

Union Calendar No. 334

108TH CONGRESS
2^D SESSION

H. R. 1716

[Report No. 108-572, Part I]

To amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 25, 2004

Additional sponsors: Mrs. JO ANN DAVIS of Virginia, Mr. LOBIONDO, Mr. GILLMOR, Mr. FOLEY, Mr. FILNER, Ms. MILLENDER-McDONALD, Mr. RENZI, Mr. BILIRAKIS, Mrs. DAVIS of California, Mr. BRADLEY of New Hampshire, Ms. HARRIS, Mr. UDALL of New Mexico, Ms. BORDALLO, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. STRICKLAND, Mr. GUTIERREZ, Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Ms. HERSETH, Mr. BAKER, Mr. CHANDLER, Ms. CORRINE BROWN of Florida, and Mr. SANDLIN

JUNE 25, 2004

Reported from the Committee on Veterans' Affairs with an amendment

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

JUNE 25, 2004

Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004

JUNE 25, 2004

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 4 **ERENCES TO TITLE 38, UNITED STATES CODE.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 6 *erans Earn and Learn Act of 2004”.*

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

Sec. 1. Short title; table of contents; references to title 38, United States Code.

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

TITLE I—EDUCATION MATTERS

Sec. 101. Findings.

Sec. 102. Modification of benefit entitlement charges for certain on-job training programs.

Sec. 103. Incentive payment for early completion of apprenticeship training.

Sec. 104. Increase in benefit for individuals pursuing apprenticeship or on-job training.

Sec. 105. Authority for competency-based apprenticeship programs.

Sec. 106. Pilot program to provide on-job benefits to train Department of Veterans Affairs’ claims adjudicators.

Sec. 107. Requirement for coordination of data among the Departments of Veterans Affairs, Defense, and Labor with respect to on-job training.

Sec. 108. Technical and conforming amendments.

TITLE II—BENEFITS AND EMPLOYMENT MATTERS

Sec. 201. Codification of administrative actions relating to presumptions of service connection for veterans exposed to ionizing radiation.

Sec. 202. *Offset of veterans' disability compensation and dependency and indemnity compensation from awards under radiation exposure compensation program.*

Sec. 203. *Exclusion of life insurance proceeds from consideration as income for veterans' pension purposes.*

Sec. 204. *Effective date of death pension.*

Sec. 205. *Certain service-connected disability benefits authorized for persons disabled by treatment or vocational rehabilitation provided by the Department of Veterans Affairs.*

Sec. 206. *Report of employment placement, retention, and advancement of recently separated servicemembers.*

TITLE III—HOUSING MATTERS

Sec. 301. *Increase in, and annual indexing of, maximum amount of home loan guaranty for construction and purchase of homes.*

Sec. 302. *Authority to provide specially adapted housing to certain disabled veterans.*

Sec. 303. *Transitional housing amendments.*

TITLE IV—MEMORIAL AFFAIRS MATTERS

Sec. 401. *Eligibility of certain persons for burial in Arlington National Cemetery.*

Sec. 402. *Designation of Prisoner of War/Missing in Action National Memorial, Riverside National Cemetery, Riverside, California.*

TITLE V—MISCELLANEOUS MATTERS

Sec. 501. *Technical amendments relating to the United States Court of Appeals for Veterans Claims.*

Sec. 502. *Cross-reference amendments relating to concurrent payment of retired pay and veterans' disability compensation.*

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

7 **TITLE I—EDUCATION MATTERS**

8 **SEC. 101. FINDINGS.**

9 *Congress makes the following findings:*

10 (1) *Educational assistance programs for veterans*
 11 *for apprenticeship and on-job training of the Depart-*

1 *ment of Veterans Affairs assist employers to hire and*
 2 *retain skilled workers.*

3 *(2) These programs establish a link between*
 4 *training afforded to servicemembers while serving in*
 5 *the Armed Forces and training available in civilian*
 6 *settings for purposes of occupational licensing and*
 7 *credentialing.*

8 *(3) These programs develop a more highly edu-*
 9 *cated and productive work force.*

10 **SEC. 102. MODIFICATION OF BENEFIT ENTITLEMENT**
 11 **CHARGES FOR CERTAIN ON-JOB TRAINING**
 12 **PROGRAMS.**

13 *(a) IN GENERAL.—Section 3687 is amended by adding*
 14 *at the end the following new subsection:*

15 *“(e)(1) For each month that an individual (as defined*
 16 *in paragraph (3)) is paid a training assistance allowance*
 17 *under subsection (a), the entitlement of the individual shall*
 18 *be charged at a percentage rate (rounded to the nearest per-*
 19 *cent) that is equal to the ratio of—*

20 *“(A) such training assistance allowance for the*
 21 *period of months involved, to*

22 *“(B) the applicable monthly educational assist-*
 23 *ance allowance payable to the individual for such pe-*
 24 *riod of months.*

1 “(2) *For any month in which an individual fails to*
2 *complete 120 hours of training, the entitlement otherwise*
3 *chargeable under paragraph (1) shall be reduced in the*
4 *same proportion as the monthly training assistance allow-*
5 *ance payable is reduced under subsection (b)(3).*

6 “(3) *In this section, the term ‘individual’ means—*

7 “(A) *an eligible veteran for purposes of chapter*
8 *34 of this title who is entitled, under chapter 30 or*
9 *34 of this title, as the case may be, to monthly edu-*
10 *cational assistance allowances payable under section*
11 *3015(e) of this title, or*

12 “(B) *an eligible person for purposes of chapter*
13 *35 of this title, who is entitled, under section 3510 of*
14 *this title, to monthly educational assistance allow-*
15 *ances payable under section 3532(a) of this title*
16 *as the case may be.”.*

17 (b) *EFFECTIVE DATE.—The amendment made by sub-*
18 *section (a) shall apply with respect to months beginning*
19 *on or after the date that is 1 year after the date of the enact-*
20 *ment of this Act.*

21 **SEC. 103. INCENTIVE PAYMENT FOR EARLY COMPLETION**
22 **OF APPRENTICESHIP TRAINING.**

23 (a) *MONTGOMERY GI BILL.—(1) Section 3032(c) is*
24 *amended by adding at the end the following new paragraph:*

1 “(4)(A) *In the case of an individual who successfully*
2 *completes a full-time program of apprenticeship before enti-*
3 *tlement to monthly educational assistance allowance pay-*
4 *able under this subsection for that program is exhausted,*
5 *the Secretary shall pay to the individual a lump-sum*
6 *amount equal to the difference between—*

7 “(i) *the total amount of educational assistance*
8 *allowances that could have been paid to the indi-*
9 *vidual under this subsection for the successful comple-*
10 *tion of that program, and*

11 “(ii) *the amount of educational assistance allow-*
12 *ance paid to the individual for the program under*
13 *this subsection.*

14 “(B) *In the case of a lump sum payment paid to an*
15 *individual under subparagraph (A), the individual’s enti-*
16 *tlement under this chapter (and chapter 34 of this title, if*
17 *applicable) shall be charged at the applicable rate under*
18 *paragraph (3).”.*

19 (2) *Paragraph (1) of such section is amended by strik-*
20 *ing “Except as provided in paragraph (2)” and inserting*
21 *“Subject to the succeeding provisions”.*

22 (b) *POST-VIETNAM ERA VETERANS’ EDUCATIONAL AS-*
23 *SISTANCE.—(1) Section 3233 is amended by adding at the*
24 *end the following new subsection:*

1 “(e)(1) *In the case of an individual who successfully*
2 *completes a full-time program of apprenticeship before enti-*
3 *tlement to monthly benefit payment payable under this sec-*
4 *tion for that program is exhausted, the Secretary shall pay*
5 *to the individual a lump-sum amount equal to the dif-*
6 *ference between—*

7 “(A) *the total amount of monthly benefit pay-*
8 *ments that could have been paid to the individual*
9 *under this section for the successful completion of that*
10 *program, and*

11 “(B) *the amount of monthly benefit payments*
12 *paid to the individual for the program under this sec-*
13 *tion.*

14 “(2) *In the case of a lump sum payment paid to an*
15 *individual under paragraph (1), the individual’s entitle-*
16 *ment under this chapter shall be charged at the applicable*
17 *rate under subsections (c) and (d).”.*

18 (2) *Subsection (a) of such section is amended by strik-*
19 *ing “Except as provided in subsection (b)” and inserting*
20 *“Subject to the succeeding provisions”.*

21 (c) *VETERANS’ EDUCATIONAL ASSISTANCE AND SUR-*
22 *VIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.—*
23 *Section 3687, as amended by section 102, is further amend-*
24 *ed by adding at the end the following new subsection:*

1 “(f)(1) *In the case of an individual (as defined in sub-*
2 *section (e)(3)) who successfully completes a full-time pro-*
3 *gram of apprenticeship before entitlement to monthly edu-*
4 *cational assistance allowance payable for that program is*
5 *exhausted, the Secretary shall pay to the individual a lump-*
6 *sum amount equal to the difference between—*

7 “(A) *the total amount of educational assistance*
8 *allowances that could have been paid to the indi-*
9 *vidual under subsection (a) for the successful comple-*
10 *tion of that program, and*

11 “(B) *the amount of educational assistance allow-*
12 *ance paid to the individual for the program under*
13 *subsection (a).*

14 “(2) *In the case of a lump sum payment paid to an*
15 *individual under paragraph (1), the entitlement of the indi-*
16 *vidual under chapter 30, 34, or 35 of this title, as the case*
17 *may be, shall be charged at the applicable rate under sub-*
18 *section (e).”.*

19 (d) *SELECTED RESERVE MONTGOMERY GI BILL.—(1)*
20 *Section 16131(d) of title 10, United States Code, is amend-*
21 *ed by adding at the end the following new paragraph:*

22 “(4)(A) *In the case of an individual who successfully*
23 *completes a full-time program of apprenticeship before enti-*
24 *tlement to monthly educational assistance allowance pay-*
25 *able under this subsection for that program is exhausted,*

1 *the Secretary shall pay to the individual a lump-sum*
2 *amount equal to the difference between—*

3 *“(i) the total amount of educational assistance*
4 *allowances that could have been paid to the indi-*
5 *vidual under this subsection for the successful comple-*
6 *tion of that program, and*

7 *“(ii) the amount of educational assistance allow-*
8 *ance paid to the individual for the program under*
9 *this subsection.*

10 *“(B) In the case of a lump sum payment paid to an*
11 *individual under subparagraph (A), the individual’s enti-*
12 *tlement under this chapter shall be charged at the applicable*
13 *rate under paragraph (3).”.*

14 *(2) Paragraph (1) of such section is amended by strik-*
15 *ing “Except as provided in paragraph (2)” and inserting*
16 *“Subject to the succeeding provisions of this subsection”.*

17 *(e) EFFECTIVE DATE.—The amendments made by this*
18 *section shall apply to programs of training beginning on*
19 *or after the date of the enactment of this Act and ending*
20 *before October 1, 2010.*

21 **SEC. 104. INCREASE IN BENEFIT FOR INDIVIDUALS PUR-**
22 **SUING APPRENTICESHIP OR ON-JOB TRAIN-**
23 **ING.**

24 *(a) MONTGOMERY GI BILL.—Subsection (c)(1) of sec-*
25 *tion 3032 is amended—*

1 (1) *by striking “75 percent” and inserting “85*
2 *percent” in subparagraph (A);*

3 (2) *by striking “55 percent” and inserting “65*
4 *percent” in subparagraph (B); and*

5 (3) *by striking “35 percent” and inserting “45*
6 *percent” in subparagraph (C).*

7 (b) *POST-VIETNAM ERA VETERANS’ EDUCATIONAL AS-*
8 *SISTANCE.—Subsection (a) of section 3233 is amended—*

9 (1) *by striking “75 percent” and inserting “85*
10 *percent” in paragraph (1);*

11 (2) *by striking “55 percent” and inserting “65*
12 *percent” in paragraph (2); and*

13 (3) *by striking “35 percent” and inserting “45*
14 *percent” in paragraph (3).*

15 (c) *SURVIVORS AND DEPENDENTS EDUCATIONAL AS-*
16 *SISTANCE.—Subsection (b)(2) of section 3687 is amended*
17 *by striking “\$574 for the first six months, \$429 for the sec-*
18 *ond six months, \$285 for the third six months,” and insert-*
19 *ing “\$650 for the first six months, \$507 for the second six*
20 *months, \$366 for the third six months.”.*

21 (d) *SELECTED RESERVE MONTGOMERY GI BILL.—*
22 *Subsection (d)(1) of section 16131 of title 10, United States*
23 *Code, is amended—*

24 (1) *by striking “75 percent” and inserting “85*
25 *percent” in subparagraph (A);*

1 (2) *by striking “55 percent” and inserting “65*
2 *percent” in subparagraph (B); and*

3 (3) *by striking “35 percent” and inserting “45*
4 *percent” in subparagraph (C).*

5 (e) *EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply with respect to months beginning on or*
7 *after October 1, 2005, and before October 1, 2010.*

8 **SEC. 105. AUTHORITY FOR COMPETENCY-BASED APPREN-**
9 **TICESHIP PROGRAMS.**

10 (a) *IN GENERAL.—Section 3672(c) is amended—*

11 (1) *by striking “(1)” and “(2)” and inserting*
12 *“(A)” and “(B)”, respectively;*

13 (2) *by inserting “(1)” after “(c)”; and*

14 (3) *by adding at the end the following new para-*
15 *graphs:*

16 “(2) *The period of a program of apprenticeship may*
17 *be determined based upon a specific period of time (com-*
18 *monly referred to as a ‘time-based program’), based upon*
19 *the demonstration of successful mastery of skills (commonly*
20 *referred to as a ‘competency-based program’), or based upon*
21 *a combination thereof.*

22 “(3)(A) *In the case of a competency-based program of*
23 *apprenticeship, in determining the period of such a pro-*
24 *gram, State approving agencies shall take into consider-*
25 *ation the approximate term of the program recommended*

1 *in registered apprenticeship program standards recognized*
2 *by the Secretary of Labor.*

3 “(B) *The sponsor of a competency-based program of*
4 *apprenticeship shall provide notice to the State approving*
5 *agency involved of any such standards that may apply to*
6 *the program and the proposed approximate period of train-*
7 *ing under the program.*

8 “(4) *The Secretary of Labor shall notify the Secretary*
9 *upon the successful completion of a program of apprentice-*
10 *ship by a veteran, eligible veteran, or eligible person, as*
11 *the case may be.”.*

12 (b) *INCREASED USE OF APPRENTICESHIPS.—Section*
13 *3672(d)(1) is amended by adding at the end the following*
14 *new sentence: “The Secretary of Labor shall provide such*
15 *assistance and services to the Secretary, and to State ap-*
16 *proving agencies, to increase the use of apprenticeships.”.*

17 (c) *ON-JOB TRAINING.—Section 3677 is amended by*
18 *adding at the end the following new subsection:*

19 “(d)(1) *The sponsor of any program of training on the*
20 *job shall submit notice to the Secretary upon the successful*
21 *completion of the program by the veteran, eligible veteran,*
22 *or eligible person, as the case may be.*

23 “(2) *The term ‘training on the job’ includes training*
24 *commonly referred to as ‘on-job learning’.”.*

1 (d) *FUNDING FOR DEPARTMENT COMPUTER SYSTEM*
2 *MODIFICATIONS.*—*From amounts appropriated to the De-*
3 *partment of Veterans Affairs for fiscal year 2005 for read-*
4 *justment benefits, the Secretary of Veterans Affairs shall use*
5 *an amount not to exceed \$3,000,000 to modify computer*
6 *systems and to develop procedures required to carry out the*
7 *amendments made by subsection (a) and sections 102, 103,*
8 *and 104.*

9 **SEC. 106. PILOT PROGRAM TO PROVIDE ON-JOB BENEFITS**
10 **TO TRAIN DEPARTMENT OF VETERANS AF-**
11 **FAIRS' CLAIMS ADJUDICATORS.**

12 Section 3677, as amended by section 105(c), is further
13 amended by adding at the end the following new subsection:

14 “(e)(1) *The Secretary shall conduct a pilot program*
15 *under which, the Secretary shall operate a program of*
16 *training on the job under this section for a period (notwith-*
17 *standing subsection (c)(2)) of up to three years in duration*
18 *to train employees of the Department to become qualified*
19 *adjudicators of claims for compensation, dependency and*
20 *indemnity compensation, and pension.*

21 “(2) *Amounts of educational assistance, monthly ben-*
22 *efit payments, and training assistance allowance under*
23 *chapters 30, 31, 32, 34, and 35 of this title, as the case*
24 *may be, shall be payable to such employees during each*
25 *month of training under the program.*

1 “(3)(A) Not later than 3 years after the implementa-
2 tion of the pilot project, the Secretary shall submit to Con-
3 gress an initial report on the pilot project. The report shall
4 include an assessment of the usefulness of the program in
5 recruiting and retaining of personnel of the Department as
6 well as an assessment of the value of the program as a
7 training program.

8 “(B) Not later than 18 months after the date on which
9 the initial report under subparagraph (A) is submitted, the
10 Secretary shall submit to Congress, a final report on the
11 pilot project. The final report shall include recommenda-
12 tions of the Secretary with respect to continuation of the
13 pilot project and with respect to expansion of the types of
14 claims for which the extended period of on the job training
15 is available to train such employees.

16 “(4) The pilot project shall terminate 5 years after the
17 date of the implementation of the project.”.

18 **SEC. 107. REQUIREMENT FOR COORDINATION OF DATA**
19 **AMONG THE DEPARTMENTS OF VETERANS**
20 **AFFAIRS, DEFENSE, AND LABOR WITH RE-**
21 **SPECT TO ON-JOB TRAINING.**

22 Section 3694 is amended—

23 (1) by striking “In carrying out” and inserting
24 “(a) *IN GENERAL.*—In carrying out”; and

1 (2) *by adding at the end the following new sub-*
2 *section:*

3 “(b) *COORDINATION OF INFORMATION AMONG THE DE-*
4 *PARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR*
5 *WITH RESPECT TO ON-JOB TRAINING.*—*At the time of a*
6 *servicemember’s discharge or release from active duty serv-*
7 *ice, the Secretary of Defense shall furnish to the Secretary*
8 *such pertinent information concerning each registered ap-*
9 *prenticeship pursued by the servicemember during the pe-*
10 *riod of active duty service of the servicemember. The Sec-*
11 *retary, in conjunction with the Secretary of Labor, shall*
12 *encourage and assist States and private organizations to*
13 *give credit to servicemembers for the registered apprentice-*
14 *ship program so pursued in the case of any related appren-*
15 *ticeship program the servicemember may pursue as a civil-*
16 *ian.”.*

17 **SEC. 108. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) *DEFINITION OF TRAINING ESTABLISHMENT.*—*Sec-*
19 *tion 3452(e) is amended by striking “or any State appren-*
20 *ticeship agency, or any State board of vocational education,*
21 *or any joint apprenticeship committee, or the Bureau of*
22 *Apprenticeship and Training established pursuant to the*
23 *Act of August 16, 1937, popularly known as the ‘National*
24 *Apprenticeship Act’ (29 U.S.C. 50 et seq.),” and inserting*
25 *“any State board of vocational education, any Federal or*

1 *State apprenticeship registration agency, any joint appren-*
2 *ticeship committee established pursuant to the Act of August*
3 *16, 1937, popularly known as the ‘National Apprenticeship*
4 *Act’ (29 U.S.C. 50 et seq.),”.*

5 (b) *CLARIFICATION OF APPLICABLE APPRENTICESHIP*
6 *STANDARDS.—(1) Section 3672(c)(1), as amended by sec-*
7 *tion 105(a), is amended in subparagraph (A) by inserting*
8 *“apprenticeship” before “standards”.*

9 (2) *Section 3672(d)(1) is amended by striking “of pro-*
10 *grams of training on the job (including programs of ap-*
11 *prenticeship)” and inserting “of apprenticeship and on the*
12 *job training programs”.*

13 (c) *RECORD-KEEPING REQUIREMENTS FOR QUALI-*
14 *FIED PROVIDERS OF ENTREPRENEURSHIP COURSES.—(1)*
15 *Section 3675(c) is amended by adding at the end the fol-*
16 *lowing new paragraph:*

17 “(4) *Notwithstanding paragraph (3), a qualified pro-*
18 *vider of entrepreneurship courses shall maintain such*
19 *records as the Secretary determines to be necessary to com-*
20 *ply with reporting requirements that apply under section*
21 *3684(a)(1) of this title with respect to eligible persons and*
22 *veterans enrolled in an entrepreneurship course offered by*
23 *the provider.”.*

24 (2) *The amendment made by paragraph (1) shall take*
25 *effect as if included in the enactment of section 305(a) of*

1 *the Veterans Benefits Act of 2003 (Public Law 108–183;*
2 *117 Stat. 2660).*

3 **TITLE II—BENEFITS AND**
4 **EMPLOYMENT MATTERS**

5 **SEC. 201. CODIFICATION OF ADMINISTRATIVE ACTIONS RE-**
6 **LATING TO PRESUMPTIONS OF SERVICE CON-**
7 **NECTION FOR VETERANS EXPOSED TO ION-**
8 **IZING RADIATION.**

9 *(a) COVERED DISEASES.—Subsection (c)(2) of section*
10 *1112 is amended by adding at the end the following new*
11 *subparagraphs:*

12 *“(Q) Cancer of the bone.*

13 *“(R) Cancer of the brain.*

14 *“(S) Cancer of the colon.*

15 *“(T) Cancer of the lung.*

16 *“(U) Cancer of the ovary.”.*

17 *(b) COVERED RADIATION-RISK ACTIVITIES.—Sub-*
18 *section (c)(3)(B) of such section is amended by adding at*
19 *the end the following new clause:*

20 *“(iv) Service in a capacity which, if per-*
21 *formed as an employee of the Department of En-*
22 *ergy, would qualify the individual for inclusion*
23 *as a member of the Special Exposure Cohort*
24 *under section 3621(14) of the Energy Employees*

1 *Occupational Illness Compensation Program Act*
2 *of 2000 (42 U.S.C. 7384l(14)).”.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall take effect as of March 26, 2002.*

5 **SEC. 202. OFFSET OF VETERANS’ DISABILITY COMPENSA-**
6 **TION AND DEPENDENCY AND INDEMNITY**
7 **COMPENSATION FROM AWARDS UNDER RADI-**
8 **ATION EXPOSURE COMPENSATION PROGRAM.**

9 (a) *OFFSET IN LIEU OF FORFEITURE FROM DIS-*
10 *ABILITY COMPENSATION.*—*Subsection (c) of section 1112 is*
11 *amended by adding at the end the following new paragraph:*

12 “(4) *A radiation-exposed veteran who receives a pay-*
13 *ment under the provisions of the Radiation Exposure Com-*
14 *ensation Act of 1990 (42 U.S.C. 2210 note) shall not be*
15 *deprived, by reason of the receipt of that payment, of receipt*
16 *of compensation to which that veteran is entitled by reason*
17 *of paragraph (1), but there shall be deducted from payment*
18 *of such compensation the amount of the payment under that*
19 *Act.”.*

20 (b) *OFFSET IN LIEU OF FORFEITURE FROM DEPEND-*
21 *ENCY AND INDEMNITY COMPENSATION.*—*Section 1310 is*
22 *amended by adding at the end the following new paragraph:*

23 “(c) *A person who receives a payment under the provi-*
24 *sions of the Radiation Exposure Compensation Act of 1990*
25 *(42 U.S.C. 2210 note) shall not be deprived, by reason of*

1 *the receipt of that payment, of receipt of dependency and*
2 *indemnity compensation to which that person is otherwise*
3 *entitled, but there shall be deducted from payment of such*
4 *dependency and indemnity compensation the amount of the*
5 *payment under that Act.”.*

6 (c) *EFFECTIVE DATE.*—*Paragraph (4) of section*
7 *1112(c) of title 38, United States Code, as added by sub-*
8 *section (a), shall take effect with respect to compensation*
9 *payments for months beginning after March 26, 2002. Sub-*
10 *section (c) of section 1310 of such title, as added by sub-*
11 *section (b), shall take effect with respect to dependency and*
12 *indemnity compensation payments for months beginning*
13 *after March 26, 2002.*

14 **SEC. 203. EXCLUSION OF LIFE INSURANCE PROCEEDS**
15 **FROM CONSIDERATION AS INCOME FOR VET-**
16 **ERANS’ PENSION PURPOSES.**

17 *Section 1503(a) is amended—*

18 (1) *by striking “and” at the end of paragraph*

19 *(9);*

20 (2) *by striking the period at the end of the para-*
21 *graph (10) and inserting “; and”; and*

22 (3) *by adding at the end the following new para-*
23 *graph:*

1 “(11) lump-sum proceeds of any life insurance
2 policy on a veteran, for purposes of pension under
3 subchapter III of this chapter.”.

4 **SEC. 204. EFFECTIVE DATE OF DEATH PENSION.**

5 Section 5110(d) is amended—

6 (1) by striking “(1)”;

7 (2) by striking “death compensation or depend-
8 ency and indemnity compensation” and inserting
9 “death compensation, dependency and indemnity
10 compensation, or death pension”; and

11 (3) by striking paragraph (2).

12 **SEC. 205. CERTAIN SERVICE-CONNECTED DISABILITY BENE-**
13 **FITS AUTHORIZED FOR PERSONS DISABLED**
14 **BY TREATMENT OR VOCATIONAL REHABILI-**
15 **TATION PROVIDED BY THE DEPARTMENT OF**
16 **VETERANS AFFAIRS.**

17 (a) **AUTHORIZED BENEFITS.**—Section 1151 is amend-
18 ed by adding at the end the following new subsection:

19 “(c) A qualifying additional disability under this sec-
20 tion shall be treated in the same manner as if it were a
21 service-connected disability for purposes of the following
22 provisions of this title:

23 (1) Chapter 21, relating to specially adapted
24 housing.

1 “(2) Chapter 31, relating to vocational rehabili-
2 tation.

3 “(3) Chapter 39, relating to automobiles and
4 adaptive equipment.”.

5 (b) *EFFECTIVE DATE.*—Subsection (c) of section 1151
6 of title 38, United States Code, as added by subsection (a),
7 shall apply with respect to eligibility for benefits and serv-
8 ices provided by the Secretary of Veterans Affairs on or
9 after the date of the enactment of this Act.

10 (c) *ADMINISTRATION OF OFFSET PROVISION.*—Sub-
11 section (b) of such section is amended—

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

13 (2) by inserting “(except as otherwise provided
14 in paragraph (2))” after “service-connected, then”;
15 and

16 (3) by adding at the end the following new para-
17 graph:

18 “(2) In any case in which an amount of a judgment,
19 settlement, or compromise covered by paragraph (1) is spe-
20 cifically designated for a benefit other than as compensation
21 for loss of earning capacity or for pain and suffering, such
22 amount shall be offset under paragraph (1) only against
23 the comparable benefit provided under this title (if any).
24 Any amounts attributable to pain and suffering, loss of
25 earnings capacity, or loss of consortium or society shall be

1 *offset against benefits otherwise payable under this chapter,*
 2 *and any amounts attributable to wrongful death shall be*
 3 *offset against benefits otherwise payable under chapter 13*
 4 *of this title.”.*

5 *(d) EFFECTIVE DATE.—The amendment made by sub-*
 6 *section (c) shall apply with respect to any judgment, settle-*
 7 *ment, or compromise covered by section 1151(b) of title 38,*
 8 *United States Code, that becomes final on or after the date*
 9 *of the enactment of this Act.*

10 **SEC. 206. REPORT OF EMPLOYMENT PLACEMENT, RETEN-**
 11 **TION, AND ADVANCEMENT OF RECENTLY SEP-**
 12 **ARATED SERVICEMEMBERS.**

13 *(a) CONTRACT FOR REPORT.—The Secretary of Vet-*
 14 *erans Affairs shall enter into a contract with a qualified*
 15 *entity to conduct a study of and prepare a report on the*
 16 *employment histories of recently separated servicemembers.*

17 *(b) CONTENT OF REPORT.—(1) The study conducted*
 18 *pursuant to subsection (a) shall consist of an analysis of*
 19 *employment-related data that has been collected with re-*
 20 *spect to recently separated servicemembers.*

21 *(2) In conducting the study, the qualified entity*
 22 *shall—*

23 *(A) determine whether the employment obtained*
 24 *by recently separated servicemembers is commensu-*

1 *rate with training and education of those*
2 *servicemembers;*

3 *(B) determine whether recently separated*
4 *servicemembers received educational assistance or*
5 *training and rehabilitation under programs adminis-*
6 *tered by the Secretary of Veterans Affairs under chap-*
7 *ter 30 or 31 of title 38, United States Code, or under*
8 *chapter 1606 of title 10, United States Code;*

9 *(C) determine whether transition assistance serv-*
10 *ices provided to recently separated servicemembers as-*
11 *sisted those servicemembers in obtaining civilian em-*
12 *ployment;*

13 *(D) analyze trends in hiring of veterans by the*
14 *private sector; and*

15 *(E) identify recently separated servicemembers*
16 *who have reached senior level management positions.*

17 *(c) USE OF DATA.—In conducting the study under*
18 *subsection (a), the qualified entity shall review data com-*
19 *puted and reported by Bureau of Labor Statistics and shall*
20 *collect additional data on the employment histories of re-*
21 *cently separated servicemembers available from such other*
22 *sources as the qualified entity determines to be appropriate.*

23 *(d) CONTRACT REQUIREMENTS.—(1) The contract en-*
24 *tered into under subsection (a) shall contain such terms and*
25 *conditions as the Secretary may require. The contract shall*

1 *require that the report on the study be submitted to the Sec-*
2 *retary not later than 2 years after the date on which the*
3 *contract was entered into.*

4 *(2) The report required under subsection (a) shall con-*
5 *tain the findings and conclusions of the qualified entity on*
6 *the study and specific recommendations to improve employ-*
7 *ment opportunities for veterans recently separated from*
8 *service in the Armed Forces, including if appropriate rec-*
9 *ommendations for—*

10 *(A) the establishment of networks of contacts for*
11 *employment of such veterans in the private sector;*

12 *(B) outreach to private sector leaders on the mer-*
13 *its and sound business practice of hiring such vet-*
14 *erans; and*

15 *(C) additional methods to facilitate communica-*
16 *tion between private sector employers and such vet-*
17 *erans who are seeking employment.*

18 *(e) FUNDING.—Payment by the Secretary for the con-*
19 *tract entered into under subsection (a)—*

20 *(1) shall be made from the Department of Vet-*
21 *erans Affairs appropriations account from which*
22 *payments for readjustment benefits are made; and*

23 *(2) may not exceed \$490,000.*

24 *(f) DEFINITIONS.—In this section:*

1 (1) *The term “qualified entity” means an entity*
2 *or organization that meets the following requirements:*

3 (A) *Demonstrated experience in conducting*
4 *employment surveys of recently separated*
5 *servicemembers, including Internet-based sur-*
6 *veys, that meet such quality assurance require-*
7 *ments as the Secretary determines appropriate.*

8 (B) *Demonstrated familiarity with veteran*
9 *employment matters.*

10 (C) *Demonstrated ability in developing*
11 *plans to market veterans as employment assets.*

12 (D) *Demonstrated ability to acquire services*
13 *at no cost from other organizations, such as tech-*
14 *nology, staff services, and advertising services.*

15 (E) *Demonstrated ability to develop rela-*
16 *tionships, establish employment networks, and*
17 *facilitate interaction between private and public*
18 *sector leaders and veterans.*

19 (2) *The term “employment history” means, with*
20 *respect to a recently separated servicemember, train-*
21 *ing, placement, retention, and advancement in em-*
22 *ployment of that servicemember.*

23 (3) *The term “recently separated servicemember”*
24 *means any veteran (as defined in section 101(2) of*
25 *title 38, United States Code) discharged or released*

1 *from active duty in the Armed Forces of the United*
2 *States during the 16-year period beginning on Janu-*
3 *ary 1, 1990.*

4 ***TITLE III—HOUSING MATTERS***

5 ***SEC. 301. INCREASE IN, AND ANNUAL INDEXING OF, MAX-***
6 ***IMUM AMOUNT OF HOME LOAN GUARANTY***
7 ***FOR CONSTRUCTION AND PURCHASE OF***
8 ***HOMES.***

9 *(a) MAXIMUM LOAN GUARANTY BASED ON 100 PER-*
10 *CENT OF THE FREDDIE MAC CONFORMING LOAN RATE.—*
11 *Section 3703(a)(1) is amended by striking “\$60,000” each*
12 *place it appears in subparagraphs (A)(i)(IV) and (B) and*
13 *inserting “the maximum guaranty amount (as defined in*
14 *subparagraph (C))”.*

15 *(b) DEFINITION.—Such section is further amended by*
16 *adding at the end the following new subparagraph:*

17 *“(C) In this paragraph, the term ‘maximum guaranty*
18 *amount’ means the dollar amount that is equal to 25 per-*
19 *cent of the Freddie Mac conforming loan limit limitation*
20 *determined under section 305(a)(2) of the Federal Home*
21 *Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for*
22 *a single-family residence, as adjusted for the year in-*
23 *volved.”.*

1 **SEC. 302. AUTHORITY TO PROVIDE SPECIALLY ADAPTED**
2 **HOUSING TO CERTAIN DISABLED VETERANS.**

3 *The text of section 2101 is amended to read as follows:*

4 “(a) *ACQUISITION OF HOUSING WITH SPECIAL FEA-*
5 *TURES.—(1) Subject to paragraph (3), the Secretary may*
6 *assist a disabled veteran described in paragraph (2) in ac-*
7 *quiring a suitable housing unit with special fixtures or*
8 *movable facilities made necessary by the nature of the vet-*
9 *eran’s disability, and necessary land therefor.*

10 “(2) *A veteran is described in this paragraph if the*
11 *veteran is entitled to compensation under chapter 11 of this*
12 *title for a permanent and total service-connected disability*
13 *that meets any of the following criteria:*

14 “(A) *The disability is due to the loss, or loss of*
15 *use, of both lower extremities such as to preclude loco-*
16 *motion without the aid of braces, crutches, canes, or*
17 *a wheelchair.*

18 “(B) *The disability is due to—*

19 “(i) *blindness in both eyes, having only*
20 *light perception, plus*

21 “(ii) *loss or loss of use of one lower extrem-*
22 *ity.*

23 “(C) *The disability is due to the loss or loss of*
24 *use of one lower extremity together with—*

25 “(i) *residuals of organic disease or injury;*
26 *or*

1 “(i) the loss or loss of use of one upper ex-
2 tremity,
3 which so affect the functions of balance or propulsion
4 as to preclude locomotion without the aid of braces,
5 crutches, canes, or a wheelchair.

6 “(D) The disability is due to the loss, or loss of
7 use, of both upper extremities such as to preclude use
8 of the arms at or above the elbows.

9 “(3) The regulations prescribed under subsection (c)
10 shall require that assistance under paragraph (1) may be
11 provided to a veteran only if the Secretary finds that—

12 “(A) it is medically feasible for the veteran to re-
13 side in the proposed housing unit and in the proposed
14 locality;

15 “(B) the proposed housing unit bears a proper
16 relation to the veteran’s present and anticipated in-
17 come and expenses; and

18 “(C) the nature and condition of the proposed
19 housing unit are such as to be suitable to the veteran’s
20 needs for dwelling purposes.

21 “(b) ADAPTATIONS TO RESIDENCE OF VETERAN.—(1)
22 Subject to paragraph (3), the Secretary shall assist any dis-
23 abled veteran described in paragraph (2) (other than a vet-
24 eran who is eligible for assistance under subsection (a))—

1 “(A) in acquiring such adaptations to such vet-
2 eran’s residence as are determined by the Secretary to
3 be reasonably necessary because of such disability; or

4 “(B) in acquiring a residence already adapted
5 with special features determined by the Secretary to
6 be reasonably necessary for the veteran because of
7 such disability.

8 “(2) A veteran is described in this paragraph if the
9 veteran is entitled to compensation under chapter 11 of this
10 title for a permanent and total service-connected disability
11 that meets either of the following criteria:

12 “(A) The disability is due to blindness in both
13 eyes with 5/200 visual acuity or less.

14 “(B) The disability includes the anatomical loss
15 or loss of use of both hands.

16 “(3) Assistance under paragraph (1) may be provided
17 only to a veteran who the Secretary determines—

18 “(A) is residing in and reasonably intends to
19 continue residing in a residence owned by such vet-
20 eran or by a member of such veteran’s family; or

21 “(B) if the veteran’s residence is to be con-
22 structed or purchased, will be residing in and reason-
23 ably intends to continue residing in a residence
24 owned by such veteran or by a member of such vet-
25 eran’s family.

1 “(c) *REGULATIONS.*—*Assistance under this section*
2 *shall be provided in accordance with such regulations as*
3 *the Secretary may prescribe.”.*

4 ***SEC. 303. TRANSITIONAL HOUSING AMENDMENTS.***

5 (a) *USE OF VETERAN VOLUNTEERS.*—*Section 2051 is*
6 *amended by adding at the end the following new subsection:*

7 “(g) *Notwithstanding any other provision of law, a*
8 *multifamily transitional housing project that is funded by*
9 *a loan guaranteed under this subchapter may accept un-*
10 *compensated voluntary services performed by any eligible*
11 *entity (as that term is defined in section 2011(d) of this*
12 *title) in connection with the construction, alteration, or re-*
13 *pair of such project.”.*

14 (b) *AUTHORIZATION FOR COMMERCIALY-LEASED*
15 *SPACE.*—*Section 2052(c)(1) is amended by striking “serv-*
16 *ices” and inserting “services, other commercial activities.”.*

17 ***TITLE IV—MEMORIAL AFFAIRS***
18 ***MATTERS***

19 ***SEC. 401. ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL***
20 ***IN ARLINGTON NATIONAL CEMETERY.***

21 (a) *IN GENERAL.*—(1) *Chapter 24 is amended by add-*
22 *ing at the end the following new section:*

1 **“§2412. Arlington National Cemetery: eligibility of**
2 **certain persons for burial**

3 “(a)(1) *The remains of a member or former member*
4 *of a reserve component of the Armed Forces who at the time*
5 *of death was under 60 years of age and who, but for age,*
6 *would have been eligible at the time of death for retired*
7 *pay under chapter 1223 of title 10 may be buried in Arling-*
8 *ton National Cemetery on the same basis as the remains*
9 *of members of the Armed Forces entitled to retired pay*
10 *under that chapter.*

11 “(2) *The remains of the dependents of a member whose*
12 *remains are permitted under paragraph (1) to be buried*
13 *in Arlington National Cemetery may be buried in that cem-*
14 *etery on the same basis as dependents of members of the*
15 *Armed Forces entitled to retired pay under such chapter*
16 *1223.*

17 “(b)(1) *The remains of a member of a reserve compo-*
18 *nent of the Armed Forces who dies in the line of duty while*
19 *performing active duty for training or inactive duty train-*
20 *ing may be buried in Arlington National Cemetery on the*
21 *same basis as the remains of a member of the Armed Forces*
22 *who dies while on active duty.*

23 “(2) *The remains of the dependents of a member whose*
24 *remains are permitted under paragraph (1) to be buried*
25 *in Arlington National Cemetery may be buried in that cem-*

1 *etary on the same basis as dependents of members on active*
 2 *duty.”.*

3 (2) *The table of sections at the beginning of chapter*
 4 *24 is amended by adding at the end the following new item:*

“2412. *Arlington National Cemetery: eligibility of certain persons for burial.*”.

5 (b) *EFFECTIVE DATE.*—*Section 2412 of title 38,*
 6 *United States Code, as added by subsection (a), shall apply*
 7 *with respect to interments occurring on or after the date*
 8 *of the enactment of this Act.*

9 **SEC. 402. DESIGNATION OF PRISONER OF WAR/MISSING IN**
 10 **ACTION NATIONAL MEMORIAL, RIVERSIDE**
 11 **NATIONAL CEMETERY, RIVERSIDE, CALI-**
 12 **FORNIA.**

13 (a) *DESIGNATION.*—*The memorial to former prisoners*
 14 *of war and members of the Armed Forces listed as missing*
 15 *in action that is under construction at Riverside National*
 16 *Cemetery in Riverside, California, is hereby designated as*
 17 *a Prisoner of War/Missing in Action National Memorial.*

18 (b) *EFFECT OF DESIGNATION.*—*The national memo-*
 19 *rial designated by subsection (a) is not a unit of the Na-*
 20 *tional Park System, and the designation of the national me-*
 21 *morial shall not be construed to require Federal funds to*
 22 *be expended for any purpose related to the national memo-*
 23 *rial.*

1 **TITLE V—MISCELLANEOUS**
2 **MATTERS**

3 **SEC. 501. TECHNICAL AMENDMENTS RELATING TO THE**
4 **UNITED STATES COURT OF APPEALS FOR**
5 **VETERANS CLAIMS.**

6 (a) *RESTORATION OF PRIOR PROVISION RELATING TO*
7 *CHIEF JUDGE.*—Section 7253(d)(1) is amended by insert-
8 *ing after “(1)” the following: “The chief judge of the Court*
9 *is the head of the Court.”.*

10 (b) *CAPITALIZATION AMENDMENTS.*—Section
11 7253(d)(4)(A) is amended by striking “court” in clauses (i)
12 and (ii) and inserting “Court”.

13 (c) *DATE OF ENACTMENT REFERENCE.*—Section
14 7253(h)(4) is amended by striking “the date of the enact-
15 ment of this subsection” and inserting “December 27,
16 2001,”.

17 **SEC. 502. CROSS-REFERENCE AMENDMENTS RELATING TO**
18 **CONCURRENT PAYMENT OF RETIRED PAY**
19 **AND VETERANS’ DISABILITY COMPENSATION.**

20 (a) *PROHIBITION AGAINST DUPLICATION OF BENE-*
21 *FITS.*—Section 5304(a)(1) is amended by inserting “as pro-
22 vided in section 1414 of title 10 or” after “Except”.

23 (b) *WAIVER OF RETIRED PAY.*—Section 5305 is
24 amended by striking “Any” in the first sentence and insert-
25 ing “Except as provided in section 1414 of title 10, any”.

Union Calendar No. 334

108TH CONGRESS
2^D SESSION

H. R. 1716

[Report No. 108-572, Part I]

A BILL

To amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training; and for other purposes.

JUNE 25, 2004

Reported from the Committee on Veterans' Affairs with
an amendment

JUNE 25, 2004

Referral to the Committee on Armed Services extended
for a period ending not later than June 25, 2004.

JUNE 25, 2004

Committee on Armed Services discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed