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107TH CONGRESS
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S. 1088

[Report No. 107–86]

To amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2001

Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 15, 2001

Reported by Mr. ROCKEFELLER, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, 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,*

1 **SECTION 1. ACCELERATED PAYMENTS OF EDUCATIONAL**
 2 **ASSISTANCE UNDER MONTGOMERY GI BILL**
 3 **FOR EDUCATION LEADING TO EMPLOYMENT**
 4 **IN HIGH TECHNOLOGY INDUSTRY.**

5 (a) IN GENERAL.—(1) Chapter 30 of title 38, United
 6 States Code, is amended by inserting after section 3014
 7 the following new section:

8 **“§ 3014A. Accelerated payment of basic educational**
 9 **assistance for education leading to em-**
 10 **ployment in high technology industry**

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

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

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

22 “(2) charged tuition and fees for the program
 23 of education that, when divided by the number of
 24 months (and fractions thereof) in the enrollment pe-
 25 riod, exceeds the amount equal to 200 percent of the
 26 monthly rate of basic educational assistance allow-

1 ance otherwise payable to the individual under sec-
2 tion 3015 of this title.

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

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

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

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

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

23 ~~“(B)~~ In the case of an individual enrolled in a
24 program of education not offered on a term, quarter,

1 or semester basis, the tuition and fees charged the
2 individual for the entire program of education.

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

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

17 ~~“(e)(1) Except as provided in paragraph (2), for each~~
18 ~~accelerated payment of basic educational assistance made~~
19 ~~to an individual under this section, the individual’s entitle-~~
20 ~~ment to basic educational assistance under this chapter~~
21 ~~shall be charged the number of months (and any fraction~~
22 ~~thereof) determined by dividing the amount of the acceler-~~
23 ~~ated payment by the full-time monthly rate of basic edu-~~
24 ~~cational assistance allowance otherwise payable to the in-~~
25 ~~dividual under section 3015 of this title as of the begin-~~

1 ning date of the enrollment period for the program of edu-
 2 cation for which the accelerated payment is made.

3 ~~“(2) If the monthly rate of basic educational assist-~~
 4 ~~ance allowance otherwise payable to an individual under~~
 5 ~~section 3015 of this title increases during the enrollment~~
 6 ~~period of a program of education for which an accelerated~~
 7 ~~payment of basic educational assistance is made under~~
 8 ~~this section, the individual’s entitlement to basic edu-~~
 9 ~~cational assistance under this chapter shall be charged the~~
 10 ~~number of months (and any fraction thereof) determined~~
 11 ~~by computing the portion of the accelerated payment at-~~
 12 ~~tributable to each monthly rate that would have payable~~
 13 ~~for the enrollment, dividing each such portion by the appli-~~
 14 ~~cable monthly rate, and adding the results together.~~

15 ~~“(f) The Secretary may, pursuant to such regulations~~
 16 ~~as the Secretary shall prescribe, recover overpayments of~~
 17 ~~basic educational assistance under this chapter resulting~~
 18 ~~from accelerated payments of basic educational assistance~~
 19 ~~under this section.~~

20 ~~“(g) The Secretary shall prescribe regulations to~~
 21 ~~carry out this section. The regulations shall include re-~~
 22 ~~quirements, conditions, and methods for electing and~~
 23 ~~using accelerated payments of basic educational assistance~~
 24 ~~under this section and for the recovery of overpayments~~
 25 ~~of basic educational assistance under this chapter result-~~

1 ing from accelerated payments of basic educational assist-
 2 ance under this section.”.

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

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

6 (b) RESTATEMENT AND EXPANSION OF CERTAIN AD-
 7 MINISTRATIVE AUTHORITIES.—Subsection (g) of section
 8 3680 of title 38, United States Code, is amended to read
 9 as follows:

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

14 “(A) Enrollment in a course or a program of
 15 education or training:

16 “(B) Pursuit of a course or program of edu-
 17 cation or training:

18 “(C) Attendance at a course or program of edu-
 19 cation and training:

20 “(2) The Secretary may withhold payment of benefits
 21 to an eligible veteran or eligible person until the Secretary
 22 receives such proof as the Secretary may require of enroll-
 23 ment in and satisfactory pursuit of a program of education
 24 by the eligible veteran or eligible person. The Secretary

1 shall adjust the payment withheld, when necessary, on the
2 basis of the proof the Secretary receives.

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

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

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect eight months after the date
18 of the enactment of this Act, and shall apply with respect
19 to enrollments in courses or programs of education or
20 training beginning on or after that date.

21 **SEC. 2. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY EN-**
22 **TITIES IN DEFINITION OF EDUCATIONAL IN-**
23 **STITUTION.**

24 (a) IN GENERAL.—Sections 3452(c) and 3501(a)(6)
25 of title 38, United States Code, are each amended by add-

ing at the end the following new sentence: “Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—*This Act may be cited as the “Veterans’ Benefits Improvement Act of 2001”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION MATTERS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.

Sec. 102. Authority for accelerated payments of basic educational assistance under Montgomery GI Bill.

Sec. 103. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.

Sec. 104. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.

Sec. 105. Inclusion of certain private technology entities in definition of educational institution.

TITLE II—COMPENSATION AND PENSION MATTERS

- Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam era veterans.*
- Sec. 202. Compensation for disabilities of Persian Gulf War veterans.*
- Sec. 203. Exclusion of certain additional income from determinations of annual income for pension purposes.*
- Sec. 204. Time limitation on receipt of claim information pursuant to request by Department of Veterans Affairs.*
- Sec. 205. Effective date of change in recurring income for pension purposes.*
- Sec. 206. Prohibition on provision of certain benefits with respect to veterans who are fugitive felons.*
- Sec. 207. Limitation on payment of compensation for veterans remaining incarcerated for felonies committed before October 7, 1980.*
- Sec. 208. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.*
- Sec. 209. Extension of certain expiring authorities.*

TITLE III—HOUSING MATTERS

- Sec. 301. Increase in home loan guaranty amount for construction and purchase of homes.*
- Sec. 302. Four-year extension of Native American Veterans Housing Loan Program.*
- Sec. 303. Extension of other expiring authorities.*

TITLE IV—BURIAL MATTERS

- Sec. 401. Increase in burial and funeral expense benefit for veterans who die of service-connected disabilities.*
- Sec. 402. Authority to provide bronze grave markers for privately marked graves.*

TITLE V—OTHER BENEFITS MATTERS

- Sec. 501. Repeal of fiscal year limitation on number of veterans in programs of independent living services and assistance.*

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 601. Temporary expansion of United States Court of Appeals for Veterans Claims to facilitate staggered terms of judges.*
- Sec. 602. Repeal of requirement for written notice regarding acceptance of re-appointment as condition to retirement from United States Court of Appeals for Veterans Claims.*
- Sec. 603. Termination of notice of disagreement as jurisdictional requirement for United States Court of Appeals for Veterans Claims.*
- 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 of*
- 4** *an amendment to, or repeal of, a section or other provision,*

1 *the reference shall be considered to be made to a section or*
 2 *other provision of title 38, United States Code.*

3 ***TITLE I—EDUCATION MATTERS***

4 ***SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL AS-*** 5 ***SISTANCE UNDER MONTGOMERY GI BILL.***

6 *(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Sec-*
 7 *tion 3015 is amended—*

8 *(1) in subsection (a)(1), by striking “\$650 (as*
 9 *increased from time to time under subsection (h))”*
 10 *and inserting “\$700, for months beginning after Sep-*
 11 *tember 30, 2001, but before September 30, 2002, \$800*
 12 *for months beginning after September 30, 2002, but*
 13 *before September 30, 2003, and \$950 for months be-*
 14 *ginning after September 30, 2003, but before Sep-*
 15 *tember 30, 2004, and as increased from time to time*
 16 *under subsection (h) after September 30, 2004,”; and*

17 *(2) in subsection (b)(1), by striking “\$528 (as*
 18 *increased from time to time under subsection (h))”*
 19 *and inserting “\$569, for months beginning after Sep-*
 20 *tember 30, 2001, but before September 30, 2002, \$650*
 21 *for months beginning after September 30, 2002, but*
 22 *before September 30, 2003, and \$772 for months be-*
 23 *ginning after September 30, 2003, but before Sep-*
 24 *tember 30, 2004, and as increased from time to time*
 25 *under subsection (h) after September 30, 2004,”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 2 *section (a) shall take effect on October 1, 2001, and shall*
 3 *apply with respect to educational assistance allowances*
 4 *paid under chapter 30 of title 38, United States Code, for*
 5 *months after September 2001. However, no adjustment shall*
 6 *be made under section 3015(h) of title 38, United States*
 7 *Code, for fiscal years 2002, 2003, or 2004.*

8 **SEC. 102. AUTHORITY FOR ACCELERATED PAYMENTS OF**
 9 **BASIC EDUCATIONAL ASSISTANCE UNDER**
 10 **MONTGOMERY GI BILL.**

11 (a) *IN GENERAL.*—*Section 3014 is amended by adding*
 12 *at the end the following new subsection:*

13 “(c)(1)(A) *Notwithstanding any other provision of this*
 14 *chapter and subject to subparagraph (B), an individual en-*
 15 *titled to basic educational assistance under this subchapter*
 16 *may elect to receive an accelerated payment of the basic*
 17 *educational assistance allowance.*

18 “(B) *The Secretary may not make an accelerated pay-*
 19 *ment under this subsection for a course to an individual*
 20 *who has received an advance payment under section 3014A*
 21 *or 3680(d) of this title for the same enrollment period.*

22 “(2)(A) *Pursuant to an election under paragraph (1),*
 23 *the Secretary shall make an accelerated payment to an in-*
 24 *dividual for a course in a lump-sum amount equal to the*
 25 *lesser of—*

1 “(i) the amount of the educational assistance al-
 2 lowance for the month, or fraction thereof, in which
 3 the course begins plus the educational assistance al-
 4 lowance for each of the succeeding four months; or

5 “(ii)(I) in the case of a course offered on a quar-
 6 ter, semester, or term basis, the amount of aggregate
 7 monthly educational assistance allowance otherwise
 8 payable under this subchapter for the course for the
 9 entire quarter, semester, or term; or

10 “(II) in the case of a course that is not offered
 11 on a quarter, semester, or term basis, the amount of
 12 aggregate monthly educational assistance allowance
 13 otherwise payable under this subchapter for the entire
 14 course.

15 “(B) In the case of an adjustment under section
 16 3015(h) of this title in the monthly rate of basic educational
 17 assistance that occurs during a period for which an acceler-
 18 ated payment is made under this subsection, the Secretary
 19 shall pay—

20 “(i) on an accelerated basis the amount of the al-
 21 lowance otherwise payable under this subchapter for
 22 the period without regard to the adjustment under
 23 that section; and

1 “(ii) on the date of the adjustment any addi-
2 tional amount of the allowance that is payable for the
3 period as a result of the adjustment.

4 “(3) For each accelerated payment made to an indi-
5 vidual under this subsection, the individual’s entitlement
6 under this subchapter shall be charged at the same rate at
7 which the entitlement would be charged if the individual
8 had received a monthly educational assistance allowance for
9 the period of educational pursuit covered by the accelerated
10 payment.

11 “(4) The Secretary shall prescribe regulations to carry
12 out this subsection. The regulations shall include the re-
13 quirements, conditions, and methods for the request,
14 issuance, delivery, certification of receipt and use, and re-
15 covery of overpayment of an accelerated payment under this
16 subsection.”.

