

VETERANS HOUSING AND EMPLOYMENT IMPROVEMENT
ACT OF 2005

NOVEMBER 1, 2005.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BUYER, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

[To accompany H.R. 3665]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3665) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Housing and Employment Improvement Act of 2005”.

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

Sec. 1. Short title; table of contents.

TITLE I—HOUSING ASSISTANCE

- Sec. 101. Adaptive housing assistance for disabled veterans residing temporarily in housing owned by family member.
Sec. 102. Permanent authority to make direct housing loans to Native American veterans.
Sec. 103. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.
Sec. 104. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.

TITLE II—EMPLOYMENT ASSISTANCE PROGRAMS

- Sec. 201. Extension of operation of the President's National Hire Veterans Committee.
Sec. 202. Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.
Sec. 203. Modifications to the Advisory Committee on Veterans Employment and Training.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM

Sec. 301. Reauthorization of appropriations for Homeless Veterans Reintegration Program.

TITLE IV—TECHNICAL, CLARIFYING, AND CLERICAL AMENDMENTS

Sec. 401. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 402. Technical and clerical amendments.

TITLE I—HOUSING ASSISTANCE

SEC. 101. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

“§ 2102A. Assistance for veterans residing temporarily in housing owned by family member

“(a) In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran’s family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran’s disability.

“(b) The assistance authorized under subsection (a) may not exceed—

“(1) \$10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

“(2) \$2,000, in the case of a veteran described in section 2101(b)(2) of this title.

“(c) The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

“(d) Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

“(e) No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans Housing and Employment Improvement Act of 2005.”.

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking “shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and”; and

(B) by striking “veteran but shall not exceed \$50,000 in any one case—” and inserting “veteran—”; and

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

“(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to \$50,000.

“(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to \$10,000.

“(3) No veteran may receive more than three grants of assistance under this chapter.”.

(c) COORDINATION OF ADMINISTRATION OF BENEFITS.—Chapter 21 of such title is further amended by adding at the end the following new section:

“§ 2107. Coordination of administration of benefits

“The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.”.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended—

(1) by inserting after the item relating to section 2102 the following new item:

“2102A. Assistance for veterans residing temporarily in housing owned by family member.”; and

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

“2107. Coordination of administration of benefits.”.

(e) GAO REPORTS.—(1) Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an interim report on the implementation by the Secretary of Veterans Affairs of section 2102A of title 38, United States Code, as added by subsection (a).

(2) Not later than five years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on the implementation of such section.

SEC. 102. PERMANENT AUTHORITY TO MAKE DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “establish and implement a pilot program under which the Secretary may” in the first sentence; and

(B) by striking “shall establish and implement the pilot program” in the third sentence and inserting “shall make such loans”;

(2) in subsection (b), by striking “In carrying out the pilot program under this subchapter, the” and inserting “The”; and

(3) by striking subsection (c).

(b) REPORTS.—Section 3762(j) of such title is amended to read as follows:

“(j) The Secretary shall include as part of the annual report required by section 529 of this title and as part of any annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for each fiscal year.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 3762 of such title is amended—

(A) in subsection (a), by inserting “under this subchapter” after “to a Native American veteran”;

(B) in subsection (b)(1)(E), by striking “the pilot program established under this subchapter is implemented” and inserting “loans under this subchapter are made”;

(C) in subsection (c)(1)(B), by striking “carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans” in the second sentence and inserting “make direct housing loans under this subchapter”;

(D) in subsection (i)—

(i) by striking “the pilot program provided for under this subchapter and” in paragraph (1);

(ii) by striking “under the pilot program and in assisting such organizations and veterans in participating in the pilot program” in paragraph (2)(A) and inserting “under this subchapter and in assisting such organizations and veterans with respect to such housing benefits”; and

(iii) by striking “in participating in the pilot program” in paragraph (2)(E) and inserting “with respect to such benefits”.

(2) Section 8(b) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 38 U.S.C. 3761 note) is repealed.

(d) ESTABLISHMENT OF MAXIMUM AMOUNT OF LOANS.—Section 3762(c)(1)(B) of title 38, United States Code, is amended—

(1) by striking “(B) The” and inserting “(B)(i) Subject to clause (ii), the”; and

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

“(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.”.

(e) TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of section 3762 of such title is amended by inserting “veteran” after “Native American”.

(f) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter V of chapter 37 of such title is amended to read as follows:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS”.

(2) SECTION HEADING.—The heading for section 3761 of such title is amended to read as follows:

“§ 3761. Direct housing loans to Native American veterans; program authority”.

(3) SECTION HEADING.—The heading for section 3762 of such title is amended to read as follows:

“§ 3762. Direct housing loans to Native American veterans; program administration”.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the items relating to subchapter V and sections 3761 and 3762 and inserting the following new items:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

“3761. Direct housing loans to Native American veterans; program authority.

“3762. Direct housing loans to Native American veterans; program administration.”.

SEC. 103. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS FOR NATIVE AMERICAN VETERANS TO A VETERAN WHO IS THE SPOUSE OF A NATIVE AMERICAN.

(a) EXTENSION.—Subchapter V of chapter 37 of title 38, United States Code, is amended—

- (1) by redesignating section 3764 as section 3765; and
- (2) by inserting after section 3763 the following new section:

“§ 3764. Qualified non-Native American veterans

“(a) Subject to the succeeding provisions of this section, for purposes of this subchapter—

“(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

“(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

“(b) In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

“(c) Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.”.

(b) CONFORMING AMENDMENTS.—Section 3765 of such title, as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

- “(5) The term ‘qualified non-Native American veteran’ means a veteran who—
 - “(A) is the spouse of a Native American, but
 - “(B) is not a Native American.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 3764 and inserting the following new items:

“3764. Qualified non-Native American veterans.

“3765. Definitions.”.

SEC. 104. TERMINOLOGY AMENDMENTS TO REVISE REFERENCES TO CERTAIN VETERANS IN PROVISIONS RELATING TO ELIGIBILITY FOR COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION.

Title 38, United States Code, is amended as follows:

(1) Section 1114(l) is amended by striking “so helpless” and inserting “with such significant disabilities”.

(2) Section 1114(m) is amended by striking “so helpless” and inserting “so significantly disabled”.

(3) Sections 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended by striking “helpless or blind, or so nearly helpless or blind as to” and inserting “blind, or so nearly blind or significantly disabled as to”.

TITLE II—EMPLOYMENT ASSISTANCE PROGRAMS

SEC. 201. EXTENSION OF OPERATION OF THE PRESIDENT'S NATIONAL HIRE VETERANS COMMITTEE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 6 of the Jobs for Veterans Act (Public Law 107–288; 116 Stat. 2048) is amended—

(1) by striking “60 days” and inserting “not later than 60 days”; and

(2) by striking “on December 31, 2005” and inserting “not later than December 31, 2006”.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—Subsection (g) of such section is amended by striking “2005” and inserting “2006”.

(c) ADDITIONAL REPORT.—Subsection (e) of such section is amended by striking “and 2005,” and inserting “2005, and 2006,”.

SEC. 202. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

(a) IN GENERAL.—Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(8) With advice and assistance from the Advisory Committee on Veterans Employment, Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.”

(b) TRANSITION PLAN.—(1) The Secretary of Labor, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall develop a plan for the transition of the assumption of certain duties and functions of the President's National Hire Veterans Committee by the Assistant Secretary in carrying out section 4102A(b)(8) of title 38, United States Code, as added by subsection (a). Such plan shall include the identification of the activities and operations of the Committee that the Assistant Secretary determines should be continued or expanded.

(2) Not later than July 1, 2006, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives the transition plan developed under paragraph (1).

SEC. 203. MODIFICATIONS TO THE ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

(a) COMMITTEE NAME.—(1) Subsection (a)(1) of section 4110 of title 38, United States Code, is amended by striking “Advisory Committee on Veterans Employment and Training” and inserting “Advisory Committee on Veterans Employment, Training, and Employer Outreach”.

(2) The heading of such section is amended to read as follows:

“§ 4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach”.

(3) The item relating to section 4110 in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

“4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.”

(4) Any reference to the Advisory Committee established under section 4110 of such title in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach.

(b) EXPANSION OF DUTIES OF THE COMMITTEE.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A), by inserting “and their integration into the workforce” after “veterans”;

(2) by striking “and” at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

“(C) assist the Assistant Secretary of Labor for Veterans Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

- “(D) make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans Employment and Training, with respect to outreach activities and the employment and training of veterans; and”.
- (c) MODIFICATION OF COMMITTEE MEMBERSHIP.—(1) Subsection (c)(1) of such section is amended to read as follows:
- “(c)(1) The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:
- “(A) Six individuals, one each from among representatives nominated by each of the following organizations:
- “(i) The National Society of Human Resource Managers.
- “(ii) The Business Roundtable.
- “(iii) The National Association of State Workforce Agencies.
- “(iv) The U.S. Chamber of Commerce.
- “(v) The National Federation of Independent Business.
- “(vi) A nationally recognized labor union or organization.
- “(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.
- “(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.”.
- (2) Subsection (d) of such section is amended—
- (A) by striking paragraphs (3), (4), (8), (10), (11), and (12); and
- (B) by redesignating paragraphs (5), (6), (7), and (9) as paragraphs (3), (4), (5), and (6), respectively.
- (d) REINSTATEMENT AND MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f)(1) of such section is amended—
- (1) by striking the first sentence and inserting the following: “Notwithstanding section 3003 of Public Law 104–66, not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year.”;
- (2) in subparagraph (A), by inserting “and their integration into the workforce” after “veterans”;
- (3) by striking “and” at the end of subparagraph (B);
- (4) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;
- (5) by inserting after subparagraph (A) the following new subparagraph:
- “(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;”; and
- (6) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:
- “(D) a description of the activities of the advisory committee during that fiscal year;
- “(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and”.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM

SEC. 301. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Subsection (e)(1) of section 2021 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(F) \$50,000,000 for each of fiscal years 2007 through 2009.”.

TITLE IV—TECHNICAL, CLARIFYING, AND CLERICAL AMENDMENTS

SEC. 401. TECHNICAL AND CLARIFYING AMENDMENTS TO NEW TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

(a) SECTION 1980A.—Section 1980A of title 38, United States Code, as enacted by section 1032(a)(2) of Public Law 109–13 (119 Stat. 257), is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) A member of the uniformed services who is insured under Servicemembers’ Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury that results in a qualifying loss specified pursuant to subsection (b)(1).

“(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.”.

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking “issued a” and all that follows through “limited to—” and inserting “insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as ‘qualifying losses’) as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:”;

(ii) by capitalizing the first letter of the first word of each of subparagraphs (A) through (H);

(iii) by striking the semicolon at the end of each of subparagraphs (A) through (F) and inserting a period; and

(iv) by striking “; and” at the end of subparagraph (G) and inserting a period;

(B) in paragraph (2)—

(i) by striking “subsection—” and inserting “subsection:”;

(ii) by striking “the” at the beginning of subparagraphs (A), (B), and (C) and inserting “The”;

(iii) in subparagraph (A), by striking “4 limbs;” and inserting “four limbs.”;

(iv) in subparagraph (B), by striking “; and” at the end and inserting a period;

(v) in subparagraph (C), by striking “1 side” and inserting “one side”; and

(vi) by adding at the end the following new subparagraph:

“(D) The term ‘inability to carry out the activities of daily living’ means the inability to independently perform two or more of the following six functions:

“(i) Bathing.

“(ii) Continence.

“(iii) Dressing.

“(iv) Eating.

“(v) Toileting.

“(vi) Transferring.”;

(C) in paragraph (3)—

(i) by striking “, in collaboration with the Secretary of Defense.”;

(ii) by striking “shall prescribe” and inserting “may prescribe”; and

(iii) by striking “the conditions under which coverage against loss will not be provided”; and inserting “conditions under which coverage otherwise provided under this section is excluded”; and

(D) by adding at the end the following new paragraph:

“(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers’ Group Life Insurance if the member is insured under Servicemembers’ Group Life Insurance only as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.”.

(3) Subsection (c) is amended to read as follows:

“(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

“(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

“(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section. For quadriplegia, paraplegia, and hemiplegia, the period of time so prescribed shall be 365 days.”.

(4) Subsection (d) is amended by striking “losses described in subsection (b)(1) shall be—” and all that follows and inserting “qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, speci-

fyng the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is \$25,000, and the maximum payment that may be prescribed for a qualifying loss is \$100,000.”.

(5) Subsection (e) is amended—

(A) by striking “of Veterans Affairs” each place it appears;

(B) in paragraph (1), by striking “as the premium allocable” and all that follows through “protection under this section”;

(C) in paragraph (2), by striking “Secretary of the concerned service” and inserting “Secretary concerned”; and

(D) by striking paragraphs (6), (7), and (8) and inserting the following:

“(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

“(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

“(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.”.

(6) Subsection (f) is amended to read as follows:

“(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the Secretary concerned shall certify to the Secretary whether the member with respect to whom the claim is submitted—

“(1) was at the time of the injury giving rise to the claim insured under Servicemembers’ Group Life Insurance for the purposes of this section; and

“(2) has sustained a qualifying loss.”.

(7) Subsection (g) of such section is amended—

(A) by inserting “(1)” after “(g)”;

(B) by striking “will not be made” and inserting “may not be made under the insurance coverage under this section”;

(C) by striking “the period” and all that follows through “the date” and inserting “a period prescribed by the Secretary, by regulation, for such purpose that begins on the date”;

(D) by designating the second sentence as paragraph (2);

(E) by striking “If the member” and inserting “If a member eligible for a payment under this section”;

(F) by striking “will be” and inserting “shall be”; and

(G) by striking “according to” and all that follows and inserting “to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.”.

(8) Subsection (h) of such section is amended—

(A) in the first sentence, by striking “member’s separation from the uniformed services” and inserting “termination of the member’s duty status in the uniformed services that established eligibility for Servicemembers’ Group Life Insurance”;

(B) by striking the second sentence; and

(C) by adding at the end the following new sentence: “The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers’ Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that section.”.

(9) Such section is further amended by adding at the end the following new subsection:

“(j) Regulations under this section shall be prescribed in consultation with the Secretary of Defense.”.

(b) EFFECTIVE DATE.—Section 1980A of title 38, United States Code, as amended by subsection (a), shall take effect on December 1, 2005, and (except as provided in subsection (d)) shall apply with respect to losses resulting from traumatic injuries incurred on or after that date.

(c) **DEADLINE FOR IMPLEMENTING REGULATIONS.**—Regulations to carry out section 1980A of title 38, United States Code, as amended by subsection (a), shall be prescribed not later than December 1, 2005.

(d) **APPLICABILITY TO PRIOR QUALIFYING LOSSES INCURRED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**—

(1) **ELIGIBILITY.**—A member of the uniformed services who during the period beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for coverage for that loss under section 1980A of title 38, United States Code, as amended by subsection (a), if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) **CERTIFICATION OF PERSONS ENTITLED TO PAYMENT.**—The Secretary concerned shall certify to the life insurance company issuing the policy of life insurance for Servicemembers' Group Life Insurance under chapter 19 of title 38, United States Code, the name and address of each person who the Secretary concerned determines to be entitled by reason of paragraph (1) to a payment under section 1980A of title 38, United States Code, as amended by subsection (a), plus such additional information as the Secretary of Veterans Affairs may require.

(3) **FUNDING.**—At the time a certification is made under paragraph (2), the Secretary concerned, from funds then available to that Secretary for the pay of members of the uniformed services under the jurisdiction of that Secretary, shall pay to the Secretary of Veterans Affairs the amount of funds the Secretary of Veterans Affairs determines to be necessary to pay all costs related to payments to be made under that certification. Amounts received by the Secretary of Veterans Affairs under this paragraph shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(4) **QUALIFYING LOSS.**—For purposes of this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code, as amended by subsection (a); and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

(e) **FUNDING FOR FIRST YEAR OF BENEFITS.**—Upon the date specified in subsection (b), the Secretary concerned shall pay to the Secretary of Veterans Affairs an amount that is equivalent to one-half the amount anticipated to be necessary to pay all costs related to payments to be made under section 1980A of title 38, United States Code, for fiscal year 2006, effective December 1, 2005. The amount received by the Secretary of Veterans Affairs under this subsection shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(f) **DEFINITIONS.**—For purposes of this section, the term “Secretary concerned” has the meaning given that term in paragraph (25) of section 101 of title 38, United States Code.

(g) **CONFORMING AMENDMENTS.**—Section 1032 of Public Law 109–13 (119 Stat. 257) is amended—

(1) in subsection (a), by striking paragraph (1), including the amendment that would be made by that paragraph effective December 1, 2005; and

(2) by striking subsections (c) and (d).

SEC. 402. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) **TYPGRAPHICAL ERROR.**—Section 1117(h)(1) is amended by striking “notwithstanding” and inserting “notwithstanding”.

(2) **INSERTION OF MISSING WORD.**—Section 1513(a) is amended by inserting “section” after “prescribed by”.

(3) **DELETION OF EXTRA WORDS.**—Section 3012(a)(1)(C)(ii) is amended by striking “on or”.

(4) **CROSS REFERENCE CORRECTION.**—Section 3017(b)(1)(D) is amended by striking “3011(c)” and inserting “3011(e)”.

(5) **STYLISTIC AMENDMENTS.**—Section 3018A is amended—

(A) by striking “of this section” in subsections (b) and (c);

(B) by striking “of this subsection” in subsections (a)(4), (a)(5), (d)(1) (both places it appears), and (d)(3); and

(C) by striking “of this chapter” in subsection (d)(3) and inserting “of this title”.

(6) **CROSS REFERENCE CORRECTION.**—Section 3117(b)(1) is amended—

- (A) by striking “section 8” and inserting “section 4(b)(1)”; and
- (B) by striking “633(b)” and inserting “633(b)(1)”.
- (7) INSERTION OF MISSING WORD.—Section 3511(a)(1) is amended by inserting “sections” after “under both”.
- (8) SUBSECTION HEADINGS.—
 - (A) Sections 3461, 3462, 3481, 3565, 3680, and 3690 are each amended by revising each subsection heading for a subsection therein (appearing as a centered heading immediately before the text of the subsection) so that such heading appears immediately after the subsection designation and is set forth in capitals-and-small-capitals typeface, followed by a period and a one-em dash.
 - (B) Section 3461(c) is amended by inserting after the subsection designation the following: “DURATION OF ENTITLEMENT.—”.
 - (C) Section 3462 is amended—
 - (i) in subsection (d), by inserting after the subsection designation the following: “PRISONERS OF WAR.—”; and
 - (ii) in subsection (e), by inserting after the subsection designation the following: “TERMINATION OF ASSISTANCE.—”.
 - (9) CROSS REFERENCE CORRECTION.—Section 3732(c)(10)(D) is amended by striking “clause (B) of paragraphs (5), (6), (7), and (8) of this subsection” and inserting “paragraphs (5)(B), (6), (7)(B), and (8)(B)”.
 - (10) DATE OF ENACTMENT REFERENCE.—Section 3733(a)(7) is amended by striking “the date of the enactment of the Veterans’ Benefits Act of 2003” and inserting “December 16, 2003”.
 - (11) REPEAL OF OBSOLETE PROVISIONS.—Section 4102A is amended
 - (A) in subsection (c)(7)—
 - (i) by striking “With respect to program years beginning during or after fiscal year 2004, one percent of” and inserting “Of”; and
 - (ii) by striking “for the program year” and inserting “for any program year, one percent”; and
 - (B) in subsection (f)(1), by striking “By not later than May 7, 2003, the” and inserting “The”.
 - (12) REPEAL OF OBSOLETE PROVISIONS.—Section 4105(b) is amended—
 - (A) by striking “shall provide,” and all that follows through “Affairs with” and inserting “shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding”; and
 - (B) by striking “and shall” and all that follows through “regarding the list”.
 - (13) CITATION CORRECTION.—Section 4110B is amended—
 - (A) by striking “this Act” and inserting “the Workforce Investment Act of 1998”; and
 - (B) by inserting “(29 U.S.C. 2822(b))” before the period at the end.
 - (14) CROSS-REFERENCE CORRECTION.—Section 4331(b)(2)(C) is amended by striking “section 2303(a)(2)(C)(ii)” and inserting “section 2302(a)(2)(C)(ii)”.
 - (15) CAPITALIZATION CORRECTION.—Section 7253(d)(5) is amended by striking “court” and inserting “Court”.

Amend the title so as to read:

A bill to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member, to make certain improvements in veterans employment assistance programs, and for other purposes.

INTRODUCTION

The reported bill reflects the Committee’s consideration of H.R. 3665, H.R. 1773, H.R. 419, and H.R. 3279.

On May 4, 2005, the Subcommittee on Economic Opportunity held a hearing on four bills, including H.R. 419, the Hire Veterans Act of 2005, and a draft of H.R. 3279, the Homeless Veterans Reintegration Program Reauthorization Act of 2005. H.R. 419 was introduced on January 26, 2005, by Honorable Michael K. Simpson. H.R. 3279 was introduced on July 14, 2005, by the Chairman and Ranking Member of the Subcommittee on Economic Opportunity,

Honorable John Boozman, and Honorable Stephanie Herseth, respectively, Honorable Ginny Brown-Waite, Honorable Lane Evans, Honorable Jeb Bradley, Honorable Luis V. Gutierrez, Honorable Henry E. Brown, Jr., Honorable Corrine Brown, Honorable Jeff Miller, Honorable Bob Filner, Honorable Richard H. Baker, and Honorable Shelley Berkley.

On July 27, 2005, the Subcommittee on Economic Opportunity held a hearing on H.R. 1773, H.R. 3082 and several draft bills. The provisions of H.R. 1773 are included in H.R. 3665, the Veterans Housing Improvement Act of 2005, introduced on September 7, 2005, by the Chairman and Ranking Member of the Subcommittee on Economic Opportunity, Honorable John Boozman, and Honorable Stephanie Herseth, Honorable Bob Filner, and Honorable Lane Evans.

On July 27, 2005, the Subcommittee on Economic Opportunity met and ordered H.R. 3279 and H.R. 419, as amended, reported favorably to the full Committee by unanimous voice vote.

On September 8, 2005, the Subcommittee on Economic Opportunity met and ordered H.R. 3665 reported favorably to the full Committee by unanimous voice vote.

On October 20, 2005, the full Committee met and ordered H.R. 3665, as amended reported favorably to the House by unanimous voice vote.

SUMMARY OF THE REPORTED BILL

H.R. 3665, as amended would:

TITLE I—HOUSING ASSISTANCE

1. Authorize a five year pilot program to provide for specially adaptive housing assistance to certain severely disabled veterans residing temporarily in housing owned by a family member. The amount of such grant could not exceed \$10,000 for veterans entitled to the maximum \$50,000 grant and \$2,000 for veterans entitled to the \$10,000 grant;

2. Authorize VA to award up to three specially adaptive housing grants, per eligible disabled veteran, within the allotted maximum amounts, currently \$50,000 for veterans with impairments of locomotion or multiple extremities and \$10,000 for veterans with visual impairments or loss of use of both hands;

3. Require the U.S. Government Accountability Office to provide interim and final reports to Congress on the implementation of the pilot program not later than three years and five years after the enactment of this Act;

4. Make the Native American Veteran Housing Loan Pilot Program a permanent authorization (authorization expires December 31, 2008);

5. Limit the maximum amount of any direct housing loan made to a Native American under the Native American Veteran Housing Loan Program to the Federal Home Loan Mortgage Corporation single-family conforming loan limit (currently \$359,650);

6. Extend the eligibility for the Native American Veteran Housing Loan Program to certain non-Native American veterans who have a meaningful interest in the property under tribal law and are the spouses of a Native American; and

7. Eliminate separate reporting requirements for the Native American Home Loan Program and include information in other annual reports.

TITLE II—EXTENSION OF PRESIDENT’S NATIONAL HIRE VETERANS
COMMITTEE

1. Extend the operation and authorization for use of appropriated funds for the President’s National Hire Veterans Committee (PNHVC) until not later than December 31, 2006;

2. Add certain duties to those of the Assistant Secretary of Labor for Veterans’ Employment and Training to raise awareness of the skills and the benefits of hiring veterans. Such additional duties would:

a. Require the Assistant Secretary to furnish information to employers through in person meetings with hiring executives of corporations and otherwise about the advantages of hiring veterans and disabled veterans; and

b. Require the Department of Labor through the Assistant Secretary of Labor for Veterans Employment and Training to develop a plan to transition selected duties and functions of the PNHVC to the Veterans Employment and Training Service (VETS) and deliver the plan to the Committees on Veterans’ Affairs of the House and Senate, no later than July 1, 2006.

3. Modify the title of the “Advisory Committee on Veterans Employment and Training” to be the “Advisory Committee on Veterans Employment, Training, and Employer Outreach”;

4. Modify the membership of the Advisory Committee to reflect the expanded emphasis on outreach to employers; and

5. Expand the duties of the Advisory Committee to assist the Assistant Secretary in performing outreach activities to employers and make recommendations to the Assistant Secretary on outreach activities, and the employment and training of veterans.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM
REAUTHORIZATION

1. Reauthorize the Homeless Veterans Reintegration Program for fiscal years 2007 through 2009; and

2. Retain the maximum authorization of \$50,000,000 per year.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

Make certain technical and clerical amendments.

BACKGROUND AND DISCUSSION

TITLE I—HOUSING ASSISTANCE

Pilot Program for Specially Adaptive Housing Assistance.—The Committee believes that the Department of Veterans Affairs (VA) needs additional flexibility in administering the adaptive housing grants program to better accommodate our most severely injured veterans. VA is authorized to assist eligible severely disabled veterans to acquire suitable housing. Specially adapted housing grants are typically used to install wheel chair ramps, widen doorways, provide automatic door openers, modify kitchens and bathrooms and provide other adaptations to homes for veterans who, because

of their service-connected disabilities, have difficulty living in standard housing.

Currently, two grants are available to severely disabled veterans. Grants up to \$50,000 are reserved for disabled veterans with severe impairments of locomotion or function of multiple extremities. Under current law, an ownership interest in the home is required in order to receive this grant.

Also, grants of up to \$10,000 are available to veterans with blindness, decreased visual acuity or loss or loss of use of both hands. Under current law, the veteran must intend to continue living in the property in order to receive this grant.

The Committee understands that, due to a variety of factors, many veterans returning with catastrophic injuries from Operation Enduring Freedom and Operation Iraqi Freedom do not have a home of their own to return to upon release from a hospital or rehabilitation facility. Therefore, these veterans often return to a family member's home. Section 101 of the bill would authorize a five-year pilot program that would allow veterans to use a portion of their total adaptive housing grant to make minor renovations to a family member's house during a convalescent period.

This more flexible approach to adaptive grants would ease the financial burden often placed upon family members when welcoming a disabled veteran into their home. The authority for temporary grants would not increase the total amount of grant resources available under the two existing adaptive housing grant programs. To determine the effectiveness of the new flexibility, the U.S. Government Accountability Office would be required to report to Congress on the pilot program three and five years after date of enactment. The Committee's intent is to provide the partial grants for both programs, in the case of homes owned by family members, regardless of whether the veteran has any degree of ownership in the property.

Currently a veteran may receive a grant for specially adaptive housing only once. In the rare cases where a veteran uses less than the maximum grant amount, no additional benefits are payable. Many injuries are progressive and additional modifications to the home may be necessary after the initial grant is awarded. Therefore, to provide more flexibility, section 2 of the bill would allow veterans to receive up to three separate adaptive housing grant payments, including any grant made to veterans temporarily residing in a family member's home, so long as the maximum grant amounts of \$50,000 or \$10,000 for the program is not exceeded.

The Committee notes that there are two other programs within VA to assist severely disabled veterans to achieve an increased measure of safety and comfort in their daily living. The Veterans Health Administration manages the Home Improvements and Structural Alterations grant program to assist severely disabled veterans during medical rehabilitation. The Vocational Rehabilitation and Employment Service may also make limited housing adaptation grants under certain circumstances. The Committee expects the Department to coordinate these three programs to maximize the leveraging of funds available to provide all necessary adaptations to severely disabled veterans' homes.

Native American Veteran Housing Loan Program.—Native American veterans, including Pacific Islanders and Alaskan natives,

often reside on tribal trust property where private ownership of land is not permitted. Thus, they have significant difficulty in obtaining conventional home loans under VA and other home loan programs. In recognition of the military service provided by Native Americans, Congress established a pilot program in 1992 to allow VA to enter into agreements with local tribal authorities. These agreements permitted Native American veterans to purchase, construct or improve dwellings on tribal trust property. The pilot program is scheduled to expire on September 30, 2008. Native Hawaiians and Pacific Islanders, in particular, have made significant use of the program.

Ordinarily, the direct Native American Veterans Housing loans are limited to \$80,000. However, the Secretary of Veterans Affairs may increase this amount to meet geographic economic conditions with no current limit on the maximum allowable loan amount. This bill would limit the maximum loan amount under this program to the maximum amount authorized for loans guaranteed under VA's general home loan guaranty program.

Although not all eligible tribes have entered into agreements with VA, where agreements have been entered into, the program has been successful. Foreclosures are extremely rare. The fees paid by veterans who participate in the loan program cover the costs of the loans. The pilot program has been extended a number of times. The Committee believes that the pilot program has proven its worth and should be made permanent.

Some veterans who reside on tribal trust lands are currently unable to obtain a Native American Home Loan because they are not members of the relevant Native American tribe, but are married to a tribal member. These veterans are entitled to reside on tribal trust land by reason of their marriage to a tribal member. This has been a particular problem in American Samoa.

According to Mr. Faleomavaega, the Delegate from American Samoa, "most land in American Samoa is communal meaning that only Samoans of Tutuila, Manu's, Aunu'u, or Swain Islands may qualify for home loans offered by traditional lending institutions because only they can make claim to native land. As a result of these land laws, non-native spouses of veterans or persons serving in the U.S. Armed Forces who are married to a Samoan may not qualify for a VA home loan."

To address the unique ownership issues in Samoa and other similar tribal trust jurisdictions the bill would authorize VA to make a loan to a non-Native American veteran who is married to a Native American who is eligible to reside on tribal trust lands and who has been granted permission to build or purchase a home on such land. The bill would make it possible for a non-tribal military member or veteran to qualify for a VA loan if the non-tribal military member has a "meaningful interest" in the housing a tribal member spouse has been granted permission to build on communal land.

The Committee intends that the term "meaningful interest" would mean that the veteran has the right to reside in the home to which the loan applies under tribal laws. The Committee believes that a "meaningful interest" at a minimum includes the right to reside in the property while married to the Native American spouse, or in the event of the dissolution of the marriage or death

of the Native American spouse, any rights provided under local divorce or inheritance law. While the problem addressed by this provision was brought to the Committee's attention by veterans living in American Samoa, the legislation would apply in other tribal trust areas where similar tribal legal provisions are in effect.

The Committee has included a technical correction in Section 104 of the bill that would eliminate use of the word "helpless" when describing disabled veterans. The Committee believes that the term is archaic and does not reflect well on veterans in general. While severely disabled veterans may need additional assistance in daily living, describing them as severely disabled is a more positive description of their condition. The Committee does not intend that this update in terminology will have any change in the long-standing criteria for receipt of such benefits.

TITLE II—EXTENSION OF PRESIDENT'S NATIONAL HIRE VETERANS
COMMITTEE

The Veterans' Employment and Training Service (VETS) of the U.S. Department of Labor is in a unique position in government with its customer being industry and its product being veterans who are seeking employment. To lead that effort, the Assistant Secretary of Labor for Veterans Employment and Training (ASVET) is strategically placed to be the nationally recognized advocate for veterans' employment.

Public Law 107-288 created the President's National Hire Veterans Committee (PNHVC) to improve industry's awareness of the value inherent in increasing the number of veterans hired by the private sector. By implication, VETS was falling short of Congress' expectations in that area. Veterans' employment needed an effective "shot-in-the-arm" to market veterans as a desirable group from which industry could recruit high quality, reliable employees.

The PNHVC was given a three-year window to accomplish its goals. Unfortunately, the PNHVC was slow to organize and reach its full potential. This slow start and relatively low performance of the PNHVC prompted several witnesses from veterans' service organizations to decline to endorse extension of the PNHVC's mandate at the Economic Opportunity Subcommittee hearing on May 4, 2005. The Department of Labor's testimony also failed to clearly endorse an extension of the PNHVC.

However, the Committee recognized that to terminate the PNHVC without a transition plan would jeopardize the taxpayers' investment and put at risk any positive PNHVC initiatives just when it was making progress in its outreach efforts. The Committee determined that a one-year extension for purposes of winding down the PNHVC, in addition to added oversight by VETS, would be an appropriate way to ensure that the Department of Labor integrates the positive aspects of the PNHVC into its future activities.

The Committee notes that P.L. 107-288 authorized an additional senior career position, the Deputy Assistant Secretary for Operations, within the office of the ASVET. This position is intended to assist with the management of the daily operational responsibilities within VETS and its programs such as the Disabled Veteran Outreach Program Specialist/Local Veteran Employment Representative state grant programs and the Homeless Veterans Re-

integration Program. This additional senior management position should enable the ASVET to spend a significant portion of time actively promoting veterans' employment to industry through face-to-face meetings with senior executives, attendance at industry trade events, public affairs events, and coordination with other government agencies.

In its oversight of the PNHVC initiative and the existing structure at VETS, the Committee determined that the Department of Labor's existing Advisory Committee on Veterans Employment and Training lacked a focus on outreach. Its membership needs adjustment to increase representation of groups closely involved in industry hiring practices. These include the National Society of Human Resource Managers, the Business Roundtable, the National Association of State Workforce Agencies, the U.S. Chamber of Commerce; the National Federation of Independent Business, and a nationally recognized labor union or organization.

Finally, the Committee is very concerned that the Department of Labor has not complied with reporting requirements contained in section 4107 of title 38 since the year 2000. The Committee finds this lack of compliance a disservice to former, current, and future military personnel, as well as a disregard of the legislative branch's oversight. Further, such noncompliance indicates a lack of leadership within the Department of Labor and is perhaps symptomatic of the Department of Labor's treatment of, and interest in, the subject of veterans' employment and training services. This situation prompts the Committee to question the Department of Labor's commitment to promoting veterans' employment and training services.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM REAUTHORIZATION

The Homeless Veterans' Reintegration Program (HVRP) administered by VETS assists homeless veterans to obtain meaningful employment within the labor force and seeks to stimulate the development of effective local service delivery systems to address the complex reintegration problems facing homeless veterans.

Based on testimony and meetings with HVRP providers, the program has proven to be one of the most successful programs in government by rehabilitating and finding jobs for the most difficult to place population of veterans. As stated at the Subcommittee on Economic Opportunity's hearing on May 4, 2005, by Mr. John M. McWilliam, Deputy Assistant Secretary for VETS, "HVRP is DOL's only program dedicated to helping homeless veterans secure employment, and ultimately, economic self-sufficiency * * *".

Once again, it is unfortunate that the Department of Labor has not complied with Congressional reporting requirements for this program. Disregard for such reporting requirements hinders Congress from exercising its oversight responsibilities and jeopardizes programs such as HVRP. For example, performance statistics are incomplete on this and other VETS programs except for what may be provided to the Committee in written testimony. The Committee expects the Department to provide all reports which have not been submitted and to comply with future reporting requirements on all of the programs administered by VETS.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

Title IV of the bill would make various technical and clerical amendments to title 38, United States Code. In particular, the bill contains a number of technical amendments to section 1980A of title 38, United States Code, which is effective December 1, 2005. These technical amendments more clearly specify the responsibilities of the different uniformed services who participate in the Servicemembers' Groups Life Insurance Program: Military services under the jurisdiction of the Secretary of Defense, the United States Coast Guard under the jurisdiction of the Secretary of Homeland Security, the Public Health Service under the jurisdiction of the Secretary of Health and Human Services, and the National Oceanic and Atmospheric Administration under the jurisdiction of the Secretary of Commerce.

These technical amendments are intended to clarify and to conform section 1980A of title 38, United States Code, to current provisions, and are not intended to make any substantive change in current law.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would identify the short title of the bill as the "Veterans Housing and Employment Improvement Act of 2005" and list the Table of Contents.

Section 101(a) of the bill would amend chapter 21 of title 38, U.S.C., by inserting a new section 2102A that would create a five year pilot program to provide a partial grant for reasonably necessary service-connected disability-related home adaptations to veterans residing temporarily in housing owned by a family member. The new section would authorize the Secretary to provide up to a \$10,000 grant for veterans with impairments in locomotion or use of multiple extremities and up to a \$2,000 grant for disabled veterans with visual impairments or loss of function of both hands, residing temporarily in a home owned by a member of the veteran's family. The assistance authorized under this new section would be limited to one residence. The pilot program would terminate five years after date of enactment.

Section 101(b) of the bill would allow a veteran to receive up to three adaptive housing grants of assistance provided under section (a) or (b) of section 2101 of title 38, U.S.C. The total value of grants would not exceed \$50,000 for a veteran with disabilities involving locomotion or loss of function of both arms or \$10,000 for veterans with disabilities involving loss of vision or loss of function of both hands as defined in title 38 sections 2101(a) and 2101(b) respectively.

Section 101(c) of the bill would amend chapter 21 of title 38, U.S.C., by adding at the end a new section 2107 to require the Secretary to coordinate the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and programs that are administered by the Under Secretary of Benefits under chapters 21, 17, and 31 of title 38, U.S.C.

Section 101(d) of the bill would make a clerical amendment to the table of sections at the beginning of chapter 21 of title 38, U.S.C.

Section 101(e) of the bill would require the U.S. Government Accountability Office to submit to Congress an interim report on the implementation of section 2102A not later than three years after the date of enactment and a final report not later than five years after date of enactment.

Section 102 of the bill would make the Native American Home Loan program permanent. It would also limit the Secretary's discretion to approve loans only up to the Freddie Mac conforming loan limit (currently \$359,650).

Section 103 of the bill would authorize VA to make direct loans to non-Native American veterans whose Native American spouses are eligible to acquire dwellings for residence on tribal trust lands. This section also would require that such a veteran acquire a meaningful interest in the home as a condition of making the loan.

Section 104 of the bill would amend several sections of title 38 by substituting the words severely disabled for the word "helpless" when describing disabled veterans eligible for additional benefits.

Section 201 of the bill would amend section 6 of the Jobs for Veterans Act by extending the operations of the President's National Hire Veterans Committee (PNHVC) until not later than December 31, 2006. Section 201 would also extend the authorization for appropriations through not later than December 31, 2006 and require an additional PNHVC report to the Committees by no later than December 31, 2006.

Section 202(a) of the bill would add outreach to employers to the duties of the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) regarding the advantages of hiring veterans and disabled veterans. The ASVET would accomplish outreach through a variety of means including personal meetings with company executives.

Section 202(b) of the bill would require the Secretary of Labor, acting through the ASVET, to develop a plan to transition selected duties and functions of the PNHVC to the ASVET. The transition plan would be transmitted to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than July 1, 2006.

Section 203(a) of the bill would rename the current "Advisory Committee on Veterans Employment and Training" to "Advisory Committee on Veterans Employment, Training, and Employer Outreach".

Section 203(b) of the bill would expand the duties of the Advisory Committee to include assisting the ASVET with employer outreach and making recommendations to the Secretary of Labor through the ASVET with respect to outreach activities and the employment and training of veterans.

Section 203(c) of the bill would reduce the total number of members from 18 to 15 and modify the membership of the Advisory Committee to include representatives from: The National Society of Human Resource Managers; The Business Roundtable; The National Association of State Workforce Agencies; The U.S. Chamber of Commerce; The National Federation of Independent Business; A nationally recognized labor union or organization; Veterans' service organizations that have a national employment program; and recognized authorities in the fields of business, employment, training, rehabilitation, or labor.

Section 203(c) of H.R. 3665 would reduce the number of non-voting ex officio members of the Advisory Committee to six but retain the following: Secretary of Veterans Affairs; Secretary of Defense; Director of the Office of Personnel Management; Assistant Secretary of Labor for Veterans' Employment and Training; Assistant Secretary of Labor for Employment and Training; and Administrator of the Small Business Administration.

Section 203(d) of the bill would amend section 4110 (f)(1) of title 38, U.S.C., to require the Advisory Committee to submit a report to the Secretary of Labor on the employment and training needs of veterans for the previous fiscal year. This report would include a description of the activities of the Advisory Committee during that fiscal year as well as plans for the next fiscal year.

Section 301 of the bill would amend subsection 2021(e)(1) of title 38, U.S.C. to reauthorize HVRP for fiscal years 2007 through 2009; and retain the maximum authorized appropriation of \$50,000,000 per year.

Section 401 of the bill would amend section 1980A of title 38, U.S.C. to make technical and clarifying amendments to the traumatic injury protection provided under the Servicemembers' Group Life Insurance program.

Section 402 of the bill would amend several sections of title 38, U.S.C. with technical and clerical amendments.

PERFORMANCE GOALS AND OBJECTIVES

The reported bill would authorize veterans' benefits enhancements and program improvements under laws administered by the Secretary of Veterans Affairs. All veterans programs and activities affected by the reported bill are currently authorized. The reported bill would also authorize veteran's employment and training enhancements and program improvements under laws administered by the Secretary of Labor. The performance goals and objectives for these programs are established in annual performance plans and are subject to the Committee's regular oversight.

STATEMENTS OF THE VIEWS OF THE ADMINISTRATION

STATEMENT OF KEITH PEDIGO, DIRECTOR, LOAN GUARANTY SERVICE, DEPARTMENT OF VETERANS AFFAIRS

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify today and present the views of the Department of Veterans Affairs on six bills of great interest to our Nation's veterans.

H.R. 1773

The first bill I will discuss, Mr. Chairman, is H.R. 1773, which would make several amendments to the VA Native American Direct Loan program. Under this program, qualified Native American veterans living on trust land may receive direct housing loans from VA.

First, this bill would make the Native American Direct Loan program permanent. Under this program, which was enacted as a pilot program in October 1992, VA has made

over 450 loans to Native American veterans living on trust lands. This program is currently set to expire December 31, 2008.

VA believes the Native American Direct Loan program has proven to be a viable benefit which provides financing to a unique class of veterans residing in areas where private funding is not generally available. VA looks forward to working with the Congress to extend this program. We are advised, however, that the Department of Justice has some constitutional concerns. We would be pleased to work with the Committee staff and the Department of Justice to address those issues and develop legislation that the Administration can support.

In addition, H.R. 1773 would tie the maximum permitted Native American Direct Loan to the single-family conforming loan limit established by the Federal Home Loan Mortgage Corporation (also known as "Freddie Mac"). The Veterans Benefits Improvement Act of 2004 tied the maximum VA housing loan guaranty to the Freddie Mac single-family conforming loan limit. We believe tying the maximum Native American Direct Loan to the same Freddie Mac limit is appropriate, and VA supports that proposal.

Finally, H.R. 1773 would extend eligibility for a Native American Direct Loan to a veteran who is not a Native American, but who is married to a Native American non-veteran. To be eligible for such a loan, the qualified non-Native American veteran and the spouse must reside on trust land, and both the veteran and spouse must have a meaningful interest in the dwelling or lot.

Due to the scarcity of private financing on tribal trust land, non-Native American veterans who choose to live with a Native American spouse on tribal trust land are effectively precluded from obtaining VA guaranteed loans. VA is not certain how many tribes allow non-Native American spouses who reside on trust land to obtain a meaningful interest in the dwelling. In cases where tribal law allows such an interest, VA has no objection to extending this benefit as proposed by H.R. 1773.

VA estimates enactment of H.R. 1773 would produce a discretionary first-year savings of \$708 thousand, and a discretionary 10-year savings of approximately \$23 million.

DRAFT BILL—GRANTS FOR TEMPORARY ADAPTIVE HOUSING

The next draft bill, Mr. Chairman, would authorize the Secretary to provide additional assistance to a veteran who is eligible for Specially Adapted Housing under chapter 21 of title 38, United States Code, and who is temporarily residing in a home owned by the veteran's parent or sibling. This assistance would be in the form of a grant to assist the veteran in adapting the temporary residence to meet the veteran's special needs.

The temporary residence grant for a veteran who is eligible for the grant authorized by section 2101(a) of title 38 could not exceed \$10,000, and in the case of a veteran eli-

gible for the grant authorized by section 2101(b), the temporary residence grant could not exceed \$2,000. Only one such grant for a temporary residence would be permitted for any one veteran. If the veteran subsequently receives a grant under section 2101 for a permanent residence, the amount of the assistance received under this proposed authority would be deducted from the maximum grant otherwise authorized by section 2102.

VA believes the intent of this draft bill is laudable, and has no objection to the concept of this legislation. Before VA can endorse this or any similar legislation, however, we believe more study of this new proposal is required and a number of practical issues need to be resolved.

For example, Mr. Chairman, the veteran would have no ownership interest in the temporary residence, and would be at the mercy of the parent or sibling for being permitted to continue to occupy the adapted temporary residence. Should the owner need or desire to sell the residence, or if the veteran and relative have a falling out, the veteran could be forced to vacate the residence prematurely and would lose the benefit of this one-time assistance. In addition, a number of veterans needing a temporary residence may not be able to obtain accommodations with a parent or sibling. We question whether qualified temporary residences should be so limited.

Due to the high costs of construction, many homes cannot be adequately adapted, even as a temporary residence, for the amount proposed for the new grant. Likewise, when a veteran who has received such temporary assistance acquires a permanent residence, the grant for that home would be reduced by the amount of such initial grant. Because the veteran did not own the temporary residence, the veteran will have no equity to apply to the new residence. The reduction in the final grant might adversely affect the affordability of a permanent adapted home for some veterans. Thus, we need further study to ensure we are not converting this important program into one that supplies two inadequate grants.

We would be pleased to meet with Committee staff to discuss our concerns in greater detail, Mr. Chairman.

VA estimates enactment of this draft legislation would produce no increase in benefits costs and insignificant administrative expenses.

DEPARTMENT OF LABOR,
Washington, DC, September 9, 2005.

Hon. STEVE BUYER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN BUYER: This is in response to your request for our views on H.R. 419, the Hire Veterans Act of 2005.

H.R. 419 would extend the President's National Hire Veterans Committee (PNHVC) through December 31, 2006, expand the duties of the Assistant Secretary for Veterans Employment and

Training, and amend section 4110 of Title 38 through the establishment of the Advisory Committee on Veterans, Employment, Training, and Employer Outreach.

As you know, the PNHVC, originally authorized by the Jobs for Veterans Act (Public Law 107-288), was established to:

1. furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring such veterans; and
2. facilitate employment of veterans and disabled veterans through participation in the national labor exchange and other means.

To support the current activities of the PNHVC, the Veterans Employment and Training Service (VETS) uses funds from the Employment Security Administration Account in the Unemployment Trust Fund. In Fiscal Year 2005, VETS projects the cost of the PNHVC to be \$1,238,963.

With respect to Section 2 of the bill, if the Committee decides to reauthorize the PNHVC, we will continue to take the PNHVC in the direction intended by Congress. Regarding Section 3 of the bill, we believe this section is unnecessary. The Assistant Secretary for Veterans Employment and Training (ASVET) is currently required to implement all efforts to ensure the most effective and efficient employment, training, and placement services to veterans and other eligible persons. The ASVET already has the flexibility to take those steps necessary to achieve the results expected by Congress. Further, the Department currently reaches employers effectively through a number of means, not just those described in Section 3.

With respect to Section 4 of the bill, we support the concept of expanding the duties of the Advisory Committee for Veterans Employment and Training to include employer outreach. If this bill is enacted, we will work with you to ensure that it is implemented in the direction intended by Congress.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Thank you for the opportunity to comment on this bill.

Sincerely,

CHARLES S. CICCOLELLA,
Assistant Secretary for Veteran's Employment and Training.

DEPARTMENT OF LABOR,
Washington, DC, September 9, 2005.

Hon. STEVE BUYER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN BUYER: This is in response to your request for our views on H.R. 3279, which would reauthorize the Homeless Veterans Reintegration Program (HVRP) for fiscal years 2007 through 2009. As reflected in our testimony before the Subcommittee on Economic Opportunity Committee on May 4, 2005, we support the extension of this program.

HVRP is administered on a Fiscal Year (FY) basis using appropriated funds. The funds appropriated for HVRP are awarded through a competitive grants process.

The Congress authorized appropriations for HVRP at \$50 million for FY 2002 through FY 2006. We fully support an extension of the existing authorization of HVRP for an additional three years.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Thank you for the opportunity to comment on this bill

Sincerely,

CHARLES S. CICCOLELLA,
Assistant Secretary for Veteran's Employment and Training.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The following letter was received from the Congressional Budget Office concerning the cost of the reported bill:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 2005.

Hon. STEVE BUYER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3665, the Veterans Housing and Employment Improvement Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah T. Jennings.

Sincerely,

DONALD B. MARRON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3665—Veterans Housing and Employment Improvement Act of 2005

Summary: H.R. 3665 would affect several veterans programs, including readjustment benefits, housing, and employment programs. CBO estimates that implementing this bill would cost \$1 million in 2006 and about \$140 million over the 2006–2010 period, subject to appropriation of the necessary amounts. In addition, CBO estimates that enacting H.R. 3665 would increase direct spending for veterans programs by less than \$500,000 in 2006, by \$2 million over the 2006–2010 period, and by less than \$500,000 over the 2006–2015 period.

H.R. 3665 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3665 is shown in Table 1. The costs of this legislation fall within budget functions 700 (veterans benefits and services) and 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF H.R. 3665

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	3	50	50	51	1
Estimated Outlays	1	6	34	50	48
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority	(¹)	1	1	(¹)	(¹)
Estimated Outlays	(¹)	1	1	(¹)	(¹)

¹ Between –\$500,000 and \$500,000.

Basis of estimate: For this estimate, CBO assumes the bill will be enacted by the end of calendar year 2005 and that the necessary amounts will be appropriated for each year.

CBO estimates that implementing H.R. 3665 would cost about \$140 million over the 2006–2010 period, assuming appropriation of the necessary amounts. In addition, the bill contains provisions that would both increase and decrease direct spending. We estimate that these provisions combined would increase direct spending by less than \$500,000 in 2006, by \$2 million over the 2006–2010 period, and (because of small annual savings in the later years) by less than \$500,000 over the 2006–2015 period.

Spending subject to appropriation

H.R. 3665 contains provisions that would increase discretionary spending for veterans readjustment, housing, and employment programs (see Table 2).

TABLE 2.—ESTIMATED CHANGES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3665

Provision	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Homeless Veterans Reintegration Program (section 301):					
Authorization Level	0	50	50	50	0
Estimated Outlays	0	4	34	49	47
Extension of Committee (section 201):					
Authorization Level	3	0	0	0	0
Estimated Outlays	1	2	0	0	0
Native American Veteran Housing Loan Pilot Program (section 102):					
Estimated Authorization Level	0	0	0	1	1
Estimated Outlays	0	0	0	1	1
Total Proposed Changes:					
Estimated Authorization Level	3	50	50	51	1
Estimated Outlays	1	6	34	50	48

Homeless Veterans Reintegration Program. Section 301 would extend the Homeless Veterans Reintegration Program through fiscal year 2009 and would authorize the appropriation of \$50 million a year (the same level authorized in previous years) over the 2007–2009 period for the program. (Approximately \$21 million was appropriated in 2005 for this program.) The program provides grants to organizations that offer job counseling and training to homeless veterans. Under current law, the authorization for this program will expire at the end of fiscal year 2006. CBO estimates that implementing this provision would cost \$4 million in 2007 and \$134 million over the 2007–2010 period, assuming appropriation of the authorized amounts.

Extension of Committee. Section 201 would extend the President's National Hire Veterans Committee, including its reporting requirements, through 2006 and authorize the appropriation of \$3 million in 2006—the same level authorized in prior years—for committee operations. Under current law, that committee would cease to operate after December 31, 2005. CBO estimates that implementing the provision would cost \$1 million in 2006 and \$3 million over the 2006–2007 period, assuming appropriation of the authorized amount.

Native American Veteran Housing Loan Pilot Program. Section 102 of the bill would permanently extend the Native American Veteran Housing Loan Pilot Program. Under the program, which is scheduled to expire at the end of calendar year 2008, the Department of Veterans Affairs (VA) makes direct loans to veterans living on trust lands for the purchase, construction, or improvement of a home. VA's administrative expenses for the program, a discretionary cost, would continue after 2008 under the bill. We estimate that those costs would average \$650,000 a year over the 2009–2015 period, assuming the availability of appropriated funds. (In 2005, about \$600,000 was provided for this program.) This section also would have direct spending effects, which are discussed below.

Direct spending

H.R. 3665 contains provisions that would increase direct spending for veterans' readjustment benefits and reduce direct spending for veterans' housing programs (see Table 3). In total, CBO estimates enacting this legislation would increase direct spending for these programs by less than \$500,000 in 2006, \$2 million over the 2006–2010 period, and by less than \$500,000 over the 2006–2015 period.

TABLE 3.—ESTIMATED CHANGES IN DIRECT SPENDING UNDER H.R. 3665

	By fiscal year, in millions of dollars—									
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Specialty Adapted Housing Grants (section 101):										
Estimated Budget Authority	(¹)	1	1	1	(¹)	0	0	0	0	0
Estimated Outlays	(¹)	1	1	1	(¹)	0	0	0	0	0
Native American Veterans Housing Loan Pilot Programs (sections 102 and 103):										
Estimated Budget Authority	0	0	0	(¹)						
Estimated Outlays	0	0	0	(¹)						
Total Proposed Changes:										
Estimated Budget Authority	(¹)	1	1	(¹)						
Estimated Outlays	(¹)	1	1	(¹)						

¹ Between –\$500,000 and \$500,000.

Specialty Adapted Housing (SAH) Grants. The Department of Veterans Affairs currently provides two grants to assist certain severely disabled veterans to acquire housing that is adapted to their disabilities or to modify their existing housing. Under current law, veterans who are classified by VA as totally disabled and who have certain mobility limitations are entitled to receive housing grants of up to \$50,000. Totally disabled veterans who are blind or have lost the use of their hands are entitled to receive grants of up to \$10,000. Each grant may be used to adapt only one house, and, in

the case of the larger grant, the veteran must at least be a partial owner of the house. Section 101 would allow recipients to use up to \$10,000 from the larger grant or \$2,000 from the smaller grant to adapt the home of a family member when the veteran resides with that family member temporarily. CBO estimates that enacting this provision would increase direct spending for veterans readjustment benefits by less than \$500,000 in 2006, \$3 million over the 2006–2010 period, and \$3 million over the 2006–2015 period.

Because current law allows a qualified veteran to use the \$10,000 grant to adapt a residence that is not owned by the grant recipient, CBO does not expect the proposed change to have a significant impact on how those loans would be used.

However, CBO estimates that the proposed change would affect both participation and usage patterns for the larger grant. Under the provision, CBO anticipates that some veterans who would not otherwise use that grant would choose to modify a relative's home. Such veterans may be currently living with a relative but are not a partial owner of the relative's home or they may reside in an assisted care facility. Based on information from the Department of Defense and VA, CBO expects that enacting this provision would cause about 100 veterans who are currently entitled to the \$50,000 grant to spend about \$10,000 each over the next several years to modify a relative's home. Similarly, CBO estimates that each year about 15 veterans who would become newly eligible for this grant but not use it for the reasons stated above would spend about \$10,000 to modify a relative's home.

Some veterans who become eligible for the larger grant postpone using that grant for several years until they can live independently or complete vocational rehabilitation. CBO estimates that, of these eligible veterans, about 20 veterans each year would use \$10,000 of the \$50,000 grant to modify a relative's home and reside there temporarily. Since CBO expects that under current law these veterans will use the full \$50,000 grant to modify their own homes, enacting this provision would likely speed up usage of a portion of the \$50,000 grant. Thus, CBO estimates that outlays for adaptive housing grants for this group of veterans would increase by about \$200,000 a year over the 2006–2009 period, and after that period the spending to modify the homes of relatives would be offset by reduced spending for the adaptation of the veterans' homes.

Native American Veteran Housing Loan Pilot Program. Section 102 of the bill would permanently extend the Native American Veteran Housing Loan Pilot Program and increase the maximum loan amount by indexing this amount to the Freddie Mac conforming loan limit for single-family homes, which is adjusted annually to reflect home prices. Section 103 would expand eligibility for the program to include certain non-Native American veterans who are spouses of Native Americans and have joint ownership of property on trust lands.

In 1993, Public Law 102–389 provided appropriations of \$4.5 million for the subsidy cost of these loans. Since the program's inception, VA has made almost 500 loans at an estimated subsidy cost of \$2.2 million. Although the program initially incurred subsidy costs, it currently has a negative subsidy rate of 13.8 percent and an estimated annual loan level of about \$2.5 million. Based on information from VA, CBO estimates that the increase in the max-

imum loan amount and the expanded eligibility would not affect the program significantly, and would thus not have any significant effect on the current subsidy rate or loan levels. CBO estimates that enacting the bill would reduce direct spending by less than \$500,000 a year over the 2009–2015 period.

Intergovernmental and private-sector impact: H.R. 3665 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimates: On May 5, 2005, CBO transmitted a cost estimate for H.R. 1773, the Native American Veteran Home Loan Act, as introduced on April 21, 2005. Sections 102 and 103 of H.R. 3665 are similar to H.R. 1773 and would have identical estimated costs and savings.

On August 4, 2005, CBO transmitted a cost estimate for S. 1235, the Veterans Benefits Improvement Act of 2005, as ordered reported by the Senate Committee on Veterans’ Affairs on July 28, 2005. Section 102 of H.R. 3665 is similar to section 203 of S. 1235, and would have identical estimated costs and savings.

Estimate prepared by: Federal Costs: Housing Grants: Sarah T. Jennings. Housing Loans: Sunita D’Monte. Veterans’ Employment: Christina Hawley Sadoti.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on the Private Sector: Joshua Lee.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF FEDERAL MANDATES

The preceding Congressional Budget Office (CBO) cost estimate states that H.R. 3665, as amended, does not contain any intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), Public Law 104–4.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress’ power to “provide for the common Defense and general Welfare of the United States.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART II—GENERAL BENEFITS

* * * * *

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

* * * * *

SUBCHAPTER I—GENERAL

* * * * *

§ 1114. Rates of wartime disability compensation

For the purposes of section 1110 of this title—

(a) * * *

* * * * *

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or [so helpless] *with such significant disabilities* as to be in need of regular aid and attendance, the monthly compensation shall be \$2,785;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or of both legs at a level, or with complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering such veteran [so helpless] *so significantly disabled* as to be in need of regular aid and attendance, the monthly compensation shall be \$3,073;

* * * * *

§ 1115. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1114 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) * * *

* * * * *

(E) notwithstanding the other provisions of this paragraph, the monthly payable amount on account of a spouse who is (i) a patient in a nursing home or (ii) [helpless or blind, or so nearly helpless or blind as to] *blind, or so nearly blind or significantly disabled as to need or require* the regular aid and attendance of another person, shall be \$241 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section; and

* * * * *

§ 1117. Compensation for disabilities occurring in Persian Gulf War veterans

(a) * * *

* * * * *

(h)(1) If the Secretary determines with respect to a medical research project sponsored by the Department that it is necessary for the conduct of the project that Persian Gulf veterans in receipt of compensation under this section or section 1118 of this title participate in the project without the possibility of loss of service connection under either such section, the Secretary shall provide that service connection granted under either such section for disability of a veteran who participated in the research project may not be terminated. Except as provided in paragraph (2), **[notwithstanding]** *notwithstanding* any other provision of law any grant of service-connection protected under this subsection shall remain service-connected for purposes of all provisions of law under this title.

* * * * *

SUBCHAPTER III—WARTIME DEATH COMPENSATION

* * * * *

§ 1122. Rates of wartime death compensation

(a) * * *

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by \$79 if the payee is (1) a patient in a nursing home or (2) **[helpless or blind, or so nearly helpless or blind as to]** *blind, or so nearly blind or significantly disabled as to* need or require the regular aid and attendance of another person.

* * * * *

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

* * * * *

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

* * * * *

§ 1311. Dependency and indemnity compensation to a surviving spouse

(a) * * *

* * * * *

(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by \$241 if the spouse is (1) a patient in a nursing home or (2) **[helpless or blind, or so nearly helpless or blind as to]** *blind, or so nearly blind or sig-*

nificantly disabled as to need or require the regular aid and attendance of another person.

* * * * *

§ 1315. Dependency and indemnity compensation to parents

(a) * * *

* * * * *

(g) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by \$85, as increased from time to time under section 5312 of this title, if such parent is (1) a patient in a nursing home or (2) [helpless or blind, or so nearly helpless or blind as to] *blind, or so nearly blind or significantly disabled as to* need or require the regular aid and attendance of another person.

* * * * *

CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

* * * * *

SUBCHAPTER I—GENERAL

* * * * *

§ 1502. Determinations with respect to disability

(a) * * *

(b) For the purposes of this chapter, a person shall be considered to be in need of regular aid and attendance if such person is (1) a patient in a nursing home or (2) [helpless or blind, or so nearly helpless or blind as to] *blind, or so nearly blind or significantly disabled as to* need or require the regular aid and attendance of another person.

* * * * *

SUBCHAPTER II—VETERANS' PENSIONS

* * * * *

§ 1513. Veterans 65 years of age and older

(a) The Secretary shall pay to each veteran of a period of war who is 65 years of age or older and who meets the service requirements of section 1521 of this title (as prescribed in subsection (j) of that section) pension at the rates prescribed by *section 1521* of this title and under the conditions (other than the permanent and total disability requirement) applicable to pension paid under that section.

* * * * *

CHAPTER 19—INSURANCE

* * * * *

SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE
INSURANCE

* * * * *

§ 1980A. Traumatic injury protection

[(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed \$100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to \$100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.]

(a)(1) A member of the uniformed services who is insured under Servicemembers' Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury that results in a qualifying loss specified pursuant to subsection (b)(1).

(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.

(b)(1) A member who is [issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—] *insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as "qualifying losses") as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:*

(A) [total] *Total and permanent loss of sight[;].*

(B) [loss] *Loss of a hand or foot by severance at or above the wrist or ankle[;].*

(C) [total] *Total and permanent loss of speech[;].*

(D) [total] *Total and permanent loss of hearing in both ears[;].*

(E) [loss] *Loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints[;].*

(F) [quadriplegia] *Quadriplegia, paraplegia, or hemiplegia[;].*

(G) [burns] *Burns greater than second degree, covering 30 percent of the body or 30 percent of the face[; and].*

(H) [coma] *Coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.*

(2) For purposes of this [subsection—] *subsection:*

(A) [the] *The term "quadriplegia" means the complete and irreversible paralysis of all [4 limbs;] four limbs.*

(B) [the] *The term "paraplegia" means the complete and irreversible paralysis of both lower limbs[; and].*

(C) **[the]** *The* term “hemiplegia” means the complete and irreversible paralysis of the upper and lower limbs on **[1 side]** *one side* of the body.

(D) *The term “inability to carry out the activities of daily living” means the inability to independently perform two or more of the following six functions:*

- (i) Bathing.*
- (ii) Continence.*
- (iii) Dressing.*
- (iv) Eating.*
- (v) Toileting.*
- (vi) Transferring.*

(3) The Secretary**[,** in collaboration with the Secretary of Defense, shall prescribe**]** *may prescribe*, by regulation, **[the conditions under which coverage against loss will not be provided]** *conditions under which coverage otherwise provided under this section is excluded.*

(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers’ Group Life Insurance if the member is insured under Servicemembers’ Group Life Insurance only as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.

[(c) A payment under this section may be made only if—

[(1) the member is insured under Servicemembers’ Group Life Insurance when the traumatic injury is sustained;

[(2) the loss results directly from that traumatic injury and from no other cause; and

[(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.]

(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section. For quadriplegia, paraplegia, and hemiplegia, the period of time so prescribed shall be 365 days.

(d) Payments under this section for **[losses described in subsection (b)(1)]** shall be—

[(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

[(2) based on the severity of the covered condition; and

[(3) in an amount that is equal to not less than \$25,000 and not more than \$100,000.] *qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, specifying the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is \$25,000, and the maximum payment that may be prescribed for a qualifying loss is \$100,000.*

(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary [of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section] (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary [of Veterans Affairs] under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary [of Veterans Affairs] (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the [Secretary of the concerned service] *Secretary concerned* from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

(3) The Secretary [of Veterans Affairs] shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary [of Veterans Affairs] in advance of that policy year.

[(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

[(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as deter-

mined according to sound actuarial principles by the Secretary of Veterans Affairs.

[(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

[(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.]

(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.

(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the Secretary concerned shall certify to the Secretary whether the member with respect to whom the claim is submitted—

(1) was at the time of the injury giving rise to the claim insured under Servicemembers' Group Life Insurance for the purposes of this section; and

(2) has sustained a qualifying loss.

(g)(1) Payment for a loss resulting from traumatic injury [will not be made] may not be made under the insurance coverage under this section if the member dies before the end of [the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date] a period prescribed by the Secretary, by regulation, for such purpose that begins on the date on which the member sustains the injury.

(2) [If the member] If a member eligible for a payment under this section dies before payment to the member can be made, the payment [will be] shall be made [according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.] to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.

(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the [member's separation from the uniformed service] termination of the

member's duty status in the uniformed services that established eligibility for Servicemembers' Group Life Insurance. [Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.] The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers' Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that section.

* * * * *

(j) *Regulations under this section shall be prescribed in consultation with the Secretary of Defense.*

* * * * *

CHAPTER 20—BENEFITS FOR HOMELESS VETERANS

* * * * *

SUBCHAPTER III—TRAINING AND OUTREACH

§ 2021. Homeless veterans reintegration programs

(a) * * *

* * * * *

(e) **AUTHORIZATION OF APPROPRIATIONS.—**(1) There are authorized to be appropriated to carry out this section amounts as follows:

(A) * * *

* * * * *

(F) *\$50,000,000 for each of fiscal years 2007 through 2009.*

* * * * *

CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Sec.
2101. Veterans eligible for assistance.

* * * * *

2102A. *Assistance for veterans residing temporarily in housing owned by family member.*

* * * * *

2107. *Coordination of administration of benefits.*

* * * * *

§ 2102. Limitations on assistance furnished

(a) The assistance authorized by section 2101(a) of this title [shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and] shall be afforded under one of the following plans, at the option of the [veteran but shall not exceed \$50,000 in any one case—] *veteran—*

(1) * * *

* * * * *

(d)(1) *The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to \$50,000.*

(2) *The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to \$10,000.*

(3) *No veteran may receive more than three grants of assistance under this chapter.*

§2102A. Assistance for veterans residing temporarily in housing owned by family member

(a) *In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran’s family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran’s disability.*

(b) *The assistance authorized under subsection (a) may not exceed—*

(1) *\$10,000, in the case of a veteran described in section 2101(a)(2) of this title; or*

(2) *\$2,000, in the case of a veteran described in section 2101(b)(2) of this title.*

(c) *The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.*

(d) *Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.*

(e) *No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans Housing and Employment Improvement Act of 2005.*

* * * * *

§2107. Coordination of administration of benefits

The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

* * * * *

§ 3012. Basic educational assistance entitlement for service in the Selected Reserve

(a) *Except as provided in subsection (d) of this section, each individual—*

(1) *who—*

(A) * * *

* * * * *

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

- (i) * * *
- (ii) reenlists or reenters on a period of active duty
【on or】 after October 19, 1984; and

* * * * *

§ 3017. Death benefit

- (a) * * *
- (b) The amount of any payment made under this section shall be equal to—

- (1) the total of—

- (A) * * *

* * * * *

- (D) the amount of any contributions made by the individual under section **【3011(c)】** *3011(e)* or 3012(f) of this title, less

* * * * *

§ 3018A. Opportunity for certain active-duty personnel to enroll before being involuntarily separated from service

- (a) Notwithstanding any other provision of law, an individual who—

- (1) * * *

* * * * *

- (4) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in paragraph (3) **【of this subsection】**, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

- (5) before such separation elects to receive assistance under this section pursuant to procedures referred to in paragraph (3) **【of this subsection】**,

* * * * *

- (b) The basic pay of an individual described in subsection (a) **【of this section】** shall be reduced by \$1,200.

- (c) A withdrawal referred to in subsection (a)(3) **【of this section】** is irrevocable.

- (d)(1) Except as provided in paragraph (3) **【of this subsection】**, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(4) **【of this subsection】** shall be disenrolled from such chapter 32 program as of the date of such election.

* * * * *

- (3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) **【of this subsection】** shall remain in such Account to make payments of benefits to such individual under section 3015(f) **【of this chapter】** *of this title*.

* * * * *

**CHAPTER 31—TRAINING AND REHABILITATION FOR
VETERANS WITH SERVICE-CONNECTED DISABILITIES**

* * * * *

§ 3117. Employment assistance

(a) * * *

(b)(1) In any case in which a veteran has completed a vocational rehabilitation program for self-employment in a small business enterprise under this chapter, the Secretary shall assist such veteran in securing, as appropriate, a loan under subchapter IV of chapter 37 of this title and shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to establish such veteran's own business and to insure that such veteran receives the special consideration provided for in [section 8] *section 4(b)(1)* of the Small Business Act (15 U.S.C. [633(b)] *633(b)(1)*).

* * * * *

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

* * * * *

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

§ 3461. Eligibility; entitlement; duration

[ENTITLEMENT]

(a) *ENTITLEMENT.*—Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month or fraction thereof of the veteran's service on active duty after January 31, 1955. If an eligible veteran has served a period of 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy the veteran's active duty obligation, the veteran shall be entitled to educational assistance under this chapter for a period of 45 months (or the equivalent thereof in part-time educational assistance). In the case of any person serving on active duty on December 31, 1976, or a person whose eligibility is based on section 3452(a)(1)(B) of this chapter, the ending date for computing such person's entitlement shall be the date of such person's first discharge or release from active duty after December 31, 1976.

[ENTITLEMENT LIMITATIONS]

(b) *ENTITLEMENT LIMITATIONS.*—Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not operated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the

end of the course or for twelve weeks, whichever is the lesser period.

(c) *DURATION OF ENTITLEMENT.*—Except as provided in subsection (b) and in subchapter V of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of 45 months.

§ 3462. Time limitations for completing a program of education

【DELIMITING PERIOD FOR COMPLETION】

(a) *DELIMITING PERIOD FOR COMPLETION.*—(1) * * *

* * * * *

【CORRECTION OF DISCHARGE】

(b) *CORRECTION OF DISCHARGE.*—In the case of any eligible veteran who has been prevented, as determined by the Secretary, from completing a program of education under this chapter within the period prescribed by subsection (a), because the veteran had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date the veteran's discharge or dismissal was changed, corrected, or modified.

【SAVINGS CLAUSE】

(c) *SAVINGS CLAUSE.*—In the case of any eligible veteran who was discharged or released from active duty before June 1, 1966, the 10-year delimiting period shall run from such date, if it is later than the date which otherwise would be applicable. In the case of any eligible veteran who was discharged or released from active duty before August 31, 1967, and who pursues a course of farm cooperative training, apprenticeship or other training on the job, the 10-year delimiting period shall run from August 31, 1967, if it is later than the date which would otherwise be applicable.

(d) *PRISONERS OF WAR.*—In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to the veteran's last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing the veteran's 10-year period of eligibility for educational assistance, any period during which the veteran was so detained and any period immediately following the veteran's release from such detention during which the veteran was hospitalized at a military, civilian, or Department of Veterans Affairs medical facility.

(e) *TERMINATION OF ASSISTANCE.*—No educational assistance shall be afforded any eligible veteran under this chapter or chapter 36 of this title after December 31, 1989.

* * * * *

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS;
VETERAN-STUDENT SERVICES

§ 3481. Educational assistance allowance

【GENERAL】

(a) *GENERAL*.—The Secretary shall, in accordance with the applicable provisions of this section and chapter 36 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of the veteran’s subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

【INSTITUTIONAL TRAINING】

(b) *INSTITUTIONAL TRAINING*.—The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence, at an educational institution shall be paid as provided in chapter 36 of this title.

* * * * *

CHAPTER 35—SURVIVORS’ AND DEPENDENTS’
EDUCATIONAL ASSISTANCE

* * * * *

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

* * * * *

§ 3511. Duration of educational assistance

(a)(1) Each eligible person shall be entitled to educational assistance under this chapter for a period not in excess of 45 months (or to the equivalent thereof in part-time training). In no event may the aggregate educational assistance afforded to a spouse made eligible under both *sections* 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months.

* * * * *

SUBCHAPTER VII—PHILIPPINE COMMONWEALTH ARMY
AND PHILIPPINE SCOUTS

§ 3565. Children of certain Philippine veterans

【BASIC ELIGIBILITY】

(a) *BASIC ELIGIBILITY*.—The term “eligible person” as used in section 3501(a)(1) of this title includes the children of those Commonwealth Army veterans and “New” Philippine Scouts who meet the requirements of service-connected disability or death, based on service as defined in section 3566 of this title.

【ADMINISTRATIVE PROVISIONS】

(b) *ADMINISTRATIVE PROVISIONS*.—The provisions of this chapter and chapter 36 shall apply to the educational assistance for children of Commonwealth Army veterans and “New” Philippine Scouts, except that—

(1) * * *

* * * * *

[DELIMITING DATES]

(c) *DELIMITING DATES.*—In the case of any individual who is an eligible person solely by virtue of subsection (a) of this section, and who is above the age of seventeen years and below the age of twenty-three years on September 30, 1966, the period referred to in section 3512 of this title shall not end until the expiration of the five-year period which begins on September 30, 1966.

* * * * *

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

* * * * *

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 3680. Payment of educational assistance or subsistence allowances

[PERIOD FOR WHICH PAYMENT MAY BE MADE]

(a) *PERIOD FOR WHICH PAYMENT MAY BE MADE.*—Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 3108, 3482, 3491, or 3532 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment in, and pursuit of, such program, but no amount shall be paid—

(1) * * *

* * * * *

[CORRESPONDENCE TRAINING CERTIFICATIONS]

(b) *CORRESPONDENCE TRAINING CERTIFICATIONS.*—No educational assistance allowance shall be paid to an eligible veteran or spouse or surviving spouse enrolled in and pursuing a program of education exclusively by correspondence until the Secretary shall have received—

(1) * * *

* * * * *

[APPRENTICESHIP AND OTHER ON-JOB TRAINING]

(c) *APPRENTICESHIP AND OTHER ON-JOB TRAINING.*—No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Secretary shall have received—

(1) * * *

* * * * *

**【ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR
SUBSISTENCE ALLOWANCE】**

(d) *ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR
SUBSISTENCE ALLOWANCE.*—(1) * * *

* * * * *

【RECOVERY OF ERRONEOUS PAYMENTS】

(e) *RECOVERY OF ERRONEOUS PAYMENTS.*—(1) * * *

* * * * *

【PAYMENTS FOR LESS THAN HALF-TIME TRAINING】

(f) *PAYMENTS FOR LESS THAN HALF-TIME TRAINING.*—Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis shall be made in an amount computed for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 3482(b) or 3532(a)(2) of this title, as applicable.

【DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE】

(g) *DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE.*—(1) * * *

* * * * *

§ 3690. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

【OVERCHARGES BY EDUCATIONAL INSTITUTIONS】

(a) *OVERCHARGES BY EDUCATIONAL INSTITUTIONS.*—If the Secretary finds that an educational institution has—

(1) * * *

* * * * *

【DISCONTINUANCE OF ALLOWANCES】

(b) *DISCONTINUANCE OF ALLOWANCES.*—(1) * * *

* * * * *

【EXAMINATION OF RECORDS】

(c) *EXAMINATION OF RECORDS.*—Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 32, 34, or 35 of this title, as well as the records of other students which the Secretary determines necessary to ascertain institutional compliance with the requirements of such chapters, shall be available for examination by duly authorized representatives of the Government.

[FALSE OR MISLEADING STATEMENTS]

(d) *FALSE OR MISLEADING STATEMENTS.*—Whenever the Secretary finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, the Secretary shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

* * * * *

CHAPTER 37—HOUSING AND SMALL BUSINESS LOANS

SUBCHAPTER I—GENERAL

Sec.

3701. Definitions.

* * * * *

[SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

[3761. Pilot program.

[3762. Direct housing loans to Native American veterans.]

SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

3761. *Direct housing loans to Native American veterans; program authority.*

3762. *Direct housing loans to Native American veterans; program administration.*

* * * * *

[3764. Definitions.]

3764. *Qualified non-Native American veterans.*

3765. *Definitions.*

* * * * *

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

* * * * *

§ 3732. Procedure on default

(a) * * *

* * * * *

(c)(1) * * *

* * * * *

(10)(A) * * *

* * * * *

(D) For the purpose of determining the liability of the United States under a loan guaranty under **[clause (B) of paragraphs (5), (6), (7), and (8) of this subsection]** *paragraphs (5)(B), (6), (7)(B), and (8)(B)*, the amount of the total indebtedness with respect to such loan guaranty shall include, in any case in which there was an excessive delay caused by the Department of Veterans Affairs in the liquidation sale of the property securing such loan, any interest which had accrued as of the date of such sale and which would not be included, except for this subparagraph, in the calculation of such total indebtedness as a result of the specification of an earlier date under subparagraph (C)(i) of this paragraph.

* * * * *

§ 3733. Property management

(a)(1) * * *

* * * * *

(7) During the period that begins on [the date of the enactment of the Veterans' Benefits Act of 2003] *December 16, 2003* and ends on September 30, 2013, the Secretary shall carry out the provisions of this subsection as if—

(A) * * *

* * * * *

[SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

[§ 3761. Pilot program]

SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

§ 3761. Direct housing loans to Native American veterans; program authority

(a) The Secretary shall [establish and implement a pilot program under which the Secretary may] make direct housing loans to Native American veterans. The purpose of such loans is to permit such veterans to purchase, construct, or improve dwellings on trust land. The Secretary [shall establish and implement the pilot program] *shall make such loans* in accordance with the provisions of this subchapter.

(b) [In carrying out the pilot program under this subchapter, the] *The* Secretary shall, to the extent practicable, make direct housing loans to Native American veterans who are located in a variety of geographic areas and in areas experiencing a variety of economic circumstances.

[(c) No loans may be made under this subchapter after December 31, 2008.]

[§ 3762. Direct housing loans to Native American veterans]

§ 3762. Direct housing loans to Native American veterans; program administration

(a) The Secretary may make a direct housing loan to a Native American veteran *under this subchapter* if—

(1) * * *

* * * * *

(b)(1) Subject to paragraph (2), the Secretary shall ensure that each memorandum of understanding that the Secretary enters into with a tribal organization shall provide for the following:

(A) * * *

* * * * *

(E) That the tribal organization agrees to such other terms and conditions with respect to the making of direct loans to Native American veterans under the jurisdiction of the tribal organization as the Secretary may require in order to ensure that [the pilot program established under this subchapter is

implemented] *loans under this subchapter are made in a responsible and prudent manner.*

* * * * *

(c)(1)(A) Except as provided in subparagraph (B), the principal amount of any direct housing loan made to a Native American *vet-eran* under this section may not exceed \$80,000.

[(B) The] *(B)(i) Subject to clause (ii), the Secretary may make loans exceeding the amount specified in subparagraph (A) in a geographic area if the Secretary determines that housing costs in the area are significantly higher than average housing costs nationwide. The amount of such increase shall be the amount that the Secretary determines is necessary in order to [carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans] make direct housing loans under this subchapter to Native American veterans who are located in a variety of geographic areas and in geographic areas experiencing a variety of economic conditions.*

(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.

* * * * *

(i)(1) The Secretary shall, in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council), carry out an outreach program to inform and educate Native American veterans of [the pilot program provided for under this subchapter and] the availability of direct housing loans for Native American veterans who live on trust lands.

(2) Activities under the outreach program shall include the following:

(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits [under the pilot program and in assisting such organizations and veterans in participating in the pilot program] *under this subchapter and in assisting such organizations and veterans with respect to such housing benefits.*

* * * * *

(E) Assisting tribal organizations and Native American veterans [in participating in the pilot program] *with respect to such benefits.*

* * * * *

[(j) Not later than February 1 of each year through 2006, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

[(1) The Secretary's exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

[(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

[(A) the manner in which such appraisals were performed;

[(B) the qualifications of the appraisers who performed such appraisals; and

[(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

[(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

[(A) a description of such activities on a region-by-region basis; and

[(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

[(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

[(A) a description and analysis of the pool, including income demographics;

[(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

[(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

[(5) The Secretary's recommendations, if any, for additional legislation regarding the pilot program.]

(j) *The Secretary shall include as part of the annual report required by section 529 of this title and as part of any annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for each fiscal year.*

* * * * *

§ 3764. Qualified non-Native American veterans

(a) *Subject to the succeeding provisions of this section, for purposes of this subchapter—*

(1) *a qualified non-Native American veteran is deemed to be a Native American veteran; and*

(2) *for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.*

(b) *In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native Amer-*

ican veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

(c) Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.

§ [3764] 3765. Definitions

For the purposes of this subchapter—

(1) * * *

* * * * *

(5) The term “qualified non-Native American veteran” means a veteran who—

- (A) is the spouse of a Native American, but
- (B) is not a Native American.

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

Sec.

4100. Findings.

4101. Definitions.

* * * * *

[4110. Advisory Committee on Veterans Employment and Training.]

4110. *Advisory Committee on Veterans Employment, Training, and Employer Outreach.*

* * * * *

§ 4102A. Assistant Secretary of Labor for Veterans’ Employment and Training; program functions; Regional Administrators

(a) * * *

(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

(1) * * *

* * * * *

(8) *With advice and assistance from the Advisory Committee on Veterans Employment, Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled*

veterans through participation in labor exchanges (Internet-based and otherwise), and other means.

(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) * * *

* * * * *

(7) **With respect to program years beginning during or after fiscal year 2004, one percent of** *Of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for the program year for any program year, one percent shall be for the purposes of making cash awards under the program of performance incentive awards described in section 4112 of this title in the State.*

* * * * *

(f) ESTABLISHMENT OF PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—(1) **By not later than May 7, 2003, the** *The Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).*

* * * * *

§ 4105. Cooperation of Federal agencies

(a) * * *

(b) For the purpose of assisting the Secretary and the Secretary of Veterans Affairs in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense **shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Secretary of Veterans Affairs with** *shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve and shall provide, on the 15th day of each month thereafter, updated information regarding the list.*

* * * * *

§ 4110. Advisory Committee on Veterans Employment and Training

§ 4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach

(a)(1) There is hereby established within the Department of Labor an advisory committee to be known as the **Advisory Committee on Veterans Employment and Training** *Advisory Committee on Veterans Employment, Training, and Employer Outreach.*

(2) The advisory committee shall—

(A) assess the employment and training needs of veterans *and their integration into the workforce;*

(B) determine the extent to which the programs and activities of the Department of Labor are meeting such needs; **and**

(C) *assist the Assistant Secretary of Labor for Veterans Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;*

(D) *make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans Employment and Training, with respect to outreach activities and the employment and training of veterans; and*

[(C)] (E) carry out such other activities that are necessary to make the reports and recommendations referred to in subsection (f) of this section.

* * * * *

[(c)1] The Secretary of Labor shall appoint at least 12, but no more than 18, individuals to serve as members of the advisory committee consisting of—

[(A)] representatives nominated by veterans' organizations that have a national employment program; and

[(B)] not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.]

(c)1 The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:

(A) Six individuals, one each from among representatives nominated by each of the following organizations:

(i) The National Society of Human Resource Managers.

(ii) The Business Roundtable.

(iii) The National Association of State Workforce Agencies.

(iv) The U.S. Chamber of Commerce.

(v) The National Federation of Independent Business.

(vi) A nationally recognized labor union or organization.

(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.

(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.

* * * * *

(d) The following, or their representatives, shall be ex officio, nonvoting members of the advisory committee:

(1) The Secretary of Veterans Affairs.

(2) The Secretary of Defense.

[(3)] The Secretary of Health and Human Services.

[(4)] The Secretary of Education.]

[(5)] (3) The Director of the Office of Personnel Management.

[(6)] (4) The Assistant Secretary of Labor for Veterans Employment and Training.

(7) (5) The Assistant Secretary of Labor for Employment and Training.

(8) The Chairman of the Equal Employment Opportunity Commission.

(9) (6) The Administrator of the Small Business Administration.

(10) The Postmaster General.

(11) The Director of the United States Employment Service.

(12) Representatives of—

(A) other Federal departments and agencies requesting a representative on the advisory committee; and

(B) nationally based organizations with a significant involvement in veterans employment and training programs, as determined necessary and appropriate by the Secretary of Labor.

* * * * *

(f)(1) [Not later than July 1 of each year, the advisory committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans.] *Notwithstanding section 3003 of Public Law 104-66, not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year. Each such report shall contain—*

(A) an assessment of the employment and training needs of veterans and their integration into the workforce;

(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

(C) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs; and

(D) a description of the activities of the advisory committee during that fiscal year;

(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and

(F) any recommendations for legislation, administrative action, and other action that the advisory committee considers appropriate.

* * * * *

§ 4110B. Coordination and nonduplication

In carrying out this chapter, the Secretary shall require that an appropriate administrative entity in each State enter into an agreement with the Secretary regarding the implementation of [this Act] *the Workforce Investment Act of 1998* that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)).

* * * * *

CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

* * * * *

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 4331. Regulations

(a) * * *

(b)(1) * * *

(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

(A) * * *

* * * * *

(C) The agencies referred to in [section 2303(a)(2)(C)(ii)] *section 2302(a)(2)(C)(ii)* of title 5.

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PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

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CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

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SUBCHAPTER I—ORGANIZATION AND JURISDICTION

* * * * *

§ 7253. Composition

(a) * * *

* * * * *

(d) CHIEF JUDGE.—(1) * * *

* * * * *

(5) If a chief judge is temporarily unable to perform the duties of chief judge, those duties shall be performed by the judge of the [court] *Court* in active service who is present, able and qualified to act, and is next in precedence.

* * * * *

SECTION 8 OF THE VETERANS HOME LOAN PROGRAM AMENDMENTS OF 1992

SEC. 8. NATIVE AMERICAN VETERANS DIRECT HOUSING LOAN PILOT PROGRAM.

(a) * * *

[(b) CONSULTATION.—In carrying out the direct housing loan pilot program authorized under subchapter V of chapter 37 of title 38, United States Code (as added by subsection (a)), the Secretary of Veterans Affairs shall consider the views and recommendations, if any, of the Advisory Committee on Native-American Veterans es-

established under section 19032 of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388).】

* * * * *

SECTION 6 OF THE JOBS FOR VETERANS ACT

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS.

(a) * * *

* * * * *

(e) REPORT.—Not later than December 31, 2003, 2004, [and 2005,] 2005, and 2006, the Secretary of Labor shall submit to Congress a report on the activities of the Committee under this section during the previous fiscal year, and shall include in such report data with respect to placement and retention of veterans in jobs attributable to the activities of the Committee.

(f) TERMINATION.—The Committee shall terminate [60 days] *not later than 60 days* after submitting the report that is due [on December 31, 2005] *not later than December 31, 2006*.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 901 of the Social Security Act (42 U.S.C. 1101)) in the Unemployment Trust Fund \$3,000,000 for each of fiscal years 2003 through [2005] 2006 to carry out this section.

SECTION 1032 OF THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

(Public Law 109-13)

TRAUMATIC INJURY PROTECTION

SEC. 1032. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

【(1) in section 1965, by adding at the end the following:

【“(11) The term ‘activities of daily living’ means the inability to independently perform 2 of the 6 following functions:

- 【“(A) Bathing.
- 【“(B) Continence.
- 【“(C) Dressing.
- 【“(D) Eating.
- 【“(E) Toileting.
- 【“(F) Transferring.”; and】

* * * * *

【(c) RETROACTIVE PROVISION.—

【(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of inju-

ries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

[(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

[(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

[(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

[(d) EFFECTIVE DATE.—

[(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

[(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.]

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