **SEC. 402. NATIVE AMERICAN VETERAN HOUSING LOAN** 20 **PILOT PROGRAM.**

21 (a) **EXTENSION OF PILOT PROGRAM.**—Section
22 3761(c) is amended by striking “December 31, 2001” and
23 inserting “December 31, 2005”.

1 (b) AUTHORIZATION OF THE USE OF CERTAIN FED-
2 ERAL MEMORANDUMS OF UNDERSTANDING.—Section
3 3762(a)(1) is amended—

4 (1) by inserting “(A)” after “(1)”;

5 (2) by striking “and” after the semicolon and
6 inserting “or”; and

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

8 “(B) the tribal organization that has jurisdic-
9 tion over the veteran has entered into a memo-
10 randum of understanding with any department or
11 agency of the United States with respect to direct
12 housing loans to Native Americans that the Sec-
13 retary determines substantially complies with the re-
14 quirements of subsection (b); and”.

15 (c) EXTENSION OF ANNUAL REPORT.—Section
16 3762(j) is amended by striking “2002” and inserting
17 “2006”.

18 **SEC. 403. MODIFICATION OF LOAN ASSUMPTION NOTICE**
19 **REQUIREMENT.**

20 Section 3714(d) is amended to read as follows:

21 “(d) With respect to a loan guaranteed, insured, or
22 made under this chapter, the Secretary shall provide, by
23 regulation, that at least one instrument evidencing either
24 the loan or the mortgage or deed of trust therefor, shall
25 conspicuously contain, in such form as the Secretary shall

1 specify, a notice in substantially the following form: ‘This
2 loan is not assumable without the approval of the Depart-
3 ment of Veterans Affairs or its authorized agent’.’.

4 **SEC. 404. INCREASE IN ASSISTANCE AMOUNT FOR SPE-**
5 **CIALY ADAPTED HOUSING.**

6 Section 2102 is amended—

7 (1) in the matter preceding paragraph (1) of
8 subsection (a), by striking “\$43,000” and inserting
9 “\$48,000”; and

10 (2) in subsection (b)(2), by striking “\$8,250”
11 and inserting “\$9,250”.

12 **SEC. 405. EXTENSION OF OTHER HOUSING AUTHORITIES.**

13 (a) HOUSING LOANS FOR MEMBERS OF THE SE-
14 LECTED RESERVE.—Section 3702(a)(2)(E) is amended by
15 striking “September 30, 2007” and inserting “September
16 30, 2009”.

17 (b) ENHANCED LOAN ASSET SALE AUTHORITY.—
18 Section 3720(h)(2) is amended by striking “December 31,
19 2008” and inserting “December 31, 2011”.

20 (c) HOME LOAN FEE AUTHORITIES.—The table in
21 section 3729(b)(2) is amended by striking “October 1,
22 2008” each place it appears and inserting “October 1,
23 2011”.

24 (d) PROCEDURES APPLICABLE TO LIQUIDATION
25 SALES ON DEFAULTED HOME LOANS GUARANTEED BY

1 THE DEPARTMENT OF VETERANS AFFAIRS.—Section
2 3732(c)(11) is amended by striking “October 1, 2008”
3 and inserting “October 1, 2011”.

4 **SEC. 406. CLARIFYING AMENDMENT RELATING TO ELIGI-**
5 **BILITY OF MEMBERS OF THE SELECTED RE-**
6 **SERVE FOR HOUSING LOANS.**

7 Section 3729(b)(4)(B) is amended by inserting before
8 the period the following: “who is eligible under section
9 3702(a)(2)(E) of this title”.

10 **TITLE V—OTHER MATTERS**

11 **SEC. 501. INCREASE IN BURIAL BENEFITS.**

12 (a) BURIAL AND FUNERAL EXPENSES.—(1) Clause
13 (1) of section 2307 is amended by striking “\$1,500” and
14 inserting “\$2,000”.

15 (2) The amendment made by paragraph (1) shall
16 apply to deaths occurring on or after September 11, 2001.

17 (b) PLOT ALLOWANCE.—(1) Section 2303(b) is
18 amended by striking “\$150” each place it appears and
19 inserting “\$300”.

20 (2) The amendments made by paragraph (1) shall
21 apply to deaths occurring on or after December 1, 2001.

22 **SEC. 502. GOVERNMENT MARKERS FOR MARKED GRAVES**
23 **AT PRIVATE CEMETERIES.**

24 (a) GOVERNMENT MARKER BENEFIT.—Section 2306
25 of title 38, United States Code, is amended—

1 (1) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

3 (2) by inserting after subsection (c) the fol-
4 lowing new subsection (d):

5 “(d)(1) The Secretary shall furnish, when requested,
6 an appropriate Government marker at the expense of the
7 United States for the grave of an individual described in
8 paragraph (2) or (5) of subsection (a) who is buried in
9 a private cemetery, notwithstanding that the grave is
10 marked by a headstone or marker furnished at private ex-
11 pense. Such a marker may be furnished only if the indi-
12 vidual making the request for the Government marker cer-
13 tifies to the Secretary that the marker will be placed on
14 the grave for which the marker is requested.

15 “(2) Any marker furnished under this subsection
16 shall be delivered by the Secretary directly to the cemetery
17 where the grave is located.

18 “(3) The authority to furnish a marker under this
19 subsection expires on December 31, 2006.

20 “(4) Not later than February 1, 2006, the Secretary
21 shall submit to the Committees on Veterans’ Affairs of
22 the Senate and House of Representatives a report on the
23 use of the authority under this subsection. The report
24 shall include the following:

1 “(A) The rate of use of the benefit under this
2 subsection, shown by fiscal year.

3 “(B) An assessment as to the extent to which
4 markers furnished under this subsection are being
5 delivered to cemeteries and placed on grave sites
6 consistent with the provisions of this subsection.

7 “(C) The Secretary’s recommendation for ex-
8 tension or repeal of the expiration date specified in
9 paragraph (3).”.

10 (b) DESIGN OF MARKER.—Subsection (c) of such
11 section is amended by striking “subsection (a) or (b)” and
12 inserting “subsection (a), (b), or (d)”.

13 (c) CROSS REFERENCE CORRECTION.—Subsection
14 (a)(5) of such section is amended by striking “chapter 67”
15 and inserting “chapter 1223”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsections (a) and (b) shall apply with respect to markers
18 for the graves of individuals dying on or after the date
19 of the enactment of this Act.

20 **SEC. 503. INCREASE IN AMOUNT OF ASSISTANCE FOR**
21 **AUTOMOBILE AND ADAPTIVE EQUIPMENT**
22 **FOR CERTAIN DISABLED VETERANS.**

23 Section 3902(a) is amended by striking “\$8,000”
24 and inserting “\$9,000”.

1 **SEC. 504. EXTENSION OF LIMITATION ON PENSION FOR**
 2 **CERTAIN RECIPIENTS OF MEDICAID-COV-**
 3 **ERED NURSING HOME CARE.**

4 Paragraph (7) of subsection (d) of section 5503, as
 5 redesignated by section 204(a), is amended by striking
 6 “September 30, 2008” and inserting “September 30,
 7 2011”.

8 **SEC. 505. PROHIBITION ON PROVISION OF CERTAIN BENE-**
 9 **FITS WITH RESPECT TO PERSONS WHO ARE**
 10 **FUGITIVE FELONS.**

11 (a) PROHIBITION.—(1) Chapter 53 is amended by in-
 12 serting after section 5313A the following new section:

13 **“§ 5313B. Prohibition on providing certain benefits**
 14 **with respect to persons who are fugitive**
 15 **felons**

16 “(a) A veteran who is otherwise eligible for a benefit
 17 specified in subsection (c) may not be paid or otherwise
 18 provided such benefit for any period during which such
 19 veteran is a fugitive felon. A dependent of a veteran who
 20 is otherwise eligible for a benefit specified in subsection
 21 (c) may not be paid or otherwise provided such benefit
 22 for any period during which such veteran or such depend-
 23 ent is a fugitive felon.

24 “(b) For purposes of this section:

25 “(1) The term ‘fugitive felon’ means a person
 26 who is a fugitive by reason of—

1 “(A) fleeing to avoid prosecution, or cus-
2 tody or confinement after conviction, for an of-
3 fense, or an attempt to commit an offense,
4 which is a felony under the laws of the place
5 from which the person flees; or

6 “(B) violating a condition of probation or
7 parole imposed for commission of a felony
8 under Federal or State law.

9 “(2) The term ‘felony’ includes a high mis-
10 demeanor under the laws of a State which character-
11 izes as high misdemeanors offenses that would be
12 felony offenses under Federal law.

13 “(3) The term ‘dependent’ means a spouse, sur-
14 viving spouse, child, or dependent parent of a vet-
15 eran.

16 “(c) A benefit specified in this subsection is a benefit
17 under any of the following:

18 “(1) Chapter 11 of this title.

19 “(2) Chapter 13 of this title.

20 “(3) Chapter 15 of this title.

21 “(4) Chapter 17 of this title.

22 “(5) Chapter 19 of this title.

23 “(6) Chapter 30, 31, 32, 34, or 35 of this title.

24 “(7) Chapter 37 of this title.

1 “(d)(1) The Secretary shall furnish to any Federal,
2 State, or local law enforcement official, upon the written
3 request of such official, the most current address main-
4 tained by the Secretary of a person who is eligible for a
5 benefit specified in subsection (c) if such official—

6 “(A) provides to the Secretary such information
7 as the Secretary may require to fully identify the
8 person;

9 “(B) identifies the person as being a fugitive
10 felon; and

11 “(C) certifies to the Secretary that appre-
12 hending such person is within the official duties of
13 such official.

14 “(2) The Secretary shall enter into memoranda of un-
15 derstanding with Federal law enforcement agencies, and
16 may enter into agreements with State and local law en-
17 forcement agencies, for purposes of furnishing information
18 to such agencies under paragraph (1).”.

19 (2) The table of sections at the beginning of that
20 chapter is amended by inserting after the item relating
21 to section 5313A the following new item:

“5313B. Prohibition on providing certain benefits with respect to persons who
are fugitive felons.”.

22 (b) SENSE OF CONGRESS ON ENTRY INTO MEMO-
23 RANDA OF UNDERSTANDING AND AGREEMENTS.—It is
24 the sense of Congress that the memoranda of under-

1 standing and agreements referred to in section
2 5313B(d)(2) of title 38, United States Code (as added by
3 subsection (a)), should be entered into as soon as prac-
4 ticable after the date of the enactment of this Act, but
5 not later than six months after that date.

6 **SEC. 506. LIMITATION ON PAYMENT OF COMPENSATION**
7 **FOR VETERANS REMAINING INCARCERATED**
8 **SINCE OCTOBER 7, 1980.**

9 (a) **LIMITATION.**—Section 5313 of title 38, United
10 States Code, other than subsection (d) of that section,
11 shall apply with respect to the payment of compensation
12 to or with respect to any veteran described in subsection
13 (b).

14 (b) **COVERED VETERANS.**—A veteran described in
15 this subsection is a veteran who is entitled to compensa-
16 tion and who—

17 (1) on October 7, 1980, was incarcerated in a
18 Federal, State, or local penal institution for a felony
19 committed before that date; and

20 (2) remains so incarcerated for conviction of
21 that felony as of the date of the enactment of this
22 Act.

23 (c) **EFFECTIVE DATE.**—This section shall apply with
24 respect to the payment of compensation for months begin-

1 ning on or after the end of the 90-day period beginning
2 on the date of the enactment of this Act.

3 (d) COMPENSATION DEFINED.—For purposes of this
4 section, the term “compensation” has the meaning given
5 that term in section 5313 of title 38, United States Code.

6 **SEC. 507. ELIMINATION OF REQUIREMENT FOR PROVIDING**
7 **A COPY OF NOTICE OF APPEAL TO THE SEC-**
8 **RETARY OF VETERANS AFFAIRS.**

9 (a) REPEAL.—Section 7266 is amended by striking
10 subsection (b).

11 (b) CONFORMING AMENDMENTS.—Such section is
12 further amended—

13 (1) by striking “(1)” after “(a)”;

14 (2) by redesignating paragraph (2) as sub-
15 section (b);

16 (3) by redesignating paragraph (3) as sub-
17 section (c) and redesignating subparagraphs (A) and
18 (B) thereof as paragraphs (1) and (2); and

19 (4) by redesignating paragraph (4) as sub-
20 section (d) and by striking “paragraph (3)(B)”
21 therein and inserting “subsection (c)(2)”.

1 **SEC. 508. INCREASE IN FISCAL YEAR LIMITATION ON NUM-**
2 **BER OF VETERANS IN PROGRAMS OF INDE-**
3 **PENDENT LIVING SERVICES AND ASSIST-**
4 **ANCE.**

5 (a) INCREASE IN LIMITATION.—Section 3120(e) is
6 amended by striking “five hundred” and inserting
7 “2,500”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect as of September 30, 2001.

10 **SEC. 509. TECHNICAL AND CLERICAL AMENDMENTS.**

11 (a) REPEAL OF EXPIRED PROVISION.—(1) Section
12 712 is repealed.

13 (2) The table of sections at the beginning of chapter
14 7 is amended by striking the item relating to section 712.

15 (b) CORRECTION OF WORD OMISSION.—Section
16 1710B(e)(2)(B) is amended by inserting “on” before “No-
17 vember 30, 1999”.

18 (c) REPEAL OF ERRONEOUS CROSS REFERENCE.—
19 Section 1729B(b) is amended—

20 (1) by striking paragraph (1); and

21 (2) by redesignating paragraphs (2), (3), and

22 (4) as paragraphs (1), (2), and (3), respectively.

23 (d) CORRECTION OF CROSS REFERENCE.—Section
24 3695(a)(5) is amended by striking “1610” and inserting
25 “1611”.

1 (e) **STYLISTIC CORRECTION.**—Section 1001(a)(2) of
 2 the Veterans’ Benefits Improvements Act of 1994 (Public
 3 Law 103–446; 38 U.S.C. 7721 note) is amended by strik-
 4 ing “and” at the end of subparagraph (C).

5 (f) **CORRECTION OF PREVIOUS AMENDMENT.**—Effec-
 6 tive November 30, 1999, and as if included therein as
 7 originally enacted, section 204(e)(3) of the Veterans Mil-
 8 lennium Health Care and Benefits Act (Public Law 106–
 9 117; 113 Stat. 1563) is amended by striking “and insert-
 10 ing ‘a;’” and inserting “the first place it appears and in-
 11 serting ‘an;’”.

12 **TITLE VI—UNITED STATES**
 13 **COURT OF APPEALS FOR VET-**
 14 **ERANS CLAIMS**

15 **SEC. 601. FACILITATION OF STAGGERED TERMS OF JUDGES**
 16 **THROUGH TEMPORARY EXPANSION OF THE**
 17 **COURT.**

18 (a) **IN GENERAL.**—Section 7253 is amended by add-
 19 ing at the end the following new subsection:

20 “(h) **TEMPORARY EXPANSION OF COURT.**—(1) Dur-
 21 ing the period from January 1, 2002, through August 15,
 22 2005, the authorized number of judges of the Court speci-
 23 fied in subsection (a) is increased by two.

24 “(2)(A) Of the two additional judges authorized by
 25 this subsection—

1 “(i) only one may be appointed pursuant to a
2 nomination made in 2002; and

3 “(ii) only one may be appointed pursuant to a
4 nomination made in 2003.

5 “(B If a judge is not appointed under this subsection
6 pursuant to a nomination made in 2002, a judge may be
7 appointed under this subsection pursuant to a nomination
8 made in 2004. If a judge is not appointed under this sub-
9 section pursuant to a nomination made in 2003, a judge
10 may be appointed under this subsection pursuant to a
11 nomination made in 2004. In either case, such an appoint-
12 ment may be made only pursuant to a nomination made
13 before October 1, 2004.

14 “(3) The term of office and the eligibility for retire-
15 ment of a judge appointed under this subsection, other
16 than a judge described in paragraph (4), are governed by
17 the provisions of section 1012 of the Court of Appeals for
18 Veterans Claims Amendments of 1999 (title X of Public
19 Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if
20 the judge is one of the first two judges appointed to the
21 Court after November 30, 1999.

22 “(4) A judge of the Court as of the date of the enact-
23 ment of this subsection who was appointed to the Court
24 before January 1, 1991, may accept appointment as a
25 judge of the Court under this subsection notwithstanding

1 that the term of office of the judge on the Court has not
2 yet expired under this section. The term of office of an
3 incumbent judge who receives an appointment as de-
4 scribed in the preceding sentence shall be 15 years, which
5 includes any period remaining in the unexpired term of
6 the judge. Any service following an appointment under
7 this subsection shall be treated as though served as part
8 of the original term of office of that judge on the Court.

9 “(5) Notwithstanding paragraph (1), an appointment
10 may not be made to the Court if the appointment would
11 result in there being more than seven judges on the Court
12 who were appointed after January 1, 1997. For the pur-
13 poses of this paragraph, a judge serving in recall status
14 under section 7257 of this title shall be disregarded in
15 counting the number of judges appointed to the Court
16 after such date.”.

17 (b) **STYLISTIC AMENDMENTS.**—That section is fur-
18 ther amended—

19 (1) in subsection (b), by inserting “APPOINT-
20 MENT.—” before “The judges”;

21 (2) in subsection (c), by inserting “TERM OF
22 OFFICE.—” before “The term”;

23 (3) in subsection (f), by striking “(f)(1)” and
24 inserting “(f) REMOVAL.—(1)”; and

1 (4) in subsection (g), by striking “(g)(1)” and
2 inserting “(g) RULES.—(1)’.

3 **SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE**
4 **REGARDING ACCEPTANCE OF REAPPOINT-**
5 **MENT AS CONDITION TO RETIREMENT FROM**
6 **THE COURT.**

7 Section 7296(b)(2) is amended by striking the second
8 sentence.

9 **SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS**
10 **JURISDICTIONAL REQUIREMENT FOR THE**
11 **COURT.**

12 (a) **TERMINATION.**—Section 402 of the Veterans’ Ju-
13 dicial Review Act (division A of Public Law 100–687; 102
14 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

15 (b) **ATTORNEY FEES.**—Section 403 of the Veterans’
16 Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904
17 note) is repealed.

18 (c) **CONSTRUCTION.**—The repeal in subsection (a)
19 may not be construed to confer upon the United States
20 Court of Appeals for Veterans Claims jurisdiction over any
21 appeal or other matter not within the jurisdiction of the
22 Court as provided in section 7266(a) of title 38, United
23 States Code.

1 (d) APPLICABILITY.—The repeals made by sub-
2 sections (a) and (b) shall apply to any appeal filed with
3 the United States Court of Appeals for Veterans Claims—

4 (1) on or after the date of the enactment of this
5 Act; or

6 (2) before the date of the enactment of this Act
7 but in which a final decision has not been made
8 under section 7291 of title 38, United States Code,
9 as of that date.

10 **SEC. 604. REGISTRATION FEES.**

11 (a) FEES FOR COURT-SPONSORED ACTIVITIES.—
12 Subsection (a) of section 7285 is amended by adding at
13 the end the following new sentence: “The Court may also
14 impose a registration fee on persons (other than judges
15 of the Court) participating at judicial conferences con-
16 vened pursuant to section 7286 of this title or in any other
17 court-sponsored activity.”.

18 (b) USE OF FEES.—Subsection (b) of such section
19 is amended by striking “for the purposes of (1)” and all
20 that follows through the period and inserting “for the fol-
21 lowing purposes:

22 “(1) Conducting investigations and proceedings,
23 including employing independent counsel, to pursue
24 disciplinary matters.

25 “(2) Defraying the expenses of—

1 “(A) judicial conferences convened pursu-
2 ant to section 7286 of this title; and

3 “(B) other activities and programs of the
4 Court that are intended to support and foster
5 communication and relationships between the
6 Court and persons practicing before the Court
7 or the study, understanding, public commemo-
8 ration, or improvement of veterans law or of the
9 work of the Court.”.

10 (c) CLERICAL AMENDMENTS.—(1) The heading for
11 such section is amended to read as follows:

12 **“§ 7285. Practice and registration fees”.**

13 (2) The item relating to such section in the table of
14 sections at the beginning of chapter 72 is amended to read
15 as follows:

“7285. Practice and registration fees.”.

16 **SEC. 605. ADMINISTRATIVE AUTHORITIES.**

17 (a) IN GENERAL.—Subchapter III of chapter 72 is
18 amended by inserting after section 7286 the following new
19 section:

20 **“§ 7287. Administration**

21 “Notwithstanding any other provision of law, the
22 Court of Appeals for Veterans Claims may exercise, for
23 purposes of management, administration, and expenditure
24 of funds of the Court, the authorities provided for such
25 purposes by any provision of law (including any limitation

1 with respect to such provision of law) applicable to a court
2 of the United States (as that term is defined in section
3 451 of title 28), except to the extent that such provision
4 of law is inconsistent with a provision of this chapter.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item related to section 7286 the following new
8 item:

“7287. Administration.”.

○