

Public Law 102-568
102d Congress

An Act

Oct. 29, 1992
[H.R. 5008]

Veterans'
Benefits Act of
1992.

38 USC 101 note.

To amend title 38, United States Code, to reform the formula for payment of dependency and indemnity compensation to survivors of veterans dying from service-connected causes, to increase the rate of payments for benefits under the Montgomery GI bill, and for other purposes.

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 Act of 1992”.

(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—REFORM OF THE DEPENDENCY AND INDEMNITY COMPENSATION PROGRAM

- Sec. 101. Short title.
- Sec. 102. Reform in payment formula.
- Sec. 103. Exception to operation of OBRA provision.
- Sec. 104. GAO report relating to the provision of benefits to survivors of veterans and members of the Armed Forces.

TITLE II—LIFE INSURANCE PROGRAMS

- Sec. 201. Servicemen’s Group Life Insurance.
- Sec. 202. Veterans’ Group Life Insurance.
- Sec. 203. Supplemental Service Disabled Veterans’ insurance for totally disabled veterans.
- Sec. 204. Increase in amount of veterans’ mortgage life insurance.
- Sec. 205. Effective date.

TITLE III—EDUCATIONAL ASSISTANCE PROGRAMS

- Sec. 301. Increase in amount of Montgomery GI Bill basic educational assistance.
- Sec. 302. Montgomery GI Bill entitlement dates.
- Sec. 303. Extension of period for completing requirements for secondary school diploma.
- Sec. 304. Treatment of certain active-duty service toward eligibility for educational assistance.
- Sec. 305. Treatment of certain assignments of individuals for purposes of eligibility under Montgomery GI Bill program.
- Sec. 306. Treatment of pursuit of education at service academies and certain educational institutions for purposes of eligibility under Montgomery GI Bill program.
- Sec. 307. Educational assistance for certain persons whose initial period of obligated service was less than three years.
- Sec. 308. Death benefit.
- Sec. 309. Clarification of opportunity to withdraw election not to enroll in Montgomery GI Bill program.
- Sec. 310. Use of educational assistance for solo flight training.
- Sec. 311. Limitation on amount of advance payment of work-study allowance.
- Sec. 312. Revision of requirements relating to approval of accredited courses.
- Sec. 313. Disapproval of nonaccredited independent study.
- Sec. 314. Treatment of advance payments of certain assistance to veterans who die.
- Sec. 315. Bar of assistance for persons whose education is paid for as Federal employee training.
- Sec. 316. Revision in measurement of courses.

- Sec. 317. Clarification of permitted changes in programs of education.
- Sec. 318. Authority of members of Selected Reserve to receive tutorial assistance.
- Sec. 319. Requirement of attendance certification in apprenticeship program under the Montgomery GI Bill Selected Reserve program.
- Sec. 320. Technical amendments.

TITLE IV—VOCATIONAL REHABILITATION AND PENSION PROGRAMS

- Sec. 401. Permanent authority for program of vocational rehabilitation for certain service-disabled veterans.
- Sec. 402. Extension of program of vocational training for certain pension recipients.
- Sec. 403. Permanent authority for protection of health-care eligibility for certain pension recipients.
- Sec. 404. Vocational rehabilitation for certain service-disabled veterans with serious employment handicaps.
- Sec. 405. Increase in subsistence allowance for veterans participating in a rehabilitation program.

TITLE V—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICES FOR VETERANS

- Sec. 501. Improvement of disabled veterans' outreach program.
- Sec. 502. Repeal of delimiting date relating to treatment of veterans of the Vietnam Era for disabled veterans' outreach program purposes.
- Sec. 503. Disabled veterans' outreach program priorities.
- Sec. 504. Repeal of requirement that to be represented on advisory committee on veterans employment and training a veterans organization must have a Federal charter.
- Sec. 505. Expansion and extension of veterans readjustment appointments with the Federal Government.
- Sec. 506. Redesignation of sections of chapter 43.

TITLE VI—OTHER VETERANS' PROGRAMS

- Sec. 601. Extension of limitation on pension for veterans receiving medicaid-covered nursing home care; applicability to surviving spouses; and facility expenses.
- Sec. 602. Extension of authority to carry out income verification.
- Sec. 603. Access to information necessary for the administration of certain veterans benefits laws.
- Sec. 604. Extension of expiring cost-recovery authority.
- Sec. 605. Exclusion for low-income veterans from medication copayment requirement.
- Sec. 606. Extension of copayment programs.

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—REFORM OF THE DEPENDENCY AND INDEMNITY COMPENSATION PROGRAM

Dependency and Indemnity Compensation Reform Act of 1992.

SEC. 101. SHORT TITLE.

This title may be cited as the "Dependency and Indemnity Compensation Reform Act of 1992".

38 USC 101 note.

SEC. 102. REFORM IN PAYMENT FORMULA.

(a) SURVIVING SPOUSE BASIC RATE.—Subsection (a) of section 1311 is amended by striking out the matter preceding the table and inserting in lieu thereof the following:

"(a)(1) Dependency and indemnity compensation shall be paid to a surviving spouse at the monthly rate of \$750.

"(2) The rate under paragraph (1) shall be increased by \$165 in the case of the death of a veteran who at the time of death was in receipt of or was entitled to receive (or but for the receipt of retired pay or retirement pay was entitled to receive) compensation for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately preceding death. In determining the period of a veteran's disability for purposes of the preceding sentence, only periods in which the veteran was married to the surviving spouse shall be considered.

"(3) In the case of dependency and indemnity compensation paid to a surviving spouse that is predicated on the death of a veteran before January 1, 1993, the monthly rate of such compensation shall be the amount based on the pay grade of such veteran, as set forth in the following table, if the amount is greater than the total amount determined with respect to that veteran under paragraphs (1) and (2):"

(b) **ADDITIONAL RATE FOR SURVIVING SPOUSE WITH MINOR CHILDREN.**—Subsection (b) of such section is amended by striking out "\$71 for each such child" and inserting in lieu thereof "\$100 for each such child during fiscal year 1993, \$150 for each such child during fiscal year 1994, and \$200 for each such child thereafter".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1993.

(d) **PAYMENT FOR IMPLEMENTATION OF REVISIONS.**—The costs of implementing, during fiscal years 1993 and 1994, any revisions in the payment of dependency and indemnity compensation to surviving spouses under section 1311 of title 38, United States Code, that result from the amendments made by subsections (a) and (b) shall be paid from amounts available to the Department of Veterans Affairs for the payment of compensation and pension.

38 USC 1311
note.

38 USC 1311
note.

38 USC 103 note.

SEC. 103. EXCEPTION TO OPERATION OF OBRA PROVISION.

(a) **EXCEPTION.**—The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (105 Stat. 424) shall not apply to any case in which a legal proceeding to terminate an existing marital relationship was commenced before November 1, 1990, by an individual described in subsection (b) if that proceeding directly resulted in the termination of such marriage.

(b) **COVERED INDIVIDUALS.**—An individual referred to in subsection (a) is an individual who, but for the marital relationship referred to in subsection (a), would be considered to be the surviving spouse of a veteran.

38 USC 1310
note.

SEC. 104. GAO REPORT RELATING TO THE PROVISION OF BENEFITS TO SURVIVORS OF VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—The Comptroller General of the United States shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report with respect to the most appropriate combination of financial, health-care, educational, and other survivor benefits to meet the needs of survivors of veterans.

(b) **CONTENTS OF REPORT.**—The report shall include the following:

(1) A review and compilation of data on current and proposed survivor benefits programs that will permit an assessment of the adequacy of such benefits programs, including information on—

(A) in the case of each current and proposed alternative survivor benefits program—

- (i) each benefit provided;
- (ii) the survivors entitled to the benefit;
- (iii) the extent to which survivors are entitled to similar benefits under the program; and
- (iv) the costs of providing such benefits under the program;

(B) the extent to which current and anticipated benefits under current survivor benefits programs meet the current and anticipated financial, health-care, educational, and other needs of survivors; and

(C) the differences, if any, in the survivor benefits provided under current and proposed survivor benefits programs to survivors of various categories of veterans and members of the Armed Forces (including survivors of veterans having service-connected disabilities, veterans without such disabilities, members of the Armed Forces who die during service in the Armed Forces, members of the Armed Forces retired under any provision of law other than chapter 61 of title 10, United States Code, and members of the Armed Forces retired under chapter 61 of title 10, United States Code (relating to retirement or separation for physical disability)).

(2) A review and compilation of existing studies on the adequacy of survivor benefits provided under current and proposed survivor benefits programs to meet the financial, health-care, educational, and other needs of survivors.

(3) A comprehensive assessment and evaluation of the adequacy of current and proposed survivor benefits programs, including data and methods for an assessment and evaluation of—

(A) the feasibility and desirability of limiting the period of entitlement of survivors to survivor benefits;

(B) the feasibility and desirability of modifying the provision of monetary benefits to survivors by—

(i) revising the term of payment of any such benefits;

(ii) replacing the periodic payment of such benefits with a lump sum payment;

(iii) providing such benefits through insurance or other premium-based payment mechanisms; or

(iv) carrying out any other revision or modification proposed before the date of the enactment of this Act by the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Health and Human Services, or organizations recognized by the Secretary of Veterans Affairs under section 5902(a)(1) of title 38, United States Code;

(C) the feasibility and desirability of modifying the provision of health-care benefits to survivors;

(D) the feasibility and desirability of modifying the provision of benefits to children survivors; and

(E) the feasibility and desirability of consolidating, expanding, or otherwise modifying any program relating to the provision of survivor benefits.

(4) The recommendations of the Comptroller General (including a proposal for legislation) on the most appropriate combination of survivor benefits to meet the current and anticipated financial, health-care, educational, and other needs of survivors.

(c) **SUBMISSION OF REPORT.**—The Comptroller General shall submit the report not later than April 1, 1994.

(d) **DEFINITIONS.**—In this section:

(1) The term “survivor”, in the case of a veteran or member of the Armed Forces who dies, means the surviving spouse or surviving dependent child of the veteran or member.

(2) The term “survivor benefit” means any monetary, health-care, educational, or other benefit paid, payable, or otherwise provided to survivors of veterans and survivors of members of the Armed Forces under the following:

(A) Laws administered by the Secretary of Veterans Affairs.

(B) Laws administered by the Secretary of Defense.

(C) The Social Security Act (42 U.S.C. 301 et seq.).

(3) The term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967 is amended by adding at the end thereof the following:

“(e) In addition to the amounts of insurance otherwise provided under this section, an eligible member may, upon application, obtain increased coverage beyond that provided under this section in the amount of \$100,000, or any lesser amount evenly divisible by \$10,000.”.

SEC. 202. VETERANS' GROUP LIFE INSURANCE.

Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting “and (e)” after “1967(a)” and after “1967(b)”;

(B) by striking out “\$100,000” each place it appears and inserting in lieu thereof “\$200,000”;

(C) by striking out “sixty days” and inserting in lieu thereof “60 days”;

(D) by striking out “sixty-day period” and inserting in lieu thereof “60-day period”; and

(E) by striking out “of this section” after “subsection (e)”;

(2) in subsection (b)(2), by striking out “nonrenewable” and inserting in lieu thereof “renewable”; and

(3) in subsection (h)(2), by striking out “Notwithstanding subsection (b)(2) of this section” and inserting in lieu thereof “In accordance with subsection (b)”.

SEC. 203. SUPPLEMENTAL SERVICE DISABLED VETERANS' INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) **IN GENERAL.**—Subchapter I of chapter 19 is amended by inserting after section 1922 the following new section:

“§ 1922A. Supplemental service disabled veterans’ insurance for totally disabled veterans

“(a) Any person insured under section 1922(a) of this title who qualifies for a waiver of premiums under section 1912 of this title is eligible, as provided in this section, for supplemental insurance in an amount not to exceed \$20,000.

“(b) To qualify for supplemental insurance under this section a person must file with the Secretary an application for such insurance not later than the end of (1) the one-year period beginning on the first day of the first month following the month in which this section is enacted, or (2) the one-year period beginning on the date that the Department notifies the person that the person is entitled to a waiver of premiums under section 1912 of this title, whichever is later.

“(c) Supplemental insurance granted under this section shall be granted upon the same terms and conditions as insurance granted under section 1922(a) of this title, except that such insurance may not be granted to a person under this section unless the application is made for such insurance before the person attains 65 years of age.

“(d) No waiver of premiums shall be made in the case of any person for supplemental insurance granted under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 1922 the following new item:

“1922A. Supplemental service disabled veterans’ insurance for totally disabled veterans.”.

SEC. 204. INCREASE IN AMOUNT OF VETERANS’ MORTGAGE LIFE INSURANCE.

(a) INCREASE.—Section 2106(b) is amended in the first sentence—

(1) by striking out “initial”; and

(2) by striking out “\$40,000” and inserting in lieu thereof “\$90,000”.

(b) TECHNICAL AMENDMENT.—The item relating to section 2106 in the table of sections at the beginning of chapter 21 is amended to read as follows:

“2106. Veterans’ mortgage life insurance.”.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title shall take effect on December 1, 1992.

38 USC 1922A
note.

TITLE III—EDUCATIONAL ASSISTANCE PROGRAMS**SEC. 301. INCREASE IN AMOUNT OF MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.**

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 3015 is amended—

(1) in subsection (a)(1), by striking out “\$300” and inserting in lieu thereof “\$400”; and

(2) in subsection (b)(1), by striking out “\$250” and inserting in lieu thereof “\$325”.

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—Section 2131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking out “\$140” and inserting in lieu thereof “\$190”;

(2) in subparagraph (B), by striking out “\$105” and inserting in lieu thereof “\$143”; and

(3) in subparagraph (C), by striking out “\$70” and inserting in lieu thereof “\$95”.

(c) CONFORMING AMENDMENTS TO CHAPTER 30.—Section 3015(f) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1) and in that paragraph striking out “may continue to pay” and all that follows through “such rates” and inserting in lieu thereof “shall provide a percentage increase in the monthly rates payable under subsections (a)(1) and (b)(1) of this section”; and

(3) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out “may” both places it appears and inserting in lieu thereof “shall”.

(d) CONFORMING AMENDMENTS TO SELECTED RESERVE PROGRAM.—Section 2131(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph striking out “may continue to pay” and all that follows through “such rates” and inserting in lieu thereof “shall provide a percentage increase in the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)”; and

(3) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph striking out “may” both places it appears and inserting in lieu thereof “shall”.

(e) EFFECTIVE DATE AND RULE OF CONSTRUCTION.—(1) The amendments made by this section shall take effect on April 1, 1993.

(2) The amendments made by this section shall not be construed to change the account from which payment is made for that portion of a payment under chapter 30 of title 38, United States Code, or chapter 106 of title 10, United States Code, which is a Montgomery GI bill rate increase and a title III benefit is paid. For the purposes of this subsection, the terms “Montgomery GI bill rate increase” and “title III benefit” have the meanings provided in section 393 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (105 Stat. 99).

SEC. 302. MONTGOMERY GI BILL ENTITLEMENT DATES.

(a) CHANGE IN DATES.—Chapter 30 is amended—

(1) in section 3011(a)(1)(B), by striking out “on October 19, 1984,” and all that follows through “and—” and inserting in lieu thereof “at any time during the period beginning on October 19, 1984, and ending on July 1, 1985, continued on active duty without a break in service and—”;

(2) in section 3012(a)(1)(B), by striking out “on October 19, 1984,” and all that follows through “and—” and inserting in lieu thereof “at any time during the period beginning on

October 19, 1984, and ending on July 1, 1985, continued on active duty without a break in service and—"; and

(3) in section 3031(e), by striking out "October 18, 1984" and inserting in lieu thereof "June 30, 1985".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 28, 1986.

38 USC 3011
note.

SEC. 303. EXTENSION OF PERIOD FOR COMPLETING REQUIREMENTS FOR SECONDARY SCHOOL DIPLOMA.

(a) IN GENERAL.—(1) Section 3011 is amended—

(A) in subsection (a)(2), by inserting "except as provided in subsection (e) of this section," after "who"; and

(B) by adding at the end thereof the following new subsection:

"(e) For the purposes of subsection (a)(2) of this section, an individual who was on active duty on August 2, 1990, and who completes the requirements of a secondary school diploma (or equivalency certificate) before the end of the 24-month period beginning on the date of the enactment of this subsection shall be considered to have completed such requirements within the individual's initial obligated period of active duty."

(2) Section 3012 is amended—

(A) in subsection (a)(2), by inserting "except as provided in subsection (f) of this section," after "who"; and

(B) by adding at the end thereof the following new subsection:

"(f) For the purposes of subsection (a)(2) of this section, an individual who was on active duty on August 2, 1990, and who completes the requirements of a secondary school diploma (or equivalency certificate) before the end of the 24-month period beginning on the date of the enactment of this subsection shall be considered to have completed such requirements within the individual's initial obligated period of active duty."

(b) NOTIFICATION REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of each of the military departments shall notify each individual who was on active duty in the Armed Forces on August 2, 1990, and who has not met the requirements of a secondary school diploma (or equivalency certificate), of the extension of the period for the completion of such requirements afforded by the amendments made by this section.

38 USC 3011
note.

SEC. 304. TREATMENT OF CERTAIN ACTIVE-DUTY SERVICE TOWARD ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.

(a) TREATMENT OF SERVICE.—Section 3011 (as amended by section 303) is further amended by adding at the end the following new subsection:

"(f)(1) For the purposes of this chapter, a member referred to in paragraph (2) of this subsection who serves the periods of active duty referred to in that paragraph shall be deemed to have served a continuous period of active duty whose length is the aggregate length of the periods of active duty referred to in that paragraph.

"(2) This subsection applies to a member who—

"(A) after a period of continuous active duty of not more than 12 months, is discharged or released from active duty under subclause (I) or (III) of subsection (a)(1)(A)(ii) of this section; and

38 USC 3011
note.

“(B) after such discharge or release, reenlists or re-enters on a period of active duty.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if enacted on June 30, 1985, and apply to the payment of educational assistance for education or training pursued on or after October 1, 1993.

SEC. 305. TREATMENT OF CERTAIN ASSIGNMENTS OF INDIVIDUALS FOR PURPOSES OF ELIGIBILITY UNDER MONTGOMERY GI BILL PROGRAM.

(a) **TREATMENT.**—Section 3011 (as amended by sections 303 and 304) is further amended by adding at the end the following new subsection:

“(g) Notwithstanding section 3002(6)(A) of this title, a period during which an individual is assigned full time by the Armed Forces to a civilian institution for a course of education as described in such section 3002(6)(A) shall not be considered a break in service or a break in a continuous period of active duty of the individual for the purposes of this chapter.”.

38 USC 3011
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if enacted on October 19, 1984.

SEC. 306. TREATMENT OF PURSUIT OF EDUCATION AT SERVICE ACADEMIES AND CERTAIN EDUCATIONAL INSTITUTIONS FOR PURPOSES OF ELIGIBILITY UNDER MONTGOMERY GI BILL PROGRAM.

(a) **ACTIVE DUTY.**—Section 3011 (as amended by sections 303, 304, and 305) is further amended by adding at the end the following new subsection:

“(h)(1) Notwithstanding section 3002(6)(B) of this title, a member referred to in paragraph (2) of this subsection who serves the periods of active duty referred to in subparagraphs (A) and (C) of that paragraph shall be deemed to have served a continuous period of active duty whose length is the aggregate length of the periods of active duty referred to in such subparagraphs.

“(2) This subsection applies to a member who—

“(A) during an initial period of active duty, commences pursuit of a course of education—

“(i) at a service academy; or

“(ii) at a post-secondary school for the purpose of preparation for enrollment at a service academy;

“(B) fails to complete the course of education; and

“(C) re-enters on a period of active duty.”.

38 USC 3011
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if enacted on June 30, 1985, and apply to the payment of educational assistance for education or training pursued on or after October 1, 1993.

SEC. 307. EDUCATIONAL ASSISTANCE FOR CERTAIN PERSONS WHOSE INITIAL PERIOD OF OBLIGATED SERVICE WAS LESS THAN THREE YEARS.

(a) **EDUCATIONAL ASSISTANCE.**—Section 3015 (as amended by section 301) is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (d) (as so redesignated), by striking out “(a) and (b)” and inserting in lieu thereof “(a), (b), and (c)”; and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The amount of basic educational allowance payable under this chapter to an individual referred to in paragraph (2) of this subsection is the amount determined under subsection (a) of this section.

"(2) Paragraph (1) of this subsection applies to an individual entitled to an educational assistance allowance under section 3011 of this title—

"(A) whose initial obligated period of active duty is less than three years;

"(B) who, beginning on the date of the commencement of the person's initial obligated period of such duty, serves a continuous period of active duty of not less than three years; and

"(C) who, after the completion of that continuous period of active duty, meets one of the conditions set forth in subsection (a)(3) of such section 3011."

(b) CONFORMING AMENDMENTS.—Such section 3015 (as so amended) is further amended—

(1) in subsection (a), by striking out "and (f)" and inserting in lieu thereof "(f), and (g)"; and

(2) in subsection (b), by striking out "and (f)" and inserting in lieu thereof "(f), and (g)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on June 30, 1985, and apply to the payment of educational assistance for education or training pursued on or after September 1, 1993.

38 USC 3015
note.

SEC. 308. DEATH BENEFIT.

Section 3017(a)(1)(B) is amended by inserting before the comma "or within one year after discharge or release from active duty".

SEC. 309. CLARIFICATION OF OPPORTUNITY TO WITHDRAW ELECTION NOT TO ENROLL IN MONTGOMERY GI BILL PROGRAM.

(a) CLARIFICATION.—Section 3018(b)(3)(B) is amended—

(1) by striking out "or (iii)" and inserting in lieu thereof "(iii)"; and

(2) by adding before the semicolon at the end the following: "or (iv) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense (or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy)".

Regulations.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on December 1, 1988.

38 USC 3018
note.

SEC. 310. USE OF EDUCATIONAL ASSISTANCE FOR SOLO FLIGHT TRAINING.

(a) ACTIVE-DUTY PROGRAM.—Section 3032(f) is amended—

(1) in paragraph (1), by striking out "(other than tuition and fees charged for or attributable to solo flying hours)"; and

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

"(4) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training."

(b) SELECTED RESERVE PROGRAM.—Section 2131(g) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(other than tuition and fees charged for or attributable to solo flying hours)"; and

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

"(4) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training."

(c) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 3231(f) is amended—

(1) in paragraph (1), by striking out "(other than tuition and fees charged for or attributable to solo flying hours)"; and

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

"(4) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to flight training received under chapters 30 and 32 of title 38, United States Code, and chapter 106 of title 10, United States Code, after September 30, 1992.

SEC. 311. LIMITATION ON AMOUNT OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

Section 3485(a)(1) is amended in the third sentence—

(1) by striking out "40 per centum" and inserting in lieu thereof "40 percent"; and

(2) by inserting "(but not more than an amount equal to 50 times the applicable hourly minimum wage)" before the period at the end.

SEC. 312. REVISION OF REQUIREMENTS RELATING TO APPROVAL OF ACCREDITED COURSES.

(a) REVISION OF REQUIREMENTS.—Subsection (a) of section 3675 is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

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

(3) by striking out the matter below subparagraph (C) (as so redesignated) and inserting in lieu thereof the following new paragraphs:

"(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

10 USC 2131
note.

Printing.

"(B) A State approving agency may utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

"(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

"(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

"(i) state with specificity the requirements of the institution with respect to graduation;

"(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

"(iii) include any attendance standards of the institution, if the institution has and enforces such standards."

(b) APPROVAL OF NURSES AIDE COURSES.—Subsection (a)(1) of such section (as amended by subsection (a)) is further amended—

(1) in subparagraph (B), by striking out "sections 11–28 of title 20; or" and inserting in lieu thereof "the Act of February 23, 1917 (20 U.S.C. 11 et seq.);";

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph (D):

"(D) such courses are approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i))."

SEC. 313. DISAPPROVAL OF NONACCREDITED INDEPENDENT STUDY.

(a) DISAPPROVAL.—(1) Section 3676 is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of this title, a course of education shall not be approved under this section if it is to be pursued in whole or in part by independent study."

(2) Subchapter I of chapter 36 is amended by inserting after section 3680 the following new section:

"§ 3680A. Disapproval of enrollment in certain courses

"(a) The Secretary shall not approve the enrollment of an eligible veteran in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;

"(3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit

of the veteran's present or contemplated business or occupation;
or

"(4) any independent study program except an accredited independent study program leading to a standard college degree.

"(b) Except to the extent otherwise specifically provided in this title or chapter 106 of title 10, the Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

"(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.

"(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other percent as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

"(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

"(A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

"(B) in a farm cooperative training course; or

"(C) in a course described in section 3689(b)(6) of this title."

(3)(A) Chapter 34 is amended by repealing section 3473.

(B) The table of sections at the beginning of chapter 34 is amended by striking out the item relating to section 3473.

(4) Section 3034 is amended—

(A) in subsection (a)(1), by striking out "3473,"; and

(B) in subsection (d)(1), by striking out "3473(b)" and inserting in lieu thereof "3680A(b)".

(5) Section 3241 is amended—

(A) by striking out "3473," both places it appears; and

(B) in subsection (b)(1), by striking out “3473(b)” and inserting in lieu thereof “3680A(b)”.

(6) Section 2136(c)(1) of title 10, United States Code, is amended by striking out “1673(b)” and inserting in lieu thereof “3680A(b)”.

(7) Section 3523(a)(4) is amended by striking out “one” and all that follows and inserting in lieu thereof “an accredited independent study program leading to a standard college degree.”.

(8) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3680 the following new item:

“3680A. Disapproval of enrollment in certain courses.”.

(b) SAVINGS PROVISION.—The amendments made by paragraphs (2) through (6) of subsection (a) of this section shall not apply to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on the date of enactment of this section for as long as such person is continuously thereafter so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under title 38, United States Code, or title 10, United States Code, in effect on that date.

10 USC 2136
note.

SEC. 314. TREATMENT OF ADVANCE PAYMENTS OF CERTAIN ASSISTANCE TO VETERANS WHO DIE.

(a) TREATMENT.—Section 3680(e) is amended—

(1) by striking out “(e) If” and inserting in lieu thereof “(e)(1) Subject to paragraph (2), if”; and

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

“(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to enroll in or pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.”.

(b) TECHNICAL AMENDMENT.—Section 3680(e)(1) (as amended by subsection (a)) is further amended by striking out “eligible person,” and inserting in lieu thereof “eligible person”.

SEC. 315. BAR OF ASSISTANCE FOR PERSONS WHOSE EDUCATION IS PAID FOR AS FEDERAL EMPLOYEE TRAINING.

Section 3681(a) is amended by striking out “and whose full salary is being paid to such person while so training”.

SEC. 316. REVISION IN MEASUREMENT OF COURSES.

(a) IN GENERAL.—Section 3688 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out “thirty hours” and all that follows through “full time” and inserting in lieu thereof “22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed”;

(B) in paragraph (2), by striking out “twenty-five hours” and all that follows through “full time” and inserting in lieu thereof “18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required”;

(C) in paragraph (4)—

(i) by striking out “in residence”; and

(ii) by inserting “, other than a course pursued as part of a program of education beyond the baccalaureate level,” after “semester-hour basis”;

(D) in paragraph (6), by striking out “3491(a)(2)” and inserting in lieu thereof “3034(a)(3), 3241(a)(2) or 3533(a)”;

and
(E) by striking out paragraph (7) and all that follows to the end of the subsection and inserting in lieu thereof the following:

“(7) an institutional course not leading to a standard college degree offered by an educational institution on a standard quarter- or semester-hour basis shall be measured as full time on the same basis as provided in paragraph (4) of this subsection, but if the educational institution offering the course is not an institution of higher learning, then in no event shall such course be considered full time when it requires less than the minimum weekly hours of attendance required for full time by paragraph (1) or (2) of this subsection, as appropriate.”;

(2) in subsection (b), by striking out “34” and inserting in lieu thereof “30, 32,”; and

(3) by striking out subsections (c), (d), and (e).

(b) INDEPENDENT STUDY.—Section 3532(c) is amended by striking out paragraphs (3) and (4).

(c) EFFECTIVE DATE.—The amendments made by this section apply to enrollments in courses beginning on or after July 1, 1993.

SEC. 317. CLARIFICATION OF PERMITTED CHANGES IN PROGRAMS OF EDUCATION.

Subsection (d) of section 3691 is amended to read as follows:

“(d) For the purposes of this section, the term ‘change of program of education’ shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another program if—

“(1) the veteran or eligible person has successfully completed the former program;

“(2) the program leads to a vocational, educational, or professional objective in the same general field as the former program;

“(3) the former program is a prerequisite to, or generally required for, pursuit of the subsequent program; or

“(4) in the case of a change from the pursuit of a subsequent program to the pursuit of a former program, the veteran or eligible person resumes pursuit of the former program without loss of credit or standing in the former program.”.

SEC. 318. AUTHORITY OF MEMBERS OF SELECTED RESERVE TO RECEIVE TUTORIAL ASSISTANCE.

Section 2131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h)(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this chapter who—

“(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

“(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

"(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

"(2)(A) Subject to subparagraph (B), the Secretary concerned, through the Secretary of Veterans Affairs, shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed \$100 for any month, nor aggregate more than \$1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this chapter.

"(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

"(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

"(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"(3)(A) A person's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of \$600.

"(B) A person's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter."

SEC. 319. REQUIREMENT OF ATTENDANCE CERTIFICATION IN APPRENTICESHIP PROGRAM UNDER THE MONTGOMERY GI BILL SELECTED RESERVE PROGRAM.

Section 2136(b) of title 10, United States Code, is amended by striking out "1780(c)."

SEC. 320. TECHNICAL AMENDMENTS.

(a) TITLE 10.—Chapter 106 of title 10, United States Code, is amended—

(1) in section 2131(c)—

(A) by striking out "section 1795 of title 38" in paragraph (2) and inserting in lieu thereof "section 3695 of title 38";

(B) by striking out "of this subparagraph, his or her" in paragraph (3)(B)(ii) and inserting in lieu thereof ", the individual's"; and

(C) by striking out "of this paragraph." in paragraph (3)(C) and inserting in lieu thereof a period;

(2) in section 2133(b)—

(A) by striking out “section 1431(f) of title 38” in paragraph (2) and inserting in lieu thereof “section 3031(f) of title 38”; and

(B) by striking out “section 1431(d) of title 38” in paragraph (3) and inserting in lieu thereof “section 3031(d) of title 38”; and

(3) in section 2136 (as amended by section 319 of this Act), by striking out “sections 1670” in subsection (b) and all that follows through “1792” and inserting in lieu thereof “sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692)”.

TITLE IV—VOCATIONAL REHABILITATION AND PENSION PROGRAMS

SEC. 401. PERMANENT AUTHORITY FOR PROGRAM OF VOCATIONAL REHABILITATION FOR CERTAIN SERVICE-DISABLED VETERANS.

(a) **PROGRAM MADE PERMANENT.**—(1) Subsection (a)(1) of section 1163 is amended by striking out “during the program period” and inserting in lieu thereof “after January 31, 1985,”.

(2) Subsection (a)(2) of such section is amended to read as follows:

“(2) For purposes of this section, the term ‘qualified veteran’ means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.”.

(b) **COUNSELING SERVICES.**—Subsection (b) of such section is amended by striking out “During the program period, the Secretary” and inserting in lieu thereof “The Secretary”.

(c) **NOTICE.**—Subsection (c)(1) of such section is amended by striking out “during the program period” and all that follows through “(a)(2)(A)” and inserting in lieu thereof “after January 31, 1985, of a rating of total disability described in subsection (a)(2)”.

(d) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

“§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings”.

(2) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

“1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings.”.

SEC. 402. EXTENSION OF PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) **EXTENSION OF PROGRAM.**—Subsection (a)(1) of section 1524 is amended to read as follows:

“(a)(1) In the case of a veteran under age 45 who is awarded a pension during the program period, the Secretary shall, based on information on file with the Department of Veterans Affairs, make a preliminary finding whether such veteran, with the assistance of a vocational training program under this section, has a good potential for achieving employment. If such potential is found to exist, the Secretary shall solicit from the veteran an application for vocational training under this section. If the veteran thereafter applies for such training, the Secretary shall provide the veteran with an evaluation, which may include a personal interview, to determine whether the achievement of a vocational goal is reasonably feasible.”

(b) **PROGRAM EXTENSION.**—Section 1524(a) is further amended—

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

(2) by redesignating paragraph (4) as paragraph (3) and in that paragraph striking out “December 31, 1992” and inserting in lieu thereof “December 31, 1995”.

(c) **CONFORMING AMENDMENTS.**—(1) Section 1524(b)(4) is amended by striking out “January 31, 1992” and inserting in lieu thereof “December 31, 1995”.

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

“§ 1524. Vocational training for certain pension recipients”.

(B) The item relating to such section in the table of sections at the beginning of chapter 15 is amended to read as follows:

“1524. Vocational training for certain pension recipients.”

SEC. 403. PERMANENT AUTHORITY FOR PROTECTION OF HEALTH-CARE ELIGIBILITY FOR CERTAIN PENSION RECIPIENTS.

(a) **PERMANENT PROTECTION.**—Section 1525 is amended—

(1) in subsection (a), by striking out “during the program period” and inserting in lieu thereof “after January 31, 1985”; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

“(b) For purposes of this section, the term ‘terminated by reason of income from work or training’ means terminated as a result of the veteran’s receipt of earnings from activity performed for remuneration or with gain, but only if the veteran’s annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran’s pension.”

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

"§ 1525. Protection of health-care eligibility".

(2) The item relating to such section in the table of sections at the beginning of chapter 15 is amended to read as follows:

"1525. Protection of health-care eligibility."

SEC. 404. VOCATIONAL REHABILITATION FOR CERTAIN SERVICE-DISABLED VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS.

(a) VOCATIONAL REHABILITATION.—Section 3102 is amended to read as follows:

"§ 3102. Basic entitlement

"A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if—

"(1) the person—

"(A) is—

"(i) a veteran who has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 20 percent or more under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; or

"(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that—

"(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

"(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

"(B) is determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

"(2) the person is a veteran who—

"(A) has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 10 percent under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; and

"(B) has a serious employment handicap."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 405. INCREASE IN SUBSISTENCE ALLOWANCE FOR VETERANS PARTICIPATING IN A REHABILITATION PROGRAM.

(a) INCREASE.—Section 3108(b) is amended by striking out the table at the end and inserting in lieu thereof the following new table:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
Institutional training:				The amount in column IV, plus the following for each dependent in excess of two:
Full-time ..	\$366	\$454	\$535	\$39
Three-quarter-time	275	341	400	30
Half-time ..	184	228	268	20
Farm cooperative, apprentice, or other on-job training:				
Full-time ..	320	387	446	29
Extended evaluation:				
Full-time ..	366	454	535	39
Independent living training:				
Full-time ..	366	454	535	39
Three-quarter-time	275	341	400	30
Half-time ..	184	228	268	20".

(b) **COST-OF-LIVING INCREASE.**—Such section is further amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2) With respect to the fiscal year beginning on October 1, 1994, the Secretary shall provide a percentage increase in the monthly rates payable under paragraph (1) of this subsection equal to the percentage by which the Consumer Price Index (all items, United States city average published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1994, exceeds such Consumer Price Index for the 12-month period ending June 30, 1993.

"(3) With respect to any fiscal year beginning on or after October 1, 1995, the Secretary shall continue to pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A)."

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

38 USC 3108
note.

TITLE V—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICES FOR VET- ERANS

SEC. 501. IMPROVEMENT OF DISABLED VETERANS' OUTREACH PROGRAM.

Section 4103A(a)(1) is amended in the first sentence by striking out "specialist for each 5,300 veterans" and all that follows through the end of the sentence and inserting in lieu thereof "specialist for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans."

SEC. 502. REPEAL OF DELIMITING DATE RELATING TO TREATMENT OF VETERANS OF THE VIETNAM ERA FOR DISABLED VETERANS' OUTREACH PROGRAM PURPOSES.

Section 4211(2) is amended—

(1) in subparagraph (A), by striking out "(A) Subject to subparagraph (B) of this paragraph, the term" and inserting in lieu thereof "The term"; and

(2) by striking out subparagraph (B).

SEC. 503. DISABLED VETERANS' OUTREACH PROGRAM PRIORITIES.

Subparagraph (A) of section 4103A(b)(1) is amended to read as follows:

"(A) Services to special disabled veterans."

SEC. 504. REPEAL OF REQUIREMENT THAT TO BE REPRESENTED ON ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING A VETERANS ORGANIZATION MUST HAVE A FEDERAL CHARTER.

Section 4110(c)(1)(A) is amended by striking out "are chartered by Federal law and".

SEC. 505. EXPANSION AND EXTENSION OF VETERANS READJUSTMENT APPOINTMENTS WITH THE FEDERAL GOVERNMENT.

(a) EXPANSION TO INCLUDE ALL VIETNAM ERA VETERANS.—Section 4214(b)(2)(A) is amended to read as follows:

"(A) a veteran of the Vietnam era; and".

(b) EXTENSION WITH FEDERAL GOVERNMENT.—Section 4214(b)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 1995"; and

(2) in subparagraph (B)(ii), by striking out "December 18" and inserting in lieu thereof "December 31".

SEC. 506. REDESIGNATION OF SECTIONS OF CHAPTER 43.

(a) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBER.—Sections 2021, 2022, 2023, 2024, 2025, 2026, and 2027 are redesignated as sections 4301, 4302, 4303, 4304, 4305, 4306, and 4307, respectively.

(b) TABLES OF SECTIONS.—The table of sections at the beginning of chapter 43 is revised so as to conform the section reference in the table to the redesignations made by subsection (a).

(c) **CROSS REFERENCES.**—(1) Section 4322 (as redesignated by subsection (a)) is amended—

(A) by striking out “2021(a)” and inserting in lieu thereof “4321(a)”; and

(B) by striking out “2024” and inserting in lieu thereof “4324”.

(2) Section 4323 (as redesignated by subsection (a)) is amended by striking out “2021(a)” each place it appears and inserting in lieu thereof “4321(a)”.

(3) Section 4324 (as redesignated by subsection (a)) is amended by striking out “2021(a)” each place it appears and inserting in lieu thereof “4321(a)”.

(4) Section 1204(a)(1) of title 5, United States Code, is amended by striking out “2023” and inserting in lieu thereof “4323”.

(5) Section 706(c) of title 10, United States Code, is amended by striking out “2021” and inserting in lieu thereof “4321”.

(6) Any reference in a provision of law to a section redesignated by subsection (a), other than a provision specified in paragraphs (1) through (5) of this subsection, shall be deemed to refer to the section as so redesignated.

38 USC 4301
note.

(d) **COORDINATION WITH OTHER ACT.**—If the Uniformed Services Employment and Reemployment Rights Act of 1992 is enacted before this Act, this section, including the amendments made by this section, shall not take effect. If the Uniformed Services Employment and Reemployment Rights Act of 1992 is enacted after this Act, this section, and the amendments made by this section, shall be treated for all purposes as not having been enacted, and the provisions of title 38, United States Code, shall read as if those amendments had not been made.

TITLE VI—OTHER VETERANS’ PROGRAMS

SEC. 601. EXTENSION OF LIMITATION ON PENSION FOR VETERANS RECEIVING MEDICAID-COVERED NURSING HOME CARE; APPLICABILITY TO SURVIVING SPOUSES; AND FACILITY EXPENSES.

(a) **REDUCTION IN PENSION.**—Section 5503(f) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraph (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) The provisions of this subsection shall apply with respect to a surviving spouse having no child in the same manner as they apply to a veteran having neither spouse nor child.”.

(b) **EXTENSION.**—Such section is further amended by striking out “September 30, 1992” in paragraph (7) (as redesignated by subsection (a)(1)) and inserting in lieu thereof “September 30, 1997”.

(c) **FACILITY EXPENSES.**—Section 5503(a)(1)(B) is amended by adding at the end thereof the following: “Effective through September 30, 1997, any amount in excess of \$90 per month to which the veteran would be entitled but for the application of the preceding sentence shall be deposited in a revolving fund at the Department medical facility which furnished the veteran nursing care, and such amount shall be available for obligation without fiscal year limitation to help defray operating expenses of that facility.”.

38 USC 5503
note.

(d) **EFFECTIVE DATES.**—The amendments made by subsection (a) shall take effect on October 1, 1992, and shall apply with respect to months after September 1992. The amendment made by subsection (c) shall take effect on November 1, 1992, and shall apply with respect to months after October 1992.

SEC. 602. EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

(a) **TITLE 38.**—Section 5317(g) is amended by striking out “September 30, 1992” and inserting in lieu thereof “September 30, 1997”.

26 USC 6103.

(b) **INTERNAL REVENUE CODE OF 1986.**—(1) Subparagraph (D) of section 6103(l)(7) of the Internal Revenue Code of 1986 is amended by striking out “September 30, 1992” in the last sentence and inserting in lieu thereof “September 30, 1997”.

(2) Clause (viii) of such subparagraph is amended—

(A) in subclause (II), by striking out “section 415” and inserting in lieu thereof “section 1315”; and

(B) in subclause (III), by striking out “section 610(a)(1)(I), 610(a)(2), 610(b), and 612(a)(2)(B)” and inserting in lieu thereof “sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)”.

SEC. 603. ACCESS TO INFORMATION NECESSARY FOR THE ADMINISTRATION OF CERTAIN VETERAN BENEFITS LAWS.

(a) **ACCESS.**—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

“(p)(1) Nothing in this title shall apply to the disclosure by the financial institution of the name and address of any customer to the Department of Veterans Affairs where the disclosure of such information is necessary to, and such information is used solely for the purposes of, the proper administration of benefits programs under laws administered by the Secretary.

“(2) Notwithstanding any other provision of law, any request authorized by paragraph (1) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing the customer’s name and address to the Department of Veterans Affairs and shall be barred from redisclosure by the financial institution or its agents.”.

(b) **PRIVACY SAFