

Public Law 103-446
103d Congress

An Act

To amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

Nov. 2, 1994
[H.R. 5244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Benefits Improvements Act of 1994”.

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

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

TITLE I—PERSIAN GULF WAR VETERANS

- Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Development of medical evaluation protocol.
Sec. 105. Outreach to Persian Gulf veterans.
Sec. 106. Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War.
Sec. 107. Evaluation of health status of spouses and children of Persian Gulf War veterans.
Sec. 108. Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries.
Sec. 109. Survey of Persian Gulf veterans.
Sec. 110. Authorization for epidemiological studies.
Sec. 111. Cost-savings provisions.

TITLE II—BOARD OF VETERANS’ APPEALS ADMINISTRATION

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Sec. 202. Deadline for establishment of performance evaluation criteria for Board members.
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Sec. 302. Expedited treatment of remanded claims.
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Sec. 402. Duties of the commission.
Sec. 403. Powers of the commission.
Sec. 404. Commission personnel matters.
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Sec. 407. Funding.

Veterans’
Benefits
Improvements
Act of 1994.
38 USC 101 note.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988.
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- Sec. 505. Codification of herbicide-exposure presumptions established administratively.
- Sec. 506. Treatment of certain income of Alaska natives for purposes of needs-based benefits.
- Sec. 507. Elimination of requirement for payment of certain benefits in Philippine pesos.
- Sec. 508. Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.
- Sec. 509. Center for Minority Veterans and Center for Women Veterans.
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TITLE VI—EDUCATION AND TRAINING PROGRAMS

- Sec. 601. Flight training.
- Sec. 602. Training and rehabilitation for veterans with service-connected disabilities.
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- Sec. 604. Education outside the United States.
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- Sec. 607. Measurement of courses.
- Sec. 608. Veterans' Advisory Committee on Education.
- Sec. 609. Contract educational and vocational counseling.
- Sec. 610. Service Members Occupational Conversion and Training Act of 1992.

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- Sec. 701. Job counseling, training, and placement.
- Sec. 702. Employment and training of veterans.

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

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- Sec. 802. Restoration of burial eligibility for unremarried spouses.
- Sec. 803. Extension of authorization of appropriations for State cemetery grant program.
- Sec. 804. Authority to use flat grave markers at the Willamette National Cemetery, Oregon.

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- Sec. 901. Eligibility.
- Sec. 902. Revision in computation of aggregate guaranty.
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- Sec. 905. Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages.
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TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS
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- Sec. 1101. Findings.

- Sec. 1102. Requirement for minimum number of full-time equivalent positions.
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- Sec. 1201. Amendments to title 38, United States Code.
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 Sec. 1203. Amendments to other laws.

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

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

TITLE I—PERSIAN GULF WAR VETERANS

Persian Gulf War Veterans' Benefits Act.

SEC. 101. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Benefits Act".

38 USC 101 note.

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) That workshop concluded that the information concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

38 USC 1117 note.

(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103-210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year 1994) for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the National Defense Authorization Act for Fiscal Year 1995, which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

38 USC 1117
note.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled; and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

38 USC 1117
note.

(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

38 USC 1117
note.

SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

Termination
date.

(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 is amended by adding at the end of subchapter II the following new section:

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

“(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

“(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

“(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

“(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary’s determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

Regulations.

“(c)(1) The Secretary shall prescribe regulations to carry out this section.

“(2) Those regulations shall include the following:

“(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

“(B) A description of the illnesses for which compensation under this section may be paid.

“(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

“(d) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

“(e) For purposes of this section, the term ‘Persian Gulf veteran’ means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

“1117. Compensation for disabilities occurring in Persian Gulf War veterans.”

(b) CONFORMING AMENDMENTS.—Section 1113 is amended—

38 USC 1113.

(1) by striking out “section 1112 or 1116” in the first and third place it appears and inserting in lieu thereof “section 1112, 1116, or 1117”;

(2) by striking out “title” the second place it appears and inserting in lieu thereof “title, or payments of compensation pursuant to section 1117 of this title,”; and

(3) by inserting “or disabilities” after “diseases” both places it appears in subsection (a).

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report stating whether or not the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a).

38 USC 1117
note.

(d) REGULATIONS.—If the Secretary states in the report under subsection (c) that the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal

Federal
Register,
publication.
38 USC 1117
note.

Register proposed regulations under subsections (b) and (c) of that section.

38 USC 1117
note.

SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) **EVALUATION PROGRAM.**—Subject to subsection (c), the Secretary of the Veterans Affairs shall conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the study, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

(1) who is the spouse or child of a veteran who—

(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102-585; and

(B) is suffering from an illness or disorder;

(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be disassociated from the veteran's service in the Southwest Asia theater of operations; and

(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

Such testing and examinations shall be carried out so as to gather such medical data as the Secretary considers relevant and appropriate in order to determine the nature and extent of the association, if any, between illness or disorder of the spouse or child and the illness of the veteran.

(b) **DURATION OF PROGRAM.**—The program shall be carried out during the period beginning on November 1, 1994, and ending on September 30, 1996.

(c) **FUNDING LIMITATION.**—The amount spent for the program under subsection (a) may not exceed \$2,000,000.

(d) **CONTRACTING.**—The Secretary shall provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements.

(e) **STANDARD PROTOCOLS AND GUIDELINES.**—The Secretary shall seek to ensure uniform development of medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

(f) **ENTRY OF RESULTS IN REGISTRY.**—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

(g) **OUTREACH.**—The Secretary shall conduct such outreach activities as the Secretary determines necessary to ensure that implementation of this section results in sufficient information to enable the Secretary—

(1) to analyze the health status of large numbers of spouses and children of Persian Gulf veterans; and

(2) to formulate research hypotheses regarding possible association between illnesses or disorders suffered by Persian Gulf veterans and illnesses or disorders (including birth defects, miscarriages, and stillbirths) suffered by their spouses and children.

(h) **USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.**—The Secretary shall—

(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

(i) **REPORTS TO CONGRESS.**—(1) The Secretary shall submit to Congress no later than October 31, 1995, a report on the Secretary's implementation of this section.

(2) The Secretary shall analyze the data entered into the registry under this section and shall submit to Congress, not later than March 1, 1997, a report on that analysis and on the Secretary's recommendation for any further legislation or studies regarding the health status of spouses and children of Persian Gulf War veterans.

(j) **DEFINITIONS.**—For purposes of this section, the terms "child" and "spouse" have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

SEC. 108. CLARIFICATION OF SCOPE OF HEALTH EXAMINATIONS PROVIDED FOR VETERANS ELIGIBLE FOR INCLUSION IN HEALTH-RELATED REGISTRIES.

Section 703 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended—

(1) by inserting "(including diagnostic tests)" after "examination" each place it appears other than in subsection (a)(1)(A);

(2) in subsection (a)(1)(A)—

(A) by inserting "(including any appropriate diagnostic tests)" after "a health examination"; and

(B) by inserting "and the tests" after "the examination"; and

(3) in subsection (a)(2), by inserting "(including any diagnostic tests)" after "examinations".

SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) **COORDINATION WITH DEPARTMENT OF DEFENSE.**—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

(c) **PERSIAN GULF VETERAN.**—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations

38 USC 1117
note.

during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

38 USC 1117
note.

SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

(a) **STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.**—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585) a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

(b) **OVERSIGHT.**—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

Contracts.

(c) **ACCESS TO DATA.**—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

(d) **AUTHORIZATION.**—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).

SEC. 111. COST-SAVINGS PROVISIONS.

38 USC 1317.

(a) **ELECTION OF DEATH PENSION BY SURVIVING SPOUSE.**—Section 1317 is amended—

(1) by striking out “No person” and inserting in lieu thereof

“(a) Except as provided in subsection (b), no person”; and

(2) by adding at the end the following:

“(b) A surviving spouse who is eligible for dependency and indemnity compensation may elect to receive death pension instead of such compensation.”

38 USC 1101
note.

(b) **POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.**—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased

monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PERFORMANCE REVIEWS FOR MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chapter 71 is amended by inserting after section 7101 the following new section:

“§ 7101A. Members of Board: appointment; pay; performance review

“(a) The members of the Board of Veterans' Appeals other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

“(b) Members of the Board (other than the Chairman and any member of the Board who is a member of the Senior Executive Service) shall, in accordance with regulations prescribed by the Secretary, be paid basic pay at rates equivalent to the rates payable under section 5372 of title 5.

“(c)(1)(A) The Chairman shall establish a panel to review the performance of members of the Board. The panel shall be comprised of the Chairman and two other members of the Board (other than the Vice Chairman). The Chairman shall periodically rotate membership on the panel so as to ensure that each member of the Board (other than the Vice Chairman) serves as a member of the panel for and within a reasonable period.

Establishment.

“(B) Not less than one year after the job performance standards under subsection (f) are initially established, and not less often than once every three years thereafter, the performance review panel shall determine, with respect to each member of the Board (other than the Chairman or a member who is a member of the Senior Executive Service), whether that member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f). Each such determination shall be in writing.

“(2) If the determination of the performance review panel in any case is that the member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f), the Chairman shall recertify the member's appointment as a member of the Board.

“(3) If the determination of the performance review panel in any case is that the member's job performance does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall, based upon the individual circumstances, either—

“(A) grant the member a conditional recertification; or

“(B) recommend to the Secretary that the member be noncertified.

“(4) In the case of a member of the Board who is granted a conditional recertification under paragraph (3)(A) or (5)(A), the performance review panel shall review the member's job perform-

ance record and make a further determination under paragraph (1) concerning that member not later than one year after the date of the conditional recertification. If the determination of the performance review panel at that time is that the member's job performance as a member of the Board still does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall recommend to the Secretary that the member be noncertified.

"(5) In a case in which the Chairman recommends to the Secretary under paragraph (3) or (4) that a member be noncertified, the Secretary, after considering the recommendation of the Chairman, may either—

"(A) grant the member a conditional recertification; or

"(B) determine that the member should be noncertified.

"(d)(1) If the Secretary, based upon the recommendation of the Chairman, determines that a member of the Board should be noncertified, that member's appointment as a member of the Board shall be terminated and that member shall be removed from the Board.

"(2) Upon removal from the Board under paragraph (1), a member of the Board (other than the Chairman) who was a career or career-conditional employee in the civil service before commencement of service as a member of the Board shall revert to the civil service grade and series held by the member immediately before the appointment of the member to the Board.

"(e)(1) A member of the Board (other than the Chairman or a member of the Senior Executive Service) may be removed as a member of the Board by reason of job performance only as provided in subsections (c) and (d). Such a member may be removed by the Secretary, upon the recommendation of the Chairman, for any other reason as determined by the Secretary.

"(2) In the case of a removal of a member under this section for a reason other than job performance that would be covered by section 7521 of title 5 in the case of an administrative law judge, the removal of the member of the Board shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subsection. In such a removal action, a member shall have the rights set out in section 7513(b) of that title.

"(f) The Chairman, subject to the approval of the Secretary, shall establish standards for the performance of the job of a member of the Board (other than the Chairman or a member of the Senior Executive Service). Those standards shall establish objective and fair criteria for evaluation of the job performance of a member of the Board.

"(g) The Secretary shall prescribe procedures for the administration of this section, including deadlines and time schedules for different actions under this section."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

"7101A. Members of Board: appointment; pay; performance review."

(b) **SAVE PAY PROVISION.**—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced

by reason of the amendments made by this section to a rate below the rate payable to such individual on the day before such date.

(c) **EFFECTIVE DATE.**—Section 7101A(b) of title 38, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning after December 31, 1994.

38 USC 7101A
note.

(d) **CONFORMING AMENDMENTS.**—Section 7101(b) is amended—
 (1) by striking out paragraph (2);
 (2) by designating as paragraph (2) the text in paragraph (1) beginning “The Chairman may be removed”; and
 (3) by striking out “Members (including the Chairman)” in paragraph (3) and inserting in lieu thereof “The Chairman”.

38 USC 7101.

SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORMANCE EVALUATION CRITERIA FOR BOARD MEMBERS.

38 USC 7101A
note.

(a) **DEADLINE.**—The job performance standards required to be established by section 7101A(f) of title 38, United States Code, as added by section 201(a), shall be established not later than 90 days after the date of the enactment of this Act.

(b) **SUBMISSION TO CONGRESSIONAL COMMITTEES.**—Not later than the date on which the standards referred to in subsection (a) take effect, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the standards established by the Chairman of the Board of Veterans' Appeals.

Reports.

SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PENDING APPOINTMENT OF SUCCESSOR.

Section 7101(b)(3) is amended by adding at the end the following new sentence: “If, upon the expiration of the term of office for which the Chairman was appointed, the position of Chairman would become vacant, the individual serving as Chairman may, with the approval of the Secretary, continue to serve as Chairman until either appointed to another term or a successor is appointed, but not beyond the end of the Congress during which the term of office expired.”.

TITLE III—ADJUDICATION IMPROVEMENTS

SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES.

(a) **STATEMENTS OF CLAIMANT TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.**—Chapter 51 is amended by adding at the end the following new section:

“§ 5124. Acceptance of claimant's statement as proof of relationship

“(a) For purposes of benefits under laws administered by the Secretary, the Secretary may accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

“(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

- “(1) Marriage.
- “(2) Dissolution of a marriage.
- “(3) Birth of a child.
- “(4) Death of any family member.

“(c) The Secretary may require the submission of documentation in support of the claimant's statement if—

- “(1) the claimant does not reside within a State;
- “(2) the statement on its face raises a question as to its validity;
- “(3) there is conflicting information of record; or
- “(4) there is reasonable indication, in the statement or otherwise, of fraud or misrepresentation.”.

(b) **REPORTS OF EXAMINATIONS BY PRIVATE PHYSICIANS.**—Such chapter, as amended by subsection (a), is further amended by adding at the end the following new section:

“§ 5125. Acceptance of reports of private physician examinations

“For purposes of establishing any claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter may be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for the purpose of adjudicating such claim.”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

- “5124. Acceptance of claimant's statement as proof of relationship.
- “5125. Acceptance of reports of private physician examinations.”.

38 USC 5101
note.

SEC. 302. EXPEDITED TREATMENT OF REMANDED CLAIMS.

The Secretary of Veterans Affairs shall take such actions as may be necessary to provide for the expeditious treatment, by the Board of Veterans' Appeals and by the regional offices of the Veterans Benefits Administration, of any claim that has been remanded by the Board of Veterans' Appeals or by the United States Court of Veterans Appeals for additional development or other appropriate action.

SEC. 303. SCREENING OF APPEALS.

38 USC 7107.

Section 7107 is amended—

(1) in subsection (a)(1), by striking out “Each case” and inserting in lieu thereof “Except as provided in subsection (f), each case”; and

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

“(f) Nothing in this section shall preclude the screening of cases for purposes of—

“(1) determining the adequacy of the record for decisional purposes; or

“(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.”.

SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the

Committees on Veterans' Affairs of the Senate and House of Representatives a report addressing the feasibility and impact of a reorganization of the adjudication divisions located within the regional offices of the Veterans Benefits Administration to a number of such divisions that would result in improved efficiency in the processing of claims filed by veterans, their survivors, or other eligible persons for benefits administered by the Secretary.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

38 USC 5101
note.

SEC. 401. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT OF COMMISSION.**—There is hereby established a commission to be known as the Veterans' Claims Adjudication Commission (hereinafter in this title referred to as the "commission").

(b) **MEMBERSHIP.**—(1) The commission shall be composed of nine members, appointed by the Secretary of Veterans Affairs as follows:

(A) One member shall be appointed from among former officials of the Department of Veterans Affairs (or the Veterans' Administration).

(B) Two members shall be appointed from among individuals in the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits.

(C) Two members shall be appointed from among individuals employed in the Federal Government (other than the Department of Veterans Affairs) who have expertise in the adjudication of claims for benefits under Federal law other than under laws administered by the Secretary of Veterans Affairs.

(D) Two members shall be appointed from among individuals recommended to the Secretary by representatives of veterans service organizations.

(E) One member shall be appointed based on a recommendation of the American Bar Association or a similar private organization from among individuals who have expertise in the field of administrative law.

(F) One member shall be appointed from among current officials of the Department of Veterans Affairs.

(2) The appointment of members of the commission under this subsection shall be made not later than February 1, 1995.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members of the commission shall be appointed for the life of the commission. A vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—The commission shall hold its first meeting not later than 30 days after the date on which all members of the commission have been appointed.

(e) **MEETINGS.**—The commission shall meet at the call of the chairman.

(f) **QUORUM.**—A majority of the members of the commission shall constitute a quorum, but a lesser number may hold hearings.

(g) **CHAIRMAN.**—The Secretary shall designate a member of the commission (other than the commission member who is a cur-

rent official of the Department of Veterans Affairs) to be chairman of the commission.

SEC. 402. DUTIES OF THE COMMISSION.

(a) **IN GENERAL.**—The commission shall carry out a study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(b) **PURPOSE OF STUDY.**—The purpose of the study is to evaluate the Department of Veterans Affairs system for the disposition of claims for veterans benefits in order to determine the following:

(1) The efficiency of current processes and procedures under the system for the adjudication, resolution, review, and final disposition of claims for veterans benefits, including the effect of judicial review on the system, and means of increasing the efficiency of the system.

(2) Means of reducing the number of claims under the system for which final disposition is pending.

(3) Means of enhancing the ability of the Department of Veterans Affairs to achieve final determination regarding claims under the system in a prompt and appropriate manner.

(c) **CONTENTS OF STUDY.**—The study to be carried out by the commission under this section is a comprehensive evaluation and assessment of the Department of Veterans Affairs system for the disposition of claims for veterans benefits (as defined in section 406) and of the system for the delivery of such benefits, together with any related issues that the commission determines are relevant to the study. The study shall include an evaluation and assessment of the following:

(1) The preparation and submission of claims by veterans under the system.

(2) The processes and procedures under the system for the disposition of claims, including—

(A) the scope and nature of the review undertaken with respect to a claim at each stage in the claims disposition process, including the role of hearings throughout the process;

(B) the number, Federal employment grade, and experience and qualifications required of the persons undertaking such review at each such stage;

(C) opportunities for the submittal of new evidence; and

(D) the availability of alternative means of completing claims.

(3) The effect on the system of the participation of attorneys, members of veterans service organizations, and other advocates on behalf of veterans.

(4) The effect on the system of actions taken by the Secretary to modernize the information management system of the Department, including the use of electronic data management systems.

(5) The effect on the system of any work performance standards used by the Secretary at regional offices of the Department and at the Board of Veterans' Appeals.

(6) The extent of the implementation in the system of the recommendations of the Blue Ribbon Panel on Claims Processing submitted to the Committees on Veterans' Affairs

of the Senate and House of Representatives on December 2, 1993, and the effect of such implementation on the system.

(7) The effectiveness in improving the system of any pilot programs carried out by the Secretary at regional offices of the Department and of efforts by the Secretary to implement such programs throughout the system.

(8) The effectiveness of the quality control practices and quality assurance practices under the system in achieving the goals of such practices.

(d) COOPERATION OF SECRETARY.—Upon the request of the chairman of the commission, the Secretary shall, within 30 days of such request, submit to the commission, and to the Committees on Veterans' Affairs of the Senate and House of Representatives, such information as the chairman shall determine is necessary for the commission to carry out the study required under this section.

(e) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, the commission shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the study required under subsection (c). The report shall contain the preliminary findings and conclusions of the commission with respect to the evaluation and assessment required under the study.

(2) Not later than 18 months after such date, the commission shall submit to the Secretary and to such committees a report on such study. The report shall include the following:

(A) The findings and conclusions of the commission, including its findings and conclusions with respect to the matters referred to in subsection (c).

(B) The recommendations of the commission for means of improving the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(C) Such other information and recommendations with respect to the system as the commission considers appropriate.

SEC. 403. POWERS OF THE COMMISSION.

(a) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—In addition to the information referred to in section 402(d), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(c) POSTAL SERVICES.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive

Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(c) STAFF.—(1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of the department or agency to the commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 405. TERMINATION OF THE COMMISSION.

The commission shall terminate 90 days after the date on which the commission submits its report under section 402(e)(2).

SEC. 406. DEFINITIONS.

For the purposes of this title:

(1) The term "Department of Veterans Affairs system for the disposition of claims for veterans benefits" means the processes and procedures of the Department of Veterans Affairs for the adjudication, resolution, review, and final disposition of claims for benefits under the laws administered by the Secretary.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

(3) The term "veterans service organizations" means any organization approved by the Secretary under section 5902(a) of title 38, United States Code.

SEC. 407. FUNDING.

(a) **FISCAL YEAR 1995.**—From amounts appropriated to the Department of Veterans Affairs for fiscal year 1995 for the payment of compensation and pension, the amount of \$400,000 is hereby made available for the activities of the commission under this title.

(b) **AVAILABILITY.**—Any sums appropriated to the commission shall remain available until expended.

TITLE V—MISCELLANEOUS PROVISIONS**SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988.**

(a) **RESTATEMENT OF ABSENCE OF STATUTORY LIMITATION TO UNITED STATES TESTS.**—Clause (i) of section 1112(c)(3)(B) is amended by inserting “(without regard to whether the nation conducting the test was the United States or another nation)” after “nuclear device”. 38 USC 1112.

(b) **PROOF OF SERVICE CONNECTION OF DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION.**—(1) Section 1113(b) is amended— 38 USC 1113.

(A) by striking out “title or” and inserting in lieu thereof “title.”; and

(B) by inserting “, or section 5 of Public Law 98-542 (38 U.S.C. 1154 note)” after “of this section”.

(2) The amendments made by paragraph (1) shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act. 38 USC 1113 note.

SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1999”. 38 USC 315.

SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.

Section 5306 is amended by adding at the end the following new subsection:

“(c) Notwithstanding subsection (b), if a new application for pension under chapter 15 of this title or for dependency and indemnity compensation for parents under section 1315 of this title is filed within one year after renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.”.

SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

(a) **CLARIFICATION.**—Subparagraph (A) of section 5904(d)(2) is amended to read as follows: 38 USC 5904.

“(A) A fee agreement referred to in paragraph (1) is one under which the total amount of the fee payable to the attorney—

“(i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim; and

“(ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to fee agreements entered into on or after the date of the enactment of this Act.

SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY.

38 USC 1116.

Section 1116(a)(2) is amended by adding at the end the following new subparagraphs:

“(D) Hodgkin’s disease becoming manifest to a degree of disability of 10 percent or more.

“(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.”.

38 USC 1101
note.

SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEEDS-BASED BENEFITS.

Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs.

SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

38 USC 107.

(a) **GENERAL RULE.**—The second sentence of each of subsections (a) and (b) of section 107 is amended—

(1) by striking out “rate in pesos as is equivalent to” and inserting in lieu thereof “rate of”; and

(2) by striking out “rate in Philippine pesos as is equivalent to” and inserting in lieu thereof “rate of”.

38 USC 3532,
3565.

(b) **SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.**—Sections 3532(d) and 3565(b)(1) are amended by striking out “a rate in Philippine pesos equivalent to” and inserting in lieu thereof “the rate of”.

38 USC 107
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to payments made after December 31, 1994.

SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) **INTERAGENCY AGREEMENT.**—The Secretary of Veterans Affairs shall enter into an agreement with the Medical Follow-Up Agency of the Institute of the Medicine of the National Academy of Sciences under which that agency shall convene a panel of

appropriate individuals to carry out the evaluation described in subsection (b).

(b) **EVALUATION OF FEASIBILITY OF STUDY.**—(1) The panel convened under subsection (a) shall evaluate the feasibility of carrying out a study as described in subsection (c).

(2) The panel shall submit the results of the evaluation under paragraph (1) to the Secretary not later than 180 days after the date of the enactment of this Act. The Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and the House of Representatives of such results.

Notification.

(c) **DESCRIPTION OF STUDY TO BE EVALUATED.**—The study referred to in subsection (b) (the feasibility of which is to be evaluated under that subsection by the panel convened under subsection (a)) is one which would determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the wives of such veterans, including premature births, stillbirths, miscarriages, neonatal illnesses and deaths.

(3) Periparturient diseases of the mother which are the direct result of such untoward pregnancy outcomes.

(d) **COVERED VETERANS.**—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran who the Secretary designates for coverage under the study.

SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS.

(a) **IN GENERAL.**—Chapter 3 is amended by striking out section 317 and inserting in lieu thereof the following new sections:

“§ 317. Center for Minority Veterans

“(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

“(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

“(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

“(d) The Director shall perform the following functions with respect to veterans who are minorities:

“(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

“(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

“(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

“(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

“(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

“(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

“(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

“(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

“(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

“(10) Perform such other duties consistent with this section as the Secretary shall prescribe.

“(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

“(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year—

“(1) detailed information on the budget for the Center;

“(2) the Secretary’s opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

“(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

“§ 318. Center for Women Veterans

“(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

“(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

“(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

“(d) The Director shall perform the following functions with respect to veterans who are women:

“(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

“(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

“(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

“(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

“(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

“(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

“(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

“(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

“(9) Publicize the results of medical research which are of particular significance to veterans who are women.

“(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting women's health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

“(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

“(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

“(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

“(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year—

“(1) detailed information on the budget for the Center;

“(2) the Secretary’s opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

“(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following new items:

“317. Center for Minority Veterans.

“318. Center for Women Veterans.”.

SEC. 510. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 is amended by adding at the end the following new section:

“§ 544. Advisory Committee on Minority Veterans

“(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as ‘the Committee’).

“(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

“(i) representatives of veterans who are minority group members;

“(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

“(iii) veterans who are minority group members and who have experience in a military theater of operations; and

“(iv) veterans who are minority group members and who do not have such experience.

“(B) The Committee shall include, as ex officio members, the following:

“(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans’ Employment).

“(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

“(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

“(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

“(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

“(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

“(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

“(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

“(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

“(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

“(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

Reports.

“(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

“(d) In this section, the term ‘minority group member’ means an individual who is—

“(1) Asian American;

“(2) Black;

“(3) Hispanic;

“(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

“(5) Pacific-Islander American.

“(e) The Committee shall cease to exist December 31, 1997.”.

Termination date.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

“544. Advisory Committee on Minority Veterans.”.

SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

38 USC 7266.

(a) IN GENERAL.—Section 7266(a) is amended to read as follows:
 “(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans’ Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

“(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

“(3) A notice of appeal shall be deemed to be received by the Court as follows:

“(A) On the date of receipt by the Court, if the notice is delivered.

“(B) On the date of the United States Postal Service postmark stamped on the cover in which the notice is posted, if the notice is properly addressed to the Court and is mailed.

“(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court’s determination as to legibility shall be final and not subject to review by any other Court.”.

38 USC 7266
note.

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

SEC. 601. FLIGHT TRAINING.

38 USC 3034.

(a) ACTIVE DUTY PROGRAM.—Section 3034(d) is amended—

(1) by striking out paragraph (2);

(2) by striking out “(1)” after “(d)”; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

38 USC 3241.

(b) POST-VIETNAM ERA.—Section 3241(b) is amended—

(1) by striking out paragraph (2);

(2) by striking out “(1)” after “(b)”; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

38 USC 2136.

(c) RESERVE PROGRAM.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out “(1)” after “(c)”; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of October 1, 1994. 38 USC 3304 note.

SEC. 602. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) **REHABILITATION RESOURCES.**—Section 3115 is amended— 38 USC 3115.
(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out “or” after “(including the Department of Veterans Affairs),”; and

(ii) by inserting “or of any federally recognized Indian tribe,” after “financial assistance,”; and

(B) in paragraph (4), by inserting “any federally recognized Indian tribe,” after “contributions,”; and

(2) by adding at the end the following:

“(c) For purposes of this section, the term ‘federally recognized Indian tribe’ means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”.

(b) **ALLOWANCES.**—Section 3108(c)(2) is amended by inserting “or federally recognized Indian tribe” after “local government agency”. 38 USC 3108.

(c) **TECHNICAL CORRECTION.**—(1) Section 404(b) of the Veterans’ Benefits Act of 1992 (106 Stat. 4338) is amended by striking out the period at the end and inserting in lieu thereof “, but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.”. 38 USC 3102 note.

(2) The amendment made by paragraph (1) shall take effect as of October 29, 1992. Effective date.

SEC. 603. ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

(a) **IN GENERAL.**—Section 3452(c) is amended by adding at the end the following: “For the period ending on September 30, 1996, such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary).”. 38 USC 3102 note. 38 USC 3452.

(b) **CLARIFYING AMENDMENT.**—Section 3002 is amended by adding at the end the following new paragraph: 38 USC 3002.

“(8) The term ‘educational institution’ has the meaning given such term in section 3452(c) of this title.”.

SEC. 604. EDUCATION OUTSIDE THE UNITED STATES.

(a) **IN GENERAL.**—The first sentence of section 3476 is amended to read as follows: “An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary.”. 38 USC 3476.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to courses approved on or after the date of the enactment of this Act. 38 USC 3476 note.

SEC. 605. CORRESPONDENCE COURSES.

(a) **APPROVAL OF PROGRAMS OF EDUCATION.**—(1) Section 3672 is amended by adding at the end the following new subsection: 38 USC 3672.

“(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.”.

38 USC 3675.

(2)(A) Section 3675(a)(2)(B) is amended by striking out “A State” and inserting in lieu thereof “Except as provided in section 3672(e) of this title, a State”.

38 USC 3680.

(B) Section 3680(a) is amended—

(i) by inserting “or” at the end of paragraph (2);

(ii) by striking out “; or” at the end of paragraph (3) and inserting in lieu thereof a period; and

(iii) by striking out paragraph (4).

38 USC 3686.

(C) Section 3686(c) is amended by striking out “(other than one subject to the provisions of section 3676 of this title)”.

38 USC 3672
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after the date of the enactment of this Act.

SEC. 606. STATE APPROVING AGENCIES.

38 USC 3674.

(a) REIMBURSEMENT.—(1) Section 3674(a)(4) is amended by striking out “\$12,000,000” each place it appears and inserting in lieu thereof “\$13,000,000”.

38 USC 3674
note.

(2) The amendments made by subsection (a) shall apply with respect to services provided under such section after September 30, 1994.

38 USC 3674.

(b) ELIMINATION OF REQUIREMENT FOR QUARTERLY REPORT TO CONGRESS.—Section 3674(a)(3) is amended—

(1) by striking out subparagraph (B); and

(2) by striking out “(A)” after “(3)”.

38 USC 3674A.

(c) EVALUATION OF AGENCY PERFORMANCE.—Section 3674A is amended—

(1) in subsection (a)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (b)—

(A) by striking out “subsection (a)(5) of this section” both places it appears and inserting in lieu thereof “subsection (a)(4)”; and

(B) by inserting “of this title” after “section 3674(a)” both places it appears.

SEC. 607. MEASUREMENT OF COURSES.

38 USC 3688.

Section 3688(b) is amended—

(1) by striking out “this chapter or” and inserting in lieu thereof “this chapter,”; and

(2) by inserting before the period at the end thereof the following: “, or chapter 106 of title 10”.

SEC. 608. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

38 USC 3692.

Section 3692 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out “34,”; and

(B) by inserting “and chapter 106 of title 10” before the period at the end;

(2) in the first sentence of subsection (b), by striking out “this chapter” and all that follows through “of this title” and inserting in lieu thereof “this chapter, chapter 30, 32, and 35 of this title, and chapter 106 of title 10”; and

(3) in subsection (c), by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 2003”.

SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) **PAYMENT LIMITATION.**—Section 3697(b) is amended by striking out “\$5,000,000” and inserting in lieu thereof “\$6,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992.

(a) **PERIOD OF TRAINING.**—(1) Section 4485(d) of the Service Members Occupational Conversion and Training Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is amended by striking out “or more than 18 months”.

(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760; 10 U.S.C. 1143 note) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “in the community for the entire period of training of the eligible person.”

(B) The amendment made by subparagraph (A) shall apply with respect to programs of training under the Service Members Occupational Conversion and Training Act of 1992 beginning after the date of the enactment of this Act.

(b) **PAYMENTS.**—Section 4487 of such Act (106 Stat. 2762; 10 U.S.C. 1143 note) is amended—

(1) in subsection (a)(1)—

(A) by striking out “subparagraph (B)” in subparagraph (A) and inserting in lieu thereof “subparagraphs (B) and (C)”;

(B) by inserting before the period at the end of subparagraph (A) the following: “but in no event to exceed hours equivalent to 18 months of training”; and

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

“(C) Assistance may be paid under this subtitle on behalf of an eligible person to that person’s employer for training under two or more programs of job training under this subtitle if such employer has not received (or is not due) on that person’s behalf assistance in an amount aggregating the applicable amount set forth in subparagraph (B).”; and

(2) in subsection (b)(3), by inserting before the period at the end thereof “, or upon the completion of the 18th month of training under the last training program approved for the person’s pursuit with that employer under this subtitle, whichever is earlier”.

(c) **ENTRY INTO PROGRAM OF JOB TRAINING.**—Section 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143 note) is amended by striking out the third sentence thereof and inserting in lieu thereof “The eligible person may begin such program of job training with the employer on the day that notice is transmitted to such

38 USC 3697.

38 USC 3697
note.

10 USC 1143
note.

official by means prescribed by such official. However, assistance under this subtitle may not be provided to the employer if such official, within two weeks after the date on which such notice is transmitted, disapproves the eligible person's entry into that program of job training in accordance with this section."

TITLE VII—EMPLOYMENT PROGRAMS

SEC. 701. JOB COUNSELING, TRAINING, AND PLACEMENT.

38 USC 4102A. (a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 4102A(a) is amended—

(1) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes. The Deputy Assistant Secretary shall be a veteran."

38 USC 4103A. (b) DVOP SPECIALISTS COMPENSATION RATES.—Section 4103A(a)(1) is amended by striking out "a rate not less than the rate prescribed for an entry level professional" and inserting in lieu thereof "rates comparable to those paid other professionals performing essentially similar duties".

38 USC 4110A. (c) SPECIAL UNEMPLOYMENT STUDY.—Subsection (a) of section 4110A is amended to read as follows:

"(a)(1) The Secretary, through the Bureau of Labor Statistics, shall conduct a study every two years of unemployment among each of the following categories of veterans:

"(A) Special disabled veterans.

"(B) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

"(C) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

"(D) Veterans who served on active duty after the Vietnam era.

"(E) Veterans discharged or released from active duty within four years of the applicable study.

Women.

"(2) Within each of the categories of veterans specified in paragraph (1), the Secretary shall include a separate category for women who are veterans.

Reports.

"(3) The Secretary shall promptly submit to Congress a report on the results of each study under paragraph (1)."

SEC. 702. EMPLOYMENT AND TRAINING OF VETERANS.

38 USC 4212.

(a) FEDERAL CONTRACTS.—Section 4212(a) is amended by striking out "all of its suitable employment openings," in clause (1) of the third sentence and inserting in lieu thereof "all of its employment openings except that the contractor may exclude openings for executive and top management positions, positions which are to be filled from within the contractor's organization, and positions lasting three days or less,".

(b) **ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.**—Section 4213 is amended—

(1) by striking out “chapters 11, 13, 31, 34, 35, and 36 of this title by an eligible veteran and” and inserting in lieu thereof “chapters 11, 13, 30, 31, 35, and 36 of this title by an eligible veteran”;

(2) by inserting “and any amounts received by an eligible person under chapter 106 of title 10,” after “chapters 13 and 35 of such title, and”; and

(3) by striking out “the needs or qualifications of participants in” and inserting in lieu thereof “eligibility under”.

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

SEC. 801. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) is amended by inserting “spouse,” after “The”. 38 USC 2402.

SEC. 802. RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARRIED SPOUSES.

Section 2402(5), as amended by section 801, is further amended by inserting after “surviving spouse” the following: “(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)”.

SEC. 803. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM.

Paragraph (2) of section 2408(a) is amended by striking out “nine” and inserting in lieu thereof “fourteen”. 38 USC 2408.

SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT THE WILLAMETTE NATIONAL CEMETERY, OREGON.

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Willamette National Cemetery, Oregon. 38 USC 2404 note.

TITLE IX—HOUSING PROGRAMS

SEC. 901. ELIGIBILITY.

(a) **RESERVISTS DISCHARGED BECAUSE OF A SERVICE-CONNECTED DISABILITY.**—Section 3701(b)(5)(A) is amended— 38 USC 3701.

(1) by inserting “(i)” before “who has”; and

(2) by striking out the period at the end and inserting in lieu thereof “, or (ii) who was discharged or released from the Selected Reserve before completing 6 years of service because of a service-connected disability.”.

(b) **SURVIVING SPOUSES OF RESERVISTS WHO DIED WHILE IN ACTIVE MILITARY, NAVAL, OR AIR SERVICE.**—The second sentence of section 3701(b)(2) is amended—

(1) by inserting “or service in the Selected Reserve” after “duty” each place it appears; and

(2) by striking out “spouse shall” and inserting in lieu thereof “deceased spouse shall”.

SEC. 902. REVISION IN COMPUTATION OF AGGREGATE GUARANTY.

38 USC 3702.

Section 3702(b) is amended—

(1) in the matter preceding paragraph (1), by striking out “loan, if—” and inserting in lieu thereof “loan under the following circumstances:”;

(2) in paragraph (1)—

(A) by striking out “the property” at the beginning of subparagraph (A) and inserting in lieu thereof “The property”;

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out “a veteran-transferee” at the beginning and inserting in lieu thereof “A veteran-transferee”;

(B) by striking out “; or” at the end and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out “the loan” at the beginning of subparagraph (A) and inserting in lieu thereof “The loan”;

(5) by inserting after paragraph (3) the following new paragraph:

“(4) In a case not covered by paragraph (1) or (2)—

“(A) the loan has been repaid in full and, if the Secretary has suffered a loss on the loan, the loss has been paid in full; or

“(B) the Secretary has been released from liability as to the loan and, if the Secretary has suffered a loss on the loan, the loss has been paid in full.”;

(6) in the last sentence, by striking out “clause (1) of the preceding sentence” and inserting in lieu thereof “paragraph (1)”;

(7) by adding at the end the following new sentence: “The authority of the Secretary under this subsection to exclude an amount of guaranty or insurance housing loan entitlement previously used by a veteran may be exercised only once for that veteran under the authority of paragraph (4).”.

SEC. 903. PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS.

38 USC 3704.

Section 3704 is amended—

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

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 904. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

38 USC 3710.

(a) **LOANS.**—Section 3710(a) is amended by inserting after paragraph (10) the following new paragraph:

“(11) To refinance in accordance with subsection (e) an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d).”.

(b) **AMOUNT OF GUARANTY.**—Section 3710(e)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting “or for the purpose specified in subsection (a)(11)” after “subsection (a)(8)”;

and

(2) in subparagraph (C), by striking out “may not exceed” and all that follows in such subparagraph and inserting in lieu thereof “may not exceed—

“(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary (under regulations which the Secretary shall prescribe) to be included in the loan; or

“(ii) in the case of a loan for the purpose specified in subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) and the amount specified under subsection (d)(2);”.

(c) FEE.—Section 3729(a)(2)(E) is amended by inserting “3710(a)(11),” after “3710(a)(9)(B)(i).”

38 USC 3729.

SEC. 905. AUTHORITY TO GUARANTEE LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES.

Section 3710(e)(1)(A) is amended by inserting before the semicolon at the end the following: “or, in a case in which the loan is a fixed rate loan and the loan being refinanced is an adjustable rate loan, the loan bears interest at a rate that is agreed upon by the veteran and the mortgagee”.

38 USC 3710.

SEC. 906. MANUFACTURED HOME LOAN INSPECTIONS.

(a) CERTIFICATION OF CONFORMITY WITH STANDARDS.—Paragraph (2) of subsection (h) of section 3712 is amended to read as follows:

38 USC 3712.

“(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415) shall be deemed to meet the standards required by paragraph (1).”.

(b) REPEAL OF INSPECTION REQUIREMENTS.—Subsection (j) of such section is amended by striking out “in the case of” the first place it appears and all that follows and inserting in lieu thereof “in the case of—

“(1) manufactured homes constructed by a manufacturer who fails or is unable to discharge the manufacturer’s obligations under the warranty;

“(2) manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h); or

“(3) a manufacturer of manufactured homes who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or the Government.”.

(c) ELIMINATION OF REPORTING REQUIREMENT.—Subsection (l) of such section is amended—

(1) by striking out “the results of inspections required by subsection (h) of this section,”; and

(2) by striking out “of this section.”.

SEC. 907. PROCEDURES ON DEFAULT.

(a) IN GENERAL.—Paragraph (7) of section 3732(c) is amended—

38 USC 3732.

(1) in the matter preceding subparagraph (A), by striking out “that was the minimum amount for which, under applicable

State law, the property was permitted to be sold at the liquidation sale”;

(2) in subparagraph (A)—

(A) by striking out “the Secretary may accept conveyance of the property to the United States for a price not exceeding” and inserting in lieu thereof “(i) the amount was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to”; and

(B) by striking out “and” after “loan,” and inserting in lieu thereof “or”;

(C) by adding at the end the following:

“(ii) there was no minimum amount for which the property had to be sold at the liquidation sale under applicable State law, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to the lesser of such net value or total indebtedness; and”;

(3) in subparagraph (B), by striking out “paragraph (6)(B)” and inserting in lieu thereof “paragraph (6)”.

(b) CONFORMING AMENDMENT.—Paragraph (6) of such section is amended—

(1) by striking out “either”;

(2) by striking out “sale or acquires” and all that follows through “(B) the” and inserting in lieu thereof “sale, the”; and

(3) by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively.

SEC. 908. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.

38 USC 5303A.

Subparagraph (F) of section 5303A(b)(3) is amended by inserting “or chapter 37” after “chapter 30” in the matter preceding clause (i).

TITLE X—HOMELESS VETERANS PROGRAMS

38 USC 7721
note.

SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.

(a) ANNUAL REPORT.—(1) Not later than April 15 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under those programs;

(B) describe the cost to the Department of providing such assistance under those programs; and

(C) provide any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

(b) **BI-ANNUAL REQUIREMENT.**—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every two years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

(c) **CONFORMING REPEAL.**—Section 10 of Public Law 102-590 (106 Stat. 5141; 37 U.S.C. 7721 note) is repealed.

38 USC 7721
note.

SEC. 1002. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.

(a) **UPDATE OF ASSESSMENT.**—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102-405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraph:

“(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph during each of 1995, 1996, and 1997.”

(b) **REPORTS ON ASSESSMENTS AND PLAN.**—Subsection (i) of such section (106 Stat. 1978) is amended—

38 USC 527
note.

(1) by striking out “REPORT.—” and inserting in lieu thereof “REPORTS.—(1)”; and

(2) by adding at the end the following:

“(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

“(A) describes the results of the assessment carried out under subsection (b);

“(B) sets forth the lists developed under paragraph (1) of subsection (c); and

“(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

“(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report.”

SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS UNDER HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out “four” and inserting in lieu thereof “eight”.

SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out the second sentence.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) of the funds appropriated for any fiscal year to support Federal programs which are designed to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans

should be appropriated to the Secretary of Veterans Affairs for programs to assist homeless veterans that are administered by that Secretary;

(2) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and

(3) the Secretary of Veterans Affairs should take such actions as are necessary to ensure that Federal agencies that provide assistance, either directly or indirectly, to homeless individuals, including homeless veterans, are aware of and encouraged to make appropriate referrals to facilities of the Department of Veterans Affairs for benefits and services, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

38 USC 712
note.

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) Under proposals for national health care reform, the Department of Veterans Affairs will be required to provide health care services to veterans on a competitive basis with other health care providers.

(2) The elimination of positions from the Department that the Office of Management and Budget has scheduled to occur in fiscal years 1995 through 1999 would prevent the Department from meeting the responsibilities of the Department to provide health care to veterans under law and from maintaining the quality of health care that is currently provided to veterans.

SEC. 1102. REQUIREMENT FOR MINIMUM NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

“§ 712. Full-time equivalent positions: limitation on reduction

“(a) Notwithstanding any other provision of law, the number of full-time equivalent positions in the Department of Veterans Affairs during the period beginning on the date of the enactment of this section and ending on September 30, 1999, may not (except as provided in subsection (c)) be less than 224,377.

“(b) In determining the number of full-time equivalent positions in the Department of Veterans Affairs during a fiscal year for purposes of ensuring under section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 115; 5 U.S.C. 3101 note) that the total number of full-time equivalent positions in all agencies of the Federal Government during a fiscal year covered by that section does not exceed the limit prescribed for that fiscal year under that section, the total number of full-

time equivalent positions in the Department of Veterans Affairs during that fiscal year shall be the number equal to—

“(1) the number of such positions in the Department during that fiscal year, reduced by

“(2) the sum of—

“(A) the number of such positions in the Department during that fiscal year that are filled by employees whose salaries and benefits are paid primarily from funds other than appropriated funds; and

“(B) the number of such positions held during that fiscal year by persons involved in medical care cost recovery activities under section 1729 of this title.

“(c) The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department unless such reduction—

“(1) is necessary due to a reduction in funds available to the Department; or

“(2) is required under a law that is enacted after the date of the enactment of this section and that refers specifically to this section.

“(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, through the year 2000, on the number and type of full-time equivalent positions in the Department that are reduced under this section. The report shall include a justification for the reductions and shall be submitted with the materials provided in support of the budget for the Department contained in the President's budget submitted to Congress for a fiscal year pursuant to section 1105 of title 31.”

Reports.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“712. Full-time equivalent positions: limitation on reduction.”

SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NECESSARY SERVICES.

Section 8110(c) is amended by striking out paragraph (7) and inserting in lieu thereof the following:

38 USC 8110.

“(7) Paragraphs (1) through (6) shall not be in effect during fiscal years 1995 through 1999.

“(8) During the period covered by paragraph (7), whenever an activity at a Department health-care facility is converted from performance by Federal employees to performance by employees of a contractor of the Government, the Secretary shall—

“(A) require in the contract for the performance of such activity that the contractor, in hiring employees for the performance of the contract, give priority to former employees of the Department who have been displaced by the award of the contract; and

“(B) provide to such former employees of the Department all possible assistance in obtaining other Federal employment or entrance into job training and retraining programs.

“(9) The Secretary shall include in the Secretary's annual report to Congress under section 529 of this title, for each fiscal year covered by paragraph (7), a report on the use during the year covered by the report of contracting-out authority made available by reason of paragraph (7). The Secretary shall include in each

Reports.

such report a description of each use of such authority, together with the rationale for the use of such authority and the effect of the use of such authority on patient care and on employees of the Department.”.

38 USC 1701
note.
Contracts.

SEC. 1104. STUDY.

(a) **REQUIREMENT.**—The Secretary of Veterans Affairs shall enter into an agreement with an appropriate non-Federal entity under which the entity shall carry out a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

(b) **SUBMISSION OF REPORT.**—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study required under subsection (a). The report shall be submitted not later than one year after the date of the enactment of this Act.

(c) **AUTHORIZATION OF FUNDS.**—There is hereby authorized to be appropriated for the Department of Veterans Affairs the sum of \$1,000,000 for the purposes of carrying out the study required under subsection (a).

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) **REFERENCES TO “SECRETARY” AND “DEPARTMENT.”**—Title 38, United States Code, is amended as follows:

38 USC 101.

(1) Paragraph (1) of section 101 is amended to read as follows:

“(1) The terms ‘Secretary’ and ‘Department’ mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.”.

38 USC 1532.

(2) Section 1532(c) is amended by striking out “Secretary” and inserting in lieu thereof “Veterans’ Administration”.

38 USC 3745.

(3) Section 3745(a) is amended by striking out “Secretary” after “consult with the” and inserting in lieu thereof “Administrator”.

38 USC 4102A.

(4) Section 4102A(e) is amended by striking out “Regional Secretary” both places it appears and inserting in lieu thereof “Regional Administrator”.

38 USC 4110.

(5) Section 4110(d)(9) is amended by striking out “Secretary of the Small Business Administration” and inserting in lieu thereof “Administrator of the Small Business Administration”.

(b) **REFERENCES TO DEPARTMENT OF MEDICINE AND SURGERY.**—

38 USC 3121,
7603, 7604, 7612,
7615, 7616, 7622,
7623, 7635, 8110.

(1) The following sections of title 38, United States Code, are amended by striking out “Department of Medicine and Surgery” each place it appears and inserting in lieu thereof “Veterans Health Administration”: sections 3120(a), 3120(f), 3121(a)(3), 7603(a), 7603(c)(1)(B), 7604(1)(B), 7604(2)(D), 7612(c)(1)(B), 7615, 7616(b)(2), 7616(c), 7622(b)(1), 7622(c)(2)(A), 7623(b), 7635(a)(1), 7635(a)(2), and 8110(a).

(2) Section 7622(c)(2)(B) of such title is amended by striking out “such Department” and inserting in lieu thereof “the Veterans Health Administration”.

(c) CONFORMING AMENDMENTS RELATING TO CONVERSION OF POSITIONS OF CHIEF MEDICAL DIRECTOR AND CHIEF BENEFITS DIRECTOR TO UNDER SECRETARY POSITIONS.—Title 38, United States Code, is amended as follows:

(1) Section 305 is amended—

38 USC 305.

(A) in subsection (a)(1), by striking out “a Under Secretary” and inserting in lieu thereof “an Under Secretary”; and

(B) in subsection (d)(2)(F), by striking out “Under Secretary” the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof “Chief Medical Director of the Veterans’ Administration”.

(2) Section 306 is amended—

(A) in subsection (a), by striking out “a Under Secretary” and inserting in lieu thereof “an Under Secretary”; and

(B) in subsection (d)(2)(F), by striking out “Under Secretary” the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof “Chief Benefits Director of the Veterans’ Administration”.

(3) Section 7306 is amended—

38 USC 7306.

(A) in subsection (a)—

(i) in paragraph (3), by striking out “Assistant Chief Medical Directors” and inserting in lieu thereof “Assistant Under Secretaries for Health”;

(ii) by redesignating the last three paragraphs as paragraphs (8), (7), and (9) respectively;

(iii) by reversing the order in which the penultimate and antepenultimate paragraphs appear; and

(iv) in paragraph (8), as so redesignated, by striking out “Chief Medical Director” and inserting in lieu thereof “Under Secretary for Health”;

(B) in subsection (b), by striking out “Assistant Chief Medical Directors” in the matter preceding paragraph (1) and inserting in lieu thereof “Assistant Under Secretaries for Health”; and

(C) in subsection (c), by striking out “and (7)” and inserting in lieu thereof “and (8)”.

(4) Section 7314(d) is amended—

38 USC 7314.

(A) in paragraph (1)—

(i) by striking out “the Chief Medical Director and the Secretary to carry out” and inserting in lieu thereof “the Secretary and the Under Secretary for Health in carrying out”; and

(ii) by striking out “the Assistant Chief Medical Director described in section 7306(b)(3)” and inserting in lieu thereof “the Assistant Under Secretary for Health described in section 7306(b)(3)”; and

(B) in paragraph (3), by striking out “Assistant Chief Medical Director” both places it appears and inserting in lieu thereof “Assistant Under Secretary”.

(5) Section 7318 is amended by striking out “Chief Medical Director” each place it appears and inserting in lieu thereof “Under Secretary for Health”.

38 USC 7318.

- 38 USC 7440. (6) Section 7440(1) is amended by striking out “Chief Medical Director’s” and inserting in lieu thereof “Under Secretary for Health’s”.
- 38 USC 7451. (7) Section 7451(g)(1) is amended by striking out “Chief Medical Director’s” and inserting in lieu thereof “Under Secretary for Health’s”.
- 38.—Title 38, United States Code, is amended as follows:
- 38 USC 115. (1) Section 115 is amended by striking out “sections 230” and inserting in lieu thereof “sections 314, 315, 316.”
- 38 USC 1710. (2) Section 1710(f)(3)(E) is amended by striking out “section 1712(f)” and “section 1712(f)(4)” and inserting in lieu thereof “section 1712(a)” and “section 1712(f)”, respectively.
- 38 USC 1712. (3) Section 1712 is amended—
- (A) in subsection (i)(5), by striking out “section 1722(a)(1)(C)” and inserting in lieu thereof “section 1722(a)(3)”; and
- (B) in subsection (j), by striking out “Section 4116” and inserting in lieu thereof “Section 7316”.
- 38 USC 3018A. (4) Section 3018A(d)(3) is amended by striking out “section 3015(e)” and inserting in lieu thereof “section 3015(f)”.
- 38 USC 3018B. (5) Section 3018B(d)(3) is amended by striking out “section 3015(e)” and inserting in lieu thereof “section 3015(f)”.
- 38 USC 3032. (6) Section 3032(f)(3) is amended by striking out “(c), or (d)(1)” and inserting in lieu thereof “(d), or (e)(1)”.
- 38 USC 3035. (7) Section 3035(b) is amended—
- (A) in paragraph (2), by striking out “section 3015(c)” and inserting in lieu thereof “section 3015(d)”; and
- (B) in paragraph (3)(C), by striking out “section 3015(e)” and inserting in lieu thereof “section 3015(f)”.
- 38 USC 3103. (8) Section 3103(b)(3) is amended by striking out “section 3102(1)(A)” and inserting in lieu thereof “section 3102(1)(A)(i)”.
- 38 USC 3106. (9) Section 3106(a) is amended by striking out “section 3102(1)(A) or (B)” and inserting in lieu thereof “clause (i) or (ii) of section 3102(1)(A)”.
- 38 USC 3113. (10) Section 3113(a) is amended by striking out “section 3102(1)(B) and (2)” and inserting in lieu thereof “subparagraphs (A)(ii) and (B) of section 3102(1)”.
- 38 USC 3120. (11) Section 3120(b) is amended by striking out “section 3012(1)(A)” and inserting in lieu thereof “section 3102(1)(A)(i)”.
- 38 USC 3241. (12) Section 3241(c) is amended by striking out “1663.”
- 38 USC 3735. (13) Section 3735(a)(1)(A) is amended by striking out “section 3402” and inserting in lieu thereof “section 5902”.
- 38 USC 4103. (14) Section 4103(c)(2) is amended by striking out “subchapter IV of chapter 3” and inserting in lieu thereof “subchapter II of chapter 77”.
- 38 USC 5104. (15) Section 5104(a) is amended by striking out “section 211(a)” and inserting in lieu thereof “section 511”.
- 38 USC 8103. (16) Section 8103(d)(6)(A) is amended by striking out “section 230(c)” and inserting in lieu thereof “section 316”.
- 38 USC 8110. (17) Section 8110(c)(3)(B) is amended by striking out “section 213 or 4117” and inserting in lieu thereof “section 513 or 7409”.
- 38 USC 8135. (18) Section 8135(a)(3) is amended by striking out “section 8134(2)” and inserting in lieu thereof “section 8134(a)(2)”.
- 38 USC 8155. (19) Section 8155(a) is amended by striking out “section 4112” and inserting in lieu thereof “section 7312”.

- (20) Section 8201(c) is amended by striking out “section 4112(a)” and inserting in lieu thereof “section 7312(a)”. 38 USC 8201.
- (e) PUNCTUATION, CAPITALIZATION, SPELLING, ETC.—Title 38, United States Code, is amended as follows:
- (1) Section 111(b)(3)(B) is amended by striking out “the Department facility” and inserting in lieu thereof “a Department facility”. 38 USC 111.
- (2) Sections 305(d)(2)(F) and 306(d)(2)(F) are amended by striking out “Commission” and inserting in lieu thereof “commission”. 38 USC 305, 306.
- (3) Section 312(a) is amended by striking out “(5 U.S.C. App. 3)” and inserting in lieu thereof “(5 U.S.C. App.)”. 38 USC 312.
- (4) Section 317(b)(2) is amended by striking out “provided, by the” and inserting in lieu thereof “provided by, the”. 38 USC 317.
- (5) Section 711(d) is amended by striking out “Committees” and inserting in lieu thereof “committees”. 38 USC 711.
- (6) Section 1116(a)(1)(B) is amended by striking out “(1)” and “(2)” and inserting in lieu thereof “(i)” and “(ii)”, respectively. 38 USC 1116.
- (7) Section 1722A(a)(1) is amended by striking out the closing parenthesis after “veteran” in the first sentence. 38 USC 1722A.
- (8) Section 1969(e) is amended—
- (A) by striking out “sections 1971 (a) and (c)” and inserting in lieu thereof “subsections (a) and (c) of section 1971”; and
- (B) by striking out “sections 1971 (d) and (e)” and inserting in lieu thereof “subsections (d) and (e) of section 1971”.
- (9) Section 1977(f) is amended by striking out “sections 1971 (d) and (e)” and inserting in lieu thereof “subsections (d) and (e) of section 1971”. 38 USC 1977.
- (10) Section 3011(f)(1) is amended by striking out “whose length” and inserting in lieu thereof “the length of which”. 38 USC 3011.
- (11) Section 3018B(d) is amended—
- (A) in paragraph (1), by striking out “(a)(2)(D) of this subsection” and inserting in lieu thereof “(a)(2)(D) of this section”; and
- (B) in paragraph (3)—
- (i) by striking out “such Account” and inserting in lieu thereof “such account”; and
- (ii) by striking out “this chapter” and inserting in lieu thereof “this title”.
- (12) Section 3688(a)(6) is amended by inserting a comma after “3241(a)(2)”. 38 USC 3688.
- (13) Section 3706 is amended by striking out “of this chapter” the second and third places it appears and inserting in lieu thereof “of this title”. 38 USC 3706.
- (14) Section 3712 is amended—
- (A) in subsection (c)(3)—
- (i) by inserting “of” in subparagraph (D) after “subparagraph (B)”; and
- (ii) by striking out “of this subsection” in subparagraph (E) and inserting in lieu thereof “of this paragraph”; and
- (B) in subsection (m), by striking out “section 3704(d) and section 3721 of this chapter” and inserting in lieu thereof “sections 3704(d) and 3721 of this title”. 38 USC 3712.

- 38 USC 3713. (15) Section 3713(b) is amended in the last sentence by striking out “subsection 5302(b) of this title, if eligible thereunder” and inserting in lieu thereof “section 5302(b) of this title, if the veteran is eligible for relief under that section”.
- 38 USC 5702. (16) Section 5702 is amended—
 (A) by inserting “(a)” before “Any person desiring”;
 (B) by striking out “custody of” and all that follows through “stating” and inserting in lieu thereof “custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state”; and
 (C) in subsection (c), by striking out “is authorized to fix” and inserting in lieu thereof “may establish”.
- 38 USC 6101. (17) Section 6101(a) is amended by inserting a comma after “title 18”.
- 38 USC 6103. (18) Section 6103(d)(1) is amended in the second sentence—
 (A) by striking out “(a)” and “(b)” and inserting in lieu thereof “(A)” and “(B)”, respectively; and
 (B) by striking out “prior to” and inserting in lieu thereof “before”.
- 38 USC 6105. (19) Section 6105(c) is amended—
 (A) in the first sentence, by striking out “clauses (2), (3), or (4) of subsection (b) of this section” and inserting in lieu thereof “paragraph (2), (3), or (4) of subsection (b)”;
 (B) in the second sentence, by striking out “clause (1) of that subsection” and inserting in lieu thereof “paragraph (1) of subsection (b)”; and
 (C) by transposing the two sentences of that subsection (as so amended).
- 38 USC 7312. (20) Section 7312(d) is amended by striking out “the advisory groups activities” and inserting in lieu thereof “the activities of the advisory group”.
- 38 USC 7408. (21) Section 7408(a) is amended by striking out “civil-service” and inserting in lieu thereof “civil service”.
- 38 USC 7433. (22) Sections 7433(b)(3)(A) and 7435(b)(3)(A) are amended by striking out “nation-wide” and inserting in lieu thereof “nationwide”.
- 38 USC 7451. (23) Section 7451(d)(3)(C)(i)(I) is amended by striking out “labor market area” and inserting in lieu thereof “labor-market area”.
- 38 USC 7453. (24) Section 7453 is amended by striking out “subsections” in subsections (f) and (g) and inserting in lieu thereof “subsection”.
- 38 USC 7601. (25) Section 7601(a) is amended by striking out the comma at the end of paragraph (1) and inserting in lieu thereof a semicolon.
- 38 USC 7604. (26) Section 7604 is amended by striking out “subchapters” in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof “subchapter”.
- 38 USC 8126. (27) Section 8126 is amended—
 (A) in subsection (e)(1)(A), by striking out “1-year” and inserting in lieu thereof “one-year”; and
 (B) in subsection (f)(2), by striking out “, and” and inserting in lieu thereof a period.
- (f) DATE OF ENACTMENT REFERENCES.—Title 38, United States Code, is amended as follows:

- (1) Section 1922A(b) is amended by striking out “insurance not later than” and all that follows through “that the Department” and inserting in lieu thereof “insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary”. 38 USC 1922A.
- (2) Sections 3011(e) and 3012(f) are amended by striking out “the end of the 24-month period beginning on the date of the enactment of this subsection” and inserting in lieu thereof “October 28, 1994.” 38 USC 3011, 3012.
- (3) Section 3018B(a)(2)(A) is amended by striking out “the date of enactment of this section” and inserting in lieu thereof “October 23, 1992.” 38 USC 3018B.
- (4) Section 3702(a)(2)(E) is amended by striking out “For the 7-year period beginning on the date of enactment of this subparagraph,” and inserting in lieu thereof “For the period beginning on October 28, 1992, and ending on October 27, 1999.” 38 USC 3702.
- (5) Section 6103(d)(2) is amended by striking out “the date of enactment of this amendatory Act” and inserting in lieu thereof “June 30, 1972”. 38 USC 6103.
- (6) Section 8126 is amended— 38 USC 8126.
- (A) in subsection (e)(1)(A), by striking out “30 days after the date of the enactment of this section” and inserting in lieu thereof “December 4, 1992”; and
- (B) in subsection (g), by striking out “the date of the enactment of this section” in paragraphs (1) and (2) and inserting in lieu thereof “November 4, 1992”.
- (g) OBSOLETE OR EXECUTED PROVISIONS.—Title 38, United States Code, is amended as follows:
- (1) Section 312(b) is amended by striking out paragraph (3). 38 USC 312.
- (2) Section 1524(a)(2) is amended by striking out “Subject to paragraph (3) of this subsection, if” and inserting in lieu thereof “If”. 38 USC 1524.
- (3) Section 4110(c)(1) is amended by striking out “shall, within 90 days after the date of the enactment of this section, appoint” and inserting in lieu thereof “shall appoint”. 38 USC 4110.
- (4)(A) Section 5505 is repealed.
- (B) The table of sections at the beginning of chapter 55 is amended by striking out the item relating to section 5505.
- (5) Section 7311 is amended by striking out subsections (f) and (g). 38 USC 7311.
- (6) Section 7453(i)(3) is amended by striking out “of title 5”. 38 USC 7453.
- (7) Section 8110(c) is amended by striking out paragraph (7). 38 USC 8110.
- (8) Section 8111(b) is amended— 38 USC 8111.
- (A) in paragraph (2)—
- (i) by striking out “During fiscal years 1982 and 1983” in the second sentence and inserting in lieu thereof “During odd-numbered fiscal years”;
- (ii) by striking out “During fiscal year 1984” in the third sentence and inserting in lieu thereof “During even-numbered fiscal years”; and
- (iii) by striking out the fourth sentence; and

(B) in paragraph (4), by striking out “Within nine months of the date of the enactment of this subsection and at such times thereafter as” and inserting in lieu thereof “At such times as”.

(h) AMENDMENTS TO HEADINGS AND TABLES OF CONTENTS.—Title 38, United States Code, is amended as follows:

(1) The table of chapters before part I and the table of chapters at the beginning of part III are amended by striking out the item relating to chapter 42 and inserting in lieu thereof the following:

“42. Employment and Training of Veterans 4211”.

(2) The heading of section 2106 is amended by revising each word after the first word so that the initial letter of each such word is lower case.

(3) The item relating to subchapter III in the table of sections at the beginning of chapter 73 is amended to read as follows:

“SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS”.

(4) The heading of section 7458 is amended to read as follows:

“§ 7458. Recruitment and retention bonus pay”.

(5) The heading of chapter 81 is amended by inserting “ENHANCED-USE” before “LEASES OF REAL”.

(6) The item relating to section 8126 in the table of sections at the beginning of chapter 81 is amended to read as follows:

“8126. Limitation on prices of drugs procured by Department and certain other Federal agencies.”.

(i) OTHER MISCELLANEOUS CORRECTIONS.—Title 38, United States Code, is amended as follows:

38 USC 1718.

(1) Section 1718(c)(1) is amended by inserting “of Veterans Affairs” after “Department” in the first sentence.

38 USC 1922.

(2) Section 1922(b)(4) is amended by striking out “Notwithstanding” and all that follows through “title,” and inserting in lieu thereof “Notwithstanding section 1917 of this title,”.

38 USC 1969.

(3) Section 1969(d)(3) is amended by striking out “General Operating Expenses, Department” and inserting in lieu thereof “General Operating Expenses, Department of Veterans Affairs”.

38 USC 3018A.

(4) Section 3018A(a)(1) is amended by striking “after December 31, 1990,” and all that follows through “whichever is later,” and inserting in lieu thereof “after February 2, 1991,”.

38 USC 3121.

(5) Section 3121(a)(3) is amended by striking out “Department of Veterans’ Benefits” and inserting in lieu thereof “Veterans Benefits Administration”.

38 USC 3680.

(6) Section 3680(a)(C) is amended by striking out “1 full” and inserting in lieu thereof “one full”.

38 USC 4110.

(7) Section 4110(e)(3)(B) is amended—
(A) by striking out “, United States Code,”; and
(B) by striking out “the Board” and inserting in lieu thereof “the advisory committee”.

38 USC 5110.

(8) Section 5110 is amended by striking out subsection (m).

38 USC 7315.

(9) Section 7315(b)(2) is amended by striking out “Department” and inserting in lieu thereof “Veterans’ Administration”.

38 USC 8111.

(10) Section 8111(f)(6) is amended by inserting “of Defense” after “the Secretary” the second place it appears.

(11) Section 8502(d) is amended by striking out “General Post Fund, National Homes, Department,” and inserting in lieu thereof “General Post Fund, National Homes, Department of Veterans Affairs.” 38 USC 8502.

SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) PUBLIC LAW 102-54.—Effective as of June 13, 1991, and as if included in the enactment of Public Law 102-54, Public Law 102-54 is amended as follows:

(1) Section 13(e) (105 Stat. 275) is amended by striking out “subsection (b)(10)” and inserting in lieu thereof “subsection (c)(10)”. 15 USC 644 note.

(2) Section 15(a)(1)(A) (105 Stat. 289) is amended by inserting “the first place it appears” before “in the first sentence”. 38 USC 3705.

(b) PUBLIC LAW 102-83.—Effective as of August 6, 1991, and as if included in the enactment of Public Law 102-83, section 4(a) of Public Law 102-83 (105 Stat. 403) is amended as follows:

(1) Paragraph (2)(E) is amended by striking out “Section 601(4)” and inserting in lieu thereof “Section 601(3)”. 38 USC 1701.

(2) Paragraph (4) is amended by adding at the end the following: 38 USC 3714, 3715.

“(E) Sections 7314(b)(1) and 7315(b)(2).”.

(c) PUBLIC LAW 102-86.—Section 403(b)(4) of the Veterans’ Benefits Programs Improvement Act of 1991 (Public Law 102-86; 105 Stat. 423; 36 U.S.C. 493(b)(4)) is amended by striking out “section 235” and inserting in lieu thereof “section 707”.

(d) PUBLIC LAW 102-547.—Section 10(b)(2) of the Veterans Home Loan Program Amendments of 1992 (106 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking out “paragraph 4” and inserting in lieu thereof “paragraph (4)”.

(e) PUBLIC LAW 102-585.—The Veterans Health Care Act of 1992 (Public Law 102-585) is amended as follows:

(1) Section 202 (38 U.S.C. 8111 note) is amended by striking out “the Chief Medical Director” and inserting in lieu thereof “the Under Secretary for Health of the Department of Veterans Affairs”.

(2) Section 511(c) (38 U.S.C. 7318 note) is amended by striking out “Chief Medical Director” each place it appears and inserting in lieu thereof “Under Secretary for Health”.

SEC. 1203. AMENDMENTS TO OTHER LAWS.

(a) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 502(b)(2)(D) (42 U.S.C. 290aa-1(b)(2)(D)) is amended to read as follows:

“(D) the Under Secretary for Health of the Department of Veterans Affairs;”.

(2) Section 542(b)(2) (42 U.S.C. 290dd-1(b)(2)) is amended by striking out “Chief Medical Director” and inserting in lieu thereof “Under Secretary for Health”.

(3) Section 2604(b)(2)(A) (42 U.S.C. 300ff-14(b)(2)(A)) is amended by striking out “Veterans Administration facilities” and inserting in lieu thereof “Department of Veterans Affairs facilities”.

(b) MISCELLANEOUS DEPARTMENT AND SECRETARY REFERENCES.—Section 5102(c)(3) of title 5, United States Code, is

amended by striking out the comma after "Department of Veterans Affairs".

(c) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS.—

(1) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "section 4303".

(2) Section 441(b)(2)(B) of the Job Training Partnership Act (29 U.S.C. 1721(b)(2)(B)) is amended—

(A) by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77"; and

(B) by striking out "sections 612A, 620A, 1787, and 2003A" and inserting in lieu thereof "sections 1712A, 1720A, 3687, and 4103A".

(3) Section 107 of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6706) is amended by striking out "section 4211(2)(A)" and "section 2011(1)" inserting in lieu thereof "section 4211(2)" and "section 4211(1)", respectively.

(4) Section 4(g)(2) of the Employment Act of 1946 (15 U.S.C. 1022a(g)(2)) is amended—

(A) by striking out "this subsection" and inserting in lieu thereof "this section"; and

(B) by striking out "section 2011(1) or (2)(A)" and inserting in lieu thereof "section 4211(1) or (2)".

Approved November 2, 1994.

LEGISLATIVE HISTORY—H.R. 5244:

CONGRESSIONAL RECORD, Vol. 140 (1994):

Oct. 7, considered and passed House.

Oct. 8, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 30 (1994):

Nov. 2, Presidential statement.