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-
18 section (a) shall take effect on the date that is six months
19 after the date of the enactment of this Act, and shall apply
20 with respect to courses of education beginning on or after
21 that date.

1 **SEC. 103. ACCELERATED PAYMENTS OF EDUCATIONAL AS-**
 2 **SISTANCE UNDER MONTGOMERY GI BILL FOR**
 3 **EDUCATION LEADING TO EMPLOYMENT IN**
 4 **HIGH TECHNOLOGY INDUSTRY.**

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

7 **“§ 3014A. Accelerated payment of basic educational**
 8 **assistance for education leading to em-**
 9 **ployment in high technology industry**

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

15 “(b) *An individual described in this subsection is an*
 16 *individual who is—*

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

21 “(2) *charged tuition and fees for the program of*
 22 *education that, when divided by the number of*
 23 *months (and fractions thereof) in the enrollment pe-*
 24 *riod, exceeds the amount equal to 200 percent of the*
 25 *monthly rate of basic educational assistance allow-*

1 *ance otherwise payable to the individual under sec-*
2 *tion 3015 of this title.*

3 *“(c)(1) The amount of the accelerated payment of basic*
4 *educational assistance made to an individual making an*
5 *election under subsection (a) for a program of education*
6 *shall be the lesser of—*

7 *“(A) the amount equal to 60 percent of the estab-*
8 *lished charges for the program of education; or*

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

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

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

23 *“(B) In the case of an individual enrolled in a*
24 *program of education not offered on a term, quarter,*

1 *or semester basis, the tuition and fees charged the in-*
 2 *dividual for the entire program of education.*

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

9 *“(d) An accelerated payment of basic educational as-*
 10 *sistance made to an individual under this section for a pro-*
 11 *gram of education shall be made not later than the last day*
 12 *of the month immediately following the month in which the*
 13 *Secretary receives a certification from the educational insti-*
 14 *tution regarding—*

15 *“(1) the individual’s enrollment in and pursuit*
 16 *of the program of education; and*

17 *“(2) the amount of the established charges for the*
 18 *program of education.*

19 *“(e)(1) Except as provided in paragraph (2), for each*
 20 *accelerated payment of basic educational assistance made*
 21 *to an individual under this section, the individual’s entitle-*
 22 *ment to basic educational assistance under this chapter*
 23 *shall be charged the number of months (and any fraction*
 24 *thereof) determined by dividing the amount of the acceler-*
 25 *ated payment by the full-time monthly rate of basic edu-*

1 *cational assistance allowance otherwise payable to the indi-*
 2 *vidual under section 3015 of this title as of the beginning*
 3 *date of the enrollment period for the program of education*
 4 *for which the accelerated payment is made.*

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

16 “(f) *The Secretary may not make an accelerated pay-*
 17 *ment under this section for a program of education to an*
 18 *individual who has received an advance payment under sec-*
 19 *tion 3014(c) or 3680(d) of this title for the same enrollment*
 20 *period.*

21 “(g) *The Secretary shall prescribe regulations to carry*
 22 *out this section. The regulations shall include requirements,*
 23 *conditions, and methods for the request, issuance, delivery,*
 24 *certification of receipt and use, and recovery of overpay-*
 25 *ment of an accelerated payment under this section.”.*

1 (2) *The table of sections at the beginning of that chap-*
 2 *ter is amended by inserting after the item relating to section*
 3 *3014 the following new item:*

*“3014A. Accelerated payment of basic educational assistance for education leading
 to employment in high technology industry.”.*

4 (b) *RESTATEMENT AND ENHANCEMENT OF CERTAIN*
 5 *ADMINISTRATIVE AUTHORITIES.*—*Subsection (g) of section*
 6 *3680 is amended to read as follows:*

7 “(g)(1) *The Secretary may, pursuant to regulations*
 8 *which the Secretary shall prescribe, determine and define*
 9 *with respect to an eligible veteran and eligible person the*
 10 *following:*

11 “(A) *Enrollment in a course or a program of*
 12 *education or training.*

13 “(B) *Pursuit of a course or program of edu-*
 14 *cation or training.*

15 “(C) *Attendance at a course or program of edu-*
 16 *cation and training.*

17 “(2) *The Secretary may withhold payment of benefits*
 18 *to an eligible veteran or eligible person until the Secretary*
 19 *receives such proof as the Secretary may require of enroll-*
 20 *ment in and satisfactory pursuit of a program of education*
 21 *by the eligible veteran or eligible person. The Secretary shall*
 22 *adjust the payment withheld, when necessary, on the basis*
 23 *of the proof the Secretary receives.*

1 “(3) *In the case of an individual other than an indi-*
 2 *vidual described in paragraph (4), the Secretary may ac-*
 3 *cept the individual’s monthly certification of enrollment in*
 4 *and satisfactory pursuit of a program of education as suffi-*
 5 *cient proof of the certified matters.*

6 “(4) *In the case of an individual who has received an*
 7 *accelerated payment of basic educational assistance under*
 8 *section 3014A of this title during an enrollment period for*
 9 *a program of education, the Secretary may accept the indi-*
 10 *vidual’s certification of enrollment in and satisfactory pur-*
 11 *suit of the program of education as sufficient proof of the*
 12 *certified matters if the certification is submitted after the*
 13 *enrollment period has ended.”.*

14 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 15 *section shall take effect eight months after the date of the*
 16 *enactment of this Act, and shall apply with respect to en-*
 17 *rollments in courses or programs of education or training*
 18 *beginning on or after that date.*

19 **SEC. 104. ELIGIBILITY FOR MONTGOMERY GI BILL BENE-**
 20 **FITS OF CERTAIN ADDITIONAL VIETNAM ERA**
 21 **VETERANS.**

22 (a) *ACTIVE DUTY PROGRAM.*—*Section 3011(a)(1) is*
 23 *amended—*

24 (1) *by striking “or” at the end of subparagraph*
 25 (A);

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

3 (3) *by adding at the end the following new sub-*
4 *paragraph:*

5 “(C) *as of December 31, 1989, is eligible for*
6 *educational assistance benefits under chapter 34*
7 *of this title and—*

8 “(i) *was not on active duty on October*
9 *19, 1984;*

10 “(ii) *reenlists or reenters on a period*
11 *of active duty after the date specified in*
12 *clause (i); and*

13 “(iii) *after July 1, 1985, either—*

14 “(I) *serves at least three years of*
15 *continuous active duty in the Armed*
16 *Forces; or*

17 “(II) *is discharged or released*
18 *from active duty (aa) for a service-con-*
19 *ected disability, for a medical condi-*
20 *tion which preexisted such service on*
21 *active duty and which the Secretary*
22 *determines is not service connected, for*
23 *hardship, or for a physical or mental*
24 *condition that was not characterized as*
25 *a disability, as described in subpara-*

1 *graph (A)(ii)(I) of this paragraph, (bb)*
 2 *for the convenience of the Government,*
 3 *if the individual completed not less*
 4 *than 30 months of continuous active*
 5 *duty after that date, or (cc) involun-*
 6 *tarily for the convenience of the Gov-*
 7 *ernment as a result of a reduction in*
 8 *force, as determined by the Secretary of*
 9 *the military department concerned in*
 10 *accordance with regulations prescribed*
 11 *by the Secretary of Defense or by the*
 12 *Secretary of Transportation with re-*
 13 *spect to the Coast Guard when it is not*
 14 *operating as a service in the Navy;”.*

15 (b) *SELECTED RESERVE PROGRAM.—Section*
 16 *3012(a)(1) is amended—*

17 (1) *by striking “or” at the end of subparagraph*
 18 *(A);*

19 (2) *by adding “or” at the end of subparagraph*
 20 *(B); and*

21 (3) *by adding at the end the following new sub-*
 22 *paragraph:*

23 *“(C) as of December 31, 1989, is eligible for*
 24 *educational assistance under chapter 34 of this*
 25 *title and—*

1 “(i) *was not on active duty on October*
2 *19, 1984;*

3 “(ii) *reenlists or reenters on a period*
4 *of active duty after the date specified in*
5 *clause (i); and*

6 “(iii) *after July 1, 1985—*

7 “(I) *serves at least two years of*
8 *continuous active duty in the Armed*
9 *Forces, subject to subsection (b) of this*
10 *section, characterized by the Secretary*
11 *concerned as honorable service; and*

12 “(II) *subject to subsection (b) of*
13 *this section and beginning within one*
14 *year after completion of such two years*
15 *of service, serves at least four contin-*
16 *uous years in the Selected Reserve dur-*
17 *ing which the individual participates*
18 *satisfactorily in training as prescribed*
19 *by the Secretary concerned;”.*

20 (c) *TIME FOR USE OF ENTITLEMENT.—Section 3031*
21 *is amended—*

22 (1) *in subsection (a)—*

23 (A) *by striking “and” at the end of para-*
24 *graph (1);*

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

3 (C) by adding at the end the following new
4 paragraph:

5 “(3) in the case of an individual who becomes
6 entitled to such assistance under section
7 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the
8 date of the enactment of this paragraph.”; and

9 (2) in subsection (e)(1), by striking “section
10 3011(a)(1)(B) or 3012(a)(1)(B)” and inserting “sec-
11 tion 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or
12 3012(a)(1)(C)”.

13 **SEC. 105. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY**
14 **ENTITIES IN DEFINITION OF EDUCATIONAL**
15 **INSTITUTION.**

16 (a) *IN GENERAL.*—Sections 3452(c) and 3501(a)(6)
17 are each amended by adding at the end the following new
18 sentence: “Such term also includes any private entity (that
19 meets such requirements as the Secretary may establish)
20 that offers, either directly or under an agreement with an-
21 other entity (that meets such requirements), a course or
22 courses to fulfill requirements for the attainment of a license
23 or certificate generally recognized as necessary to obtain,
24 maintain, or advance in employment in a profession or vo-

1 cation in a high technology occupation (as determined by
2 the Secretary).”.

3 (b) *EFFECTIVE DATE.*—The amendments made by sub-
4 section (a) shall apply to enrollments in courses occurring
5 on or after the date of the enactment of this Act.

6 **TITLE II—COMPENSATION AND** 7 **PENSION MATTERS**

8 **SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES** 9 **ON PRESUMPTION OF SERVICE-CONNECTION** 10 **FOR HERBICIDE-RELATED DISABILITIES OF** 11 **VIETNAM ERA VETERANS.**

12 (a) *PRESUMPTION OF EXPOSURE TO HERBICIDE*
13 *AGENTS IN VIETNAM DURING VIETNAM ERA.*—(1) Section
14 1116 is amended—

15 (A) by transferring paragraph (3) of subsection
16 (a) to the end of the section and redesignating such
17 paragraph, as so transferred, as subsection (f);

18 (B) in subsection (a), by redesignating para-
19 graph (4) as paragraph (3); and

20 (C) in subsection (f), as transferred and redesign-
21 ated by subparagraph (B) of this paragraph—

22 (i) by striking “For the purposes of this
23 subsection, a veteran” and inserting “For pur-
24 poses of establishing service connection for a dis-
25 ability or death resulting from exposure to a her-

1 bicide agent, including a presumption of service-
2 connection under this section, a veteran”; and

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

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

7 **“§1116. Presumptions of service connection for dis-**
8 **eases associated with exposure to certain**
9 **herbicide agents; presumption of expo-**
10 **sure”.**

11 (B) The table of section at the beginning of chapter
12 11 is amended by striking the item relating to section 1116
13 and inserting the following new item:

 “1116. Presumptions of service connection for diseases associated with exposure to
 certain herbicide agents; presumption of exposure.”.

14 (b) *EXTENSION OF AUTHORITY TO PRESUME SERV-*
15 *ICE-CONNECTION FOR ADDITIONAL DISEASES.*—(1) Sub-
16 section (e) of section 1116 is amended by striking “10
17 years” and inserting “20 years”.

18 (2) Section 3(i) of the Agent Orange Act of 1991 (38
19 U.S.C. 1116 note) is amended by striking “10 years” and
20 inserting “20 years”.

21 **SEC. 202. COMPENSATION FOR DISABILITIES OF PERSIAN**
22 **GULF WAR VETERANS.**

23 (a) *PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILL-*
24 *NESSES.*—Section 1117 is amended—

1 (1) in subsection (a)(2), by striking “within the
2 presumptive period prescribed under subsection (b)”
3 and inserting “before December 31, 2011, or such
4 later date as the Secretary may prescribe by regula-
5 tion”;

6 (2) by striking subsection (b); and

7 (3) by redesignating subsections (c), (d), (e), and
8 (f) as subsections (b), (c), (d), and (e), respectively.

9 (b) *ILLNESSES THAT CANNOT BE CLEARLY DE-*
10 *FINED.*—Subsection (a) of that section is further amended
11 by inserting “or any poorly defined chronic multisymptom
12 illness of unknown etiology, regardless of diagnosis, charac-
13 terized by two or more of the signs or symptoms listed in
14 subsection (f)” after “illnesses”.

15 (c) *SIGNS OR SYMPTOMS THAT MAY INDICATE*
16 *UNDIAGNOSED ILLNESSES.*—That section is further amend-
17 ed by adding at the end the following new subsection:

18 “(f) For purposes of this section, signs or symptoms
19 that may be a manifestation of an undiagnosed illness in-
20 clude the following:

21 “(1) Fatigue.

22 “(2) Unexplained rashes or other dermatological
23 signs or symptoms.

24 “(3) Headache.

25 “(4) Muscle pain.

1 “(5) *Joint pain.*

2 “(6) *Neurologic signs or symptoms.*

3 “(7) *Neuropsychological signs or symptoms.*

4 “(8) *Signs or symptoms involving the res-*
5 *piratory system (upper or lower).*

6 “(9) *Sleep disturbances.*

7 “(10) *Gastrointestinal signs or symptoms.*

8 “(11) *Cardiovascular signs or symptoms.*

9 “(12) *Abnormal weight loss.*

10 “(13) *Menstrual disorders.”.*

11 (d) *PRESUMPTION OF SERVICE CONNECTION PRO-*
12 *GRAM.—Section 1118(a) is amended by adding at the end*
13 *the following new paragraph:*

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

18 (e) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on April 1, 2002.*

20 **SEC. 203. EXCLUSION OF CERTAIN ADDITIONAL INCOME**
21 **FROM DETERMINATIONS OF ANNUAL INCOME**
22 **FOR PENSION PURPOSES.**

23 (a) *LIFE INSURANCE PROCEEDS.—Subsection (a) of*
24 *section 1503 is amended—*

1 (1) in paragraph (9), by striking “and” at the
2 end;

3 (2) in paragraph (10), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following new para-
6 graph (11):

7 “(11) proceeds (in an amount equal to or less
8 than the amount prescribed by the Secretary for pur-
9 poses of this paragraph, subject to subsection (c)) of
10 any life insurance policy of a veteran; and”.

11 (b) *OTHER NON-RECURRING INCOME*.—That sub-
12 section is further amended by inserting after paragraph
13 (11), as added by subsection (a)(3) of this section, the fol-
14 lowing new paragraph (12):

15 “(12) any other non-recurring income (in an
16 amount equal to or less than the amount prescribed
17 by the Secretary for purposes of this paragraph, sub-
18 ject to subsection (c)) from any source.”.

19 (c) *EXCLUDABLE AMOUNTS OF LIFE INSURANCE PRO-*
20 *CEEDS AND OTHER NON-RECURRING INCOME*.—That sec-
21 tion is further amended by adding at the end the following
22 new subsection:

23 “(c) In prescribing amounts for purposes of paragraph
24 (11) or (12) of subsection (a), the Secretary shall take into
25 consideration the amount of income from insurance pro-

ceeds or other non-recurring income, as the case may be,
that is reasonable for individuals eligible for pension to con-
sume for their maintenance.”.

(d) *EFFECTIVE DATE.*—The amendments made by this
section shall take effect on January 1, 2002, and shall apply
with respect to determinations of annual income under sec-
tion 1503 of title 38, United States Code, as so amended,
on or after that date.

SEC. 204. TIME LIMITATION ON RECEIPT OF CLAIM INFOR-
MATION PURSUANT TO REQUEST BY DEPART-
MENT OF VETERANS AFFAIRS.

(a) *IN GENERAL.*—Section 5102 is amended by adding
at the end the following new subsection:

“(c) *TIME LIMITATION.*—(1) If information that a
claimant and the claimant’s representative, if any, are no-
tified under subsection (b) is necessary to complete an ap-
plication is not received by the Secretary within one year
from the date of such notification, no benefit may be paid
or furnished by reason of the claimant’s application.

“(2) This subsection shall not apply to any application
or claim for Government life insurance benefits.”.

(b) *REPEAL OF SUPERSEDED PROVISIONS.*—Section
5103 is amended—

(1) by striking “(a) *REQUIRED INFORMATION*
AND EVIDENCE.—”; and

1 (2) *by striking subsection (b).*

2 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 3 *section shall take effect as if enacted on November 9, 2000,*
 4 *immediately after the enactment of the Veterans Claims As-*
 5 *sistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).*

6 **SEC. 205. EFFECTIVE DATE OF CHANGE IN RECURRING IN-**
 7 **COME FOR PENSION PURPOSES.**

8 *Section 5112(b)(4) is amended by striking subpara-*
 9 *graph (A) and inserting the following new subparagraph*
 10 *(A):*

11 “(A) *change in recurring income will be the*
 12 *last day of the calendar year in which the*
 13 *change occurred (with the pension rate for the*
 14 *following calendar year based on all anticipated*
 15 *countable income); and”.*

16 **SEC. 206. PROHIBITION ON PROVISION OF CERTAIN BENE-**
 17 **FITS WITH RESPECT TO VETERANS WHO ARE**
 18 **FUGITIVE FELONS.**

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

21 **“§5313B. Prohibition on providing certain benefits**
 22 ***with respect to veterans who are fugitive***
 23 ***felons***

24 “(a) *A veteran described in subsection (b), or depend-*
 25 *ent of the veteran, who is otherwise eligible for a benefit*

1 *described in subsection (c) may not be paid or otherwise*
 2 *provided such benefit during any period in which the vet-*
 3 *eran is a fugitive as described in subsection (b).*

4 “(b)(1) *A veteran described in this subsection is a vet-*
 5 *eran who is a fugitive by reason of—*

6 “(A) *fleeing to avoid prosecution, or custody or*
 7 *confinement after conviction, for an offense, or an at-*
 8 *tempt to commit an offense, which is a felony under*
 9 *the laws of the place from which the veteran flees; or*

10 “(B) *violating a condition of probation or parole*
 11 *imposed under Federal or State law.*

12 “(2) *For purposes of this subsection, the term ‘felony’*
 13 *includes a high misdemeanor under the laws of a State*
 14 *which characterizes as high misdemeanors offenses that*
 15 *would be felony offenses under Federal law.*

16 “(c) *A benefit described in this subsection is any ben-*
 17 *efit under 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) *Chapters 30, 31, 32, 34, and 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 maintained*
 4 *by the Secretary of a veteran who is eligible for a benefit*
 5 *described in subsection (c) if such official—*

6 “(A) *provides the Secretary such information as*
 7 *the Secretary may require to fully identify the vet-*
 8 *eran;*

9 “(B) *identifies the veteran as being a fugitive de-*
 10 *scribed in subsection (b); and*

11 “(C) *certifies to the Secretary that the location*
 12 *and apprehension of the veteran is within the official*
 13 *duties of 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 enforce-*
 17 *ment agencies, for purposes of furnishing information to*
 18 *such agencies under paragraph (1).”.*

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

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

22 (b) *SENSE OF CONGRESS ON ENTRY INTO MEMORANDA*
 23 *OF UNDERSTANDING AND AGREEMENTS.—It is the sense of*
 24 *Congress that the memoranda of understanding and agree-*

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

5 **SEC. 207. LIMITATION ON PAYMENT OF COMPENSATION**
 6 **FOR VETERANS REMAINING INCARCERATED**
 7 **FOR FELONIES COMMITTED BEFORE OCTO-**
 8 **BER 7, 1980.**

9 *(a) LIMITATION.—Notwithstanding any other provi-*
 10 *sion of law, the payment of compensation to or with respect*
 11 *to a veteran described in subsection (b) shall, for the re-*
 12 *mainder of the period of incarceration of the veteran de-*
 13 *scribed in that subsection, be subject to the provisions of*
 14 *section 5313 of title 38, United States Code, other than sub-*
 15 *section (d) of that section.*

16 *(b) COVERED VETERANS.—A veteran described in this*
 17 *subsection is any veteran entitled to compensation who—*

18 *(1) was incarcerated on October 7, 1980, for a*
 19 *felony committed before that date; and*

20 *(2) remains incarcerated for conviction of that*
 21 *felony after the date of the enactment of this Act.*

22 *(c) EFFECTIVE DATE.—This section shall take effect*
 23 *90 days after the date of the enactment of this Act, and*
 24 *shall apply with respect to the payment of compensation*
 25 *for months beginning on or after that date.*

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

5 **SEC. 208. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
 6 **FITS TO INCOMPETENT INSTITUTIONALIZED**
 7 **VETERANS.**

8 (a) *REPEAL.*—Section 5503 is amended—
 9 (1) by striking subsections (b) and (c); and
 10 (2) by redesignating subsections (d), (e), and (f)
 11 as subsections (b), (c), and (d), respectively.
 12 (b) *CONFORMING AMENDMENTS.*—(1) Section 1114(r)
 13 is amended by striking “section 5503(e)” and inserting
 14 “section 5503(c)”.

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

16 **SEC. 209. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.**

17 (a) *INCOME VERIFICATION AUTHORITY.*—Section
 18 5317(g) is amended by striking “September 30, 2008” and
 19 inserting “September 30, 2011”.

20 (b) *LIMITATION ON PENSION FOR CERTAIN RECIPI-*
 21 *ENTS OF MEDICAID-COVERED NURSING HOME CARE.*—
 22 Paragraph (7) of subsection (d) of section 5503, as redesign-
 23 ated by section 208(a)(2) of this Act, is amended by strik-
 24 ing “September 30, 2008” and inserting “September 30,
 25 2011”.

1 ***TITLE III—HOUSING MATTERS***

2 ***SEC. 301. INCREASE IN HOME LOAN GUARANTY AMOUNT***
 3 ***FOR CONSTRUCTION AND PURCHASE OF***
 4 ***HOMES.***

5 *Section 3703(a)(1) is amended by striking “\$50,750”*
 6 *each place it appears in subparagraphs (A)(i)(IV) and (B)*
 7 *and inserting “\$63,175”.*

8 ***SEC. 302. FOUR-YEAR EXTENSION OF NATIVE AMERICAN***
 9 ***VETERANS HOUSING LOAN PROGRAM.***

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

13 *(b) ANNUAL REPORTS.—Section 3762(j) is amended*
 14 *by striking “2002” and inserting “2006”.*

15 ***SEC. 303. EXTENSION OF OTHER EXPIRING AUTHORITIES.***

16 *(a) HOUSING LOANS FOR MEMBERS OF THE SE-*
 17 *LECTED RESERVE.—Section 3702(a)(2)(E) is amended by*
 18 *striking “September 30, 2007” and inserting “September*
 19 *30, 2011”.*

20 *(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Sec-*
 21 *tion 3720(h)(2) is amended by striking “December 31,*
 22 *2008” and inserting “December 31, 2011”.*

23 *(c) HOME LOAN FEE AUTHORITIES.—The table in sec-*
 24 *tion 3729(b)(2) is amended by striking “October 1, 2008”*
 25 *each place it appears and inserting “October 1, 2011”.*

1 (d) *PROCEDURES APPLICABLE TO LIQUIDATION SALES*
 2 *ON DEFAULTED HOME LOANS GUARANTEED BY THE DE-*
 3 *PARTMENT OF VETERANS AFFAIRS.*—Section 3732(c)(11) is
 4 amended by striking “October 1, 2008” and inserting “Oc-
 5 tober 1, 2011”.

6 ***TITLE IV—BURIAL MATTERS***

7 ***SEC. 401. INCREASE IN BURIAL AND FUNERAL EXPENSE*** 8 ***BENEFIT FOR VETERANS WHO DIE OF SERV-*** 9 ***ICE-CONNECTED DISABILITIES.***

10 (a) *BURIAL AND FUNERAL EXPENSES.*—Section
 11 2307(1) is amended by striking “\$1,500” and inserting
 12 “\$2,000”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 14 section (a) shall apply to deaths occurring on or after the
 15 date of the enactment of this Act.

16 ***SEC. 402. AUTHORITY TO PROVIDE BRONZE GRAVE MARK-*** 17 ***ERS FOR PRIVATELY MARKED GRAVES.***

18 (a) *AUTHORITY.*—Section 2306 is amended by adding
 19 at the end the following new subsection:

20 “(f) *In the case of the grave of an individual described*
 21 *in subsection (a) that has been marked by a privately-fur-*
 22 *nished headstone or marker, the Secretary may furnish,*
 23 *when requested, a bronze marker to commemorate the indi-*
 24 *vidual’s military service. The bronze marker may be placed*
 25 *at the gravesite or at another location designated by the*

1 cemetery concerned as a location for the commemoration of
 2 the individual's military service.”.

3 (b) *APPLICABILITY*.—Subsection (f) of section 2306 of
 4 title 38, United States Code, as added by subsection (a) of
 5 this section, shall apply with respect to deaths as follows:

6 (1) Any death occurring on or after the date of
 7 the enactment of this Act.

8 (2) Any death occurring before that date, but
 9 after on or after November 1, 1990, if request is made
 10 to the Secretary of Veterans Affairs with respect to
 11 such death under such subsection (f) not later than
 12 four years after the date of the enactment of this Act.

13 (c) *STYLISTIC AMENDMENT*.—Subsection (c) of section
 14 2306 is amended by striking “of this section”.

15 **TITLE V—OTHER BENEFITS** 16 **MATTERS**

17 **SEC. 501. REPEAL OF FISCAL YEAR LIMITATION ON NUMBER** 18 **OF VETERANS IN PROGRAMS OF INDE-** 19 **PENDENT LIVING SERVICES AND ASSIST-** 20 **ANCE.**

21 (a) *REPEAL OF LIMITATION*.—Section 3120(e) is
 22 amended by striking “Programs” and all that follows
 23 through “such programs” and inserting “First priority in
 24 the provision of programs of independent living services
 25 and assistance under this section”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 2 *section (a) shall take effect on September 30, 2001.*

3 ***TITLE VI—UNITED STATES***
 4 ***COURT OF APPEALS FOR VET-***
 5 ***ERANS CLAIMS***

6 ***SEC. 601. TEMPORARY EXPANSION OF UNITED STATES***
 7 ***COURT OF APPEALS FOR VETERANS CLAIMS***
 8 ***TO FACILITATE STAGGERED TERMS OF***
 9 ***JUDGES.***

10 (a) *IN GENERAL.*—(1) *Section 7253 is amended by*
 11 *adding at the end the following new subsection:*

12 “(h) *TEMPORARY EXPANSION OF COURT.*—(1) *Not-*
 13 *withstanding subsection (a) and subject to the provisions*
 14 *of this subsection, the authorized number of judges of the*
 15 *Court from the date of the enactment of this subsection until*
 16 *August 15, 2005, is nine judges.*

17 “(2) *Of the two additional judges authorized by this*
 18 *subsection—*

19 “(A) *only one judge may be appointed pursuant*
 20 *to a nomination made in 2001 or 2002;*

21 “(B) *only one judge may be appointed pursuant*
 22 *to a nomination made in 2003; and*

23 “(C) *if no judge is appointed pursuant to a*
 24 *nomination covered by subparagraph (A), a nomina-*
 25 *tion covered by subparagraph (B), or neither a nomi-*

1 *nation covered by subparagraph (A) nor a nomina-*
 2 *tion covered by subparagraph (B), the number of*
 3 *judges authorized by this subsection but not appointed*
 4 *as described in subparagraph (A), (B), or both, as the*
 5 *case may be, may be appointed pursuant to a nomi-*
 6 *nation or nominations made in 2004, but only if such*
 7 *nomination or nominations, as the case may be, are*
 8 *made before September 30, 2004.*

9 *“(3) The term of office and eligibility for retirement*
 10 *of a judge appointed under this subsection, other than a*
 11 *judge described in paragraph (4), shall be governed by the*
 12 *provisions of section 1012 of the Court of Appeals for Vet-*
 13 *erans Claims Amendments of 1999 (title X of Public Law*
 14 *106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge*
 15 *is one of the first two judges appointed to the Court after*
 16 *November 30, 1999.*

17 *“(4) A judge of the Court as of the date of the enact-*
 18 *ment of this subsection who was appointed before 1991 may*
 19 *accept appointment as a judge of the Court under this sub-*
 20 *section notwithstanding that the term of office of the judge*
 21 *on the Court has not yet expired under this section.”.*

22 *(2) No appointment may be made under section 7253*
 23 *of title 38, United States Code, as amended by paragraph*
 24 *(1), if the appointment would provide for a number of*
 25 *judges in excess of seven judges (other than judges serving*

1 *in recall status under section 7257 of title 38, United States*
 2 *Code) who were appointed to the United States Court of*
 3 *Appeals for Veterans Claims after January 1, 1997.*

4 *(b) STYLISTIC AMENDMENTS.—That section is further*
 5 *amended—*

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

8 *(2) in subsection (c), by inserting “TERM OF OF-*
 9 *FICE.—” before “The terms”;*

10 *(3) in subsection (f), by striking “(f)(1)” and in-*
 11 *serting “(f) REMOVAL.—(1)”;* and

12 *(4) in subsection (g), by inserting “RULES.—”*
 13 *before “The Court”.*

14 **SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE**
 15 **REGARDING ACCEPTANCE OF REAPPOINT-**
 16 **MENT AS CONDITION TO RETIREMENT FROM**
 17 **UNITED STATES COURT OF APPEALS FOR**
 18 **VETERANS CLAIMS.**

19 *Section 7296(b)(2) is amended by striking the second*
 20 *sentence.*

1 **SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS**
2 **JURISDICTIONAL REQUIREMENT FOR UNITED**
3 **STATES COURT OF APPEALS FOR VETERANS**
4 **CLAIMS.**

5 (a) *TERMINATION.*—Section 402 of the Veterans’ Judi-
6 cial Review Act (division A of Public Law 100–687; 102
7 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

8 (b) *ATTORNEY FEES.*—Section 403 of the Veterans’ Ju-
9 dicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note)
10 is repealed.

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

16 (d) *APPLICABILITY.*—The repeals made by subsections
17 (a) and (b) shall apply to—

18 (1) any appeal filed with the United States
19 Court of Appeals for Veterans Claims on or after the
20 date of the enactment of this Act; and

21 (2) any appeal pending before the Court on that
22 date, other than an appeal in which the Court has
23 made a final disposition under section 7267 of title
24 38, United States Code, even though such appeal is
25 not yet final under section 7291(a) of title 38, United
26 States Code.

1 **SEC. 604. REGISTRATION FEES.**

2 (a) *REGISTRATION FEES FOR PARTICIPATION IN*
 3 *OTHER COURT-SPONSORED ACTIVITIES.*—Subsection (a) of
 4 *section 7285 is amended to read as follows:*

5 “(a) *The Count of Appeals for Veterans Claims may*
 6 *impose registration fees as follows:*

7 “(1) *Periodic registration fees on persons admit-*
 8 *ted to practice before the Court, in such frequency and*
 9 *amount (not to exceed \$30 per year) as the Court*
 10 *may provide.*

11 “(2) *Registration fees on persons (other than*
 12 *judges of the Court) participating at judicial con-*
 13 *ferences convened pursuant to section 7286 of this*
 14 *title, and at other Court-sponsored activities.”.*

15 (b) *AVAILABILITY OF REGISTRATION FEES.*—Sub-
 16 *section (b) of that section is amended—*

17 (1) *in paragraph (1), by striking “employing*
 18 *independent counsel” and inserting “conducting in-*
 19 *vestigations and proceedings, including the employ-*
 20 *ment of independent counsel,”; and*

21 (2) *in paragraph (2), by striking “administra-*
 22 *tive costs for the implementation of the standards of*
 23 *proficiency prescribed for practice before the Court”*
 24 *and inserting “the expenses of judicial conferences*
 25 *convened pursuant to section 7286 of this title, and*
 26 *of other Court-sponsored activities covered by para-*

1 *graph (2) of that subsection, and the expenses of other*
 2 *activities and programs of the Court intended to sup-*
 3 *port and foster communications and relationships be-*
 4 *tween the Court and persons practicing before the*
 5 *Court, or the study, understanding, public commemo-*
 6 *ration, or improvement of veterans law or of the work*
 7 *of the Court”.*

8 (c) *CONFORMING AND CLERICAL AMENDMENTS.—(1)*
 9 *The section heading for section 7285 is amended to read*
 10 *as follows:*

11 **“§ 7285. Registration fees”.**

12 (2) *The table of sections at the beginning of chapter*
 13 *72 is amended by striking the item relating to section 7285*
 14 *and inserting the following new item:*

“7285. Registration fees.”.

15 **SEC. 605. ADMINISTRATIVE AUTHORITIES.**

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

19 **“§ 7287. Administration**

20 *“Notwithstanding any other provision of law, the*
 21 *Court of Appeals for Veterans Claims may exercise, for pur-*
 22 *poses of management, administration, and expenditure of*
 23 *funds of the Court, the authorities provided for such pur-*
 24 *poses by any provision of law (including any limitation*
 25 *with respect to such provision of law) applicable to a court*

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

4 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 5 *the beginning of chapter 72 is amended by inserting after*
 6 *the item related to section 7286 the following new item:*

“7287. Administration.”.

Amend the title so as to read: “A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.”.

Calendar No. 194

107TH CONGRESS
1ST SESSION

S. 1088

[Report No. 107-86]

A BILL

To amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

OCTOBER 15, 2001

Reported with an amendment and an amendment to the
title