

Public Law 102-86  
102d Congress

An Act

Aug. 14, 1991  
[H.R. 1047]

To amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes.

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

Veterans'  
Benefits  
Programs  
Improvement  
Act of 1991.  
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—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.

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

## TITLE I—COMPENSATION AND PENSION PROGRAMS

### SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "\$60" and inserting in lieu thereof "\$90".

38 USC 5503  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2064).

### SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

38 USC 1315.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section."

### SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

38 USC 1155.

(a) IN GENERAL.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the

effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act. 38 USC 1155 note.

**SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.**

(a) **CHANGE IN PRESUMPTIVE PERIOD.**—Section 312(c)(3) is amended by striking out “, except that” and all that follows through “leukemia”. 38 USC 1112.

(b) **EFFECTIVE DATE.**—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act. 38 USC 1112 note.

**SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.**

Section 312(c) is amended— 38 USC 1112.

(1) in paragraph (1)—

(A) by striking out “during the veteran's service on active duty” and inserting in lieu thereof “during active military, naval, or air service”; and

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

(2) in paragraph (4)(A)—

(A) by inserting “(i)” after “means”; and

(B) by inserting before the period at the end the following: “, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training”.

## TITLE II—LIFE INSURANCE PROGRAMS

**SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.**

(a) **EXTENSION.**—Subsections (a) and (b)(1) of section 722 are amended— 38 USC 1922.

(1) by striking out “one year” each place it appears and inserting in lieu thereof “two years”; and

(2) by striking out “one-year” each place it appears and inserting in lieu thereof “two-year”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code. 38 USC 1922 note.

**SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.**

(a) **PAYMENT IN LUMP SUM.**—Section 722(b) is amended— 38 USC 1922.

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum.”; and

(2) by striking out paragraph (5).

38 USC 1922  
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

**SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.**

38 USC 1907.

Section 707(c) is amended—

(1) by striking out “before February 1, 1973” in the second sentence and inserting in lieu thereof “during the one-year period beginning September 1, 1991”; and

(2) by inserting after the second sentence the following new sentences: “After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.”

## TITLE III—HEALTH-RELATED PROVISIONS

**SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.**

38 USC 1712.

Paragraph (1) of section 612(b) is amended—

(1) by striking out “or” at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof “; or”; and

(3) by adding after subparagraph (G) the following new subparagraph:

“(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.”

**SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.**

38 USC 1712.

Section 612(b)(3) is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

**SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.**

38 USC 1720A.

Section 620A(e) is amended by striking out “September 30, 1991” and inserting in lieu thereof “December 31, 1994”.

**SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.**

38 USC 1732.

(a) **EXTENSION.**—Section 632(a) is amended by striking out “1990” and inserting in lieu thereof “1992”.

38 USC 1732  
note.

(b) **RATIFICATION.**—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period

beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

**SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.**

(a) **SOCIAL WORKER LICENSURE REQUIREMENT.**—Section 7402(b) is amended—

- (1) by redesignating paragraph (9) as paragraph (10); and
- (2) by inserting after paragraph (8) the following new paragraph (9):

“(9) **SOCIAL WORKER.**—To be eligible to be appointed to a social worker position, a person must hold a master’s degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.”.

(b) **EXEMPTION.**—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

38 USC 7402  
note.

## **TITLE IV—REAL PROPERTY AND FACILITIES**

**SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.**

(a) **AMENDMENT TO CHAPTER 81.**—Chapter 81 is amended by adding at the end the following new subchapter:

**“SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY**

**“§ 8161. Definitions**

“For the purposes of this subchapter:

“(1) The term ‘enhanced-use lease’ means a written lease entered into by the Secretary under this subchapter.

“(2) The term ‘congressional veterans’ affairs committees’ means the Committees on Veterans’ Affairs of the Senate and the House of Representatives.

**“§ 8162. Enhanced-use leases**

“(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an ‘enhanced-use lease’. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the

Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

“(A) the designated property is to be used only for child-care services;

“(B) those services are to be provided only for the benefit of—

“(i) employees of the Department;

“(ii) individuals employed on the premises of such property; and

“(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

“(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

“(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

#### “§ 8163. Designation of property to be leased

“(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

“(1) local commerce and other aspects of the local community;

“(2) programs administered by the Department; and

“(3) services to veterans in the community.

“(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

“(1) the time and place of the hearing;

“(2) identification of the property proposed to be leased;

“(3) a description of the proposed uses of the property under the lease;

“(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

“(A) would contribute in a cost-effective manner to the mission of the Department;

“(B) would not be inconsistent with the mission of the Department; and

“(C) would not adversely affect the mission of the Department; and

“(5) a description of how those uses would affect services to veterans.

“(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

“(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during

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which either House of Congress is not in session during an adjournment of more than three days to a day certain.

“(3) Each notice under paragraph (1) shall include the following:

“(A) An identification of the property involved.

“(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

“(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary’s evaluation of those views.

“(D) A general description of the proposed lease.

“(E) A description of how the proposed lease—

“(i) would contribute in a cost-effective manner to the mission of the Department;

“(ii) would not be inconsistent with the mission of the Department; and

“(iii) would not adversely affect the mission of the Department.

“(F) A description of how the proposed lease would affect services to veterans.

Reports.

“(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans’ affairs committees a report on the proposed lease. The report shall include—

“(A) updated information with respect to the matters described in paragraph (3);

“(B) a summary of a cost-benefit analysis of the proposed lease;

“(C) a description of the provisions of the proposed lease; and

“(D) a notice of designation with respect to the property.

#### “§ 8164. Authority for disposition of leased property

“(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

“(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

“(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans’ affairs committees of the Secretary’s intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed

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disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

#### **“§ 8165. Use of proceeds**

“(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

“(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

“(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

“(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

#### **“§ 8166. Construction standards**

“(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

“(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

#### **“§ 8167. Exemption from State and local taxes**

“The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

#### **“§ 8168. Limitation on number of agreements**

“(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

“(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employ-

ees of the Department shall not be counted for the purposes of subsection (a).

**“§ 8169. Expiration**

“The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.”.

(b) **CLERICAL AMENDMENTS.**—(1) The heading for chapter 81 is amended by adding at the end the following: “; LEASES OF REAL PROPERTY”.

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

“81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property..... 8101”.

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

“SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

“8161. Definitions.

“8162. Enhanced-use leases.

“8163. Designation of property to be leased.

“8164. Authority for disposition of leased property.

“8165. Use of proceeds.

“8166. Construction standards.

“8167. Exemption from State and local taxes.

“8168. Limitation on number of agreements.

“8169. Expiration.”.

**SEC. 402. ACQUISITION OF REAL PROPERTY.**

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

**“§ 115. Acquisition of real property**

“For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

“(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

“(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.”.

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

“115. Acquisition of real property.”.

36 USC 493.

**SEC. 403. PERSHING HALL, PARIS, FRANCE.**

(a) **IN GENERAL.**—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) **ADMINISTRATION.**—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best

interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed \$1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74-171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than \$100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) **WAIVER.**—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

## TITLE V—MISCELLANEOUS

### SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

38 USC 1718  
note.

Section 7(a) of Public Law 102-54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

38 USC 103  
note.

### SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

### SEC. 503. AGENT ORANGE REVIEW.

38 USC 1116  
note.

(a) **LIABILITY INSURANCE.**—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) **LIABILITY INSURANCE.**—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to

in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

“(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

“(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

“(C) The making of any recommendation for additional scientific study under subsection (e).

“(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

“(E) The preparation of the reports referred to in subsection (g).

“(2) A person referred to in paragraph (1) is—

“(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

“(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

“(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

“(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney’s fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney’s fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.”

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out “two months after the date of the enactment of this Act” and inserting in lieu thereof “two months after the date of the enactment of the Veterans’ Benefits Programs Improvement Act of 1991”.

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out “at the end of the six-month period beginning on the date of the enactment of this Act” and inserting in lieu thereof “at the end of the two-month period beginning on the date of the enactment of the Veterans’ Benefits Programs Improvement Act of 1991”; and

(B) in paragraph (2)(A), by striking out “six-month”.

38 USC 1116  
note.

38 USC 1154  
note.

**SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVICES.**

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits."

**SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.**

(a) **DEPOSIT OF COAST GUARD AMOUNTS.**—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

38 USC 5301  
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

**SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.**

(a) **TITLE 38.**—Title 38, United States Code, is amended as follows:

38 USC 1718.

(1) Section 618(b)(2) is amended by striking out "arrangements" and inserting in lieu thereof "arrangements".

38 USC 1916.

(2) Section 716(b) is amended by striking out "unpaid" and inserting in lieu thereof "unpaid".

(b) **PUBLIC LAW 101-237.**—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

38 USC 3690.

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii)," and

38 USC 3018.

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

38 USC 4214  
note.

(c) **PUBLIC LAW 102-16.**—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

Approved August 14, 1991.

**LEGISLATIVE HISTORY—H.R. 1047:**

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 10, 11, considered and passed House.

July 25, considered and passed Senate, amended.

July 29, House concurred in Senate amendments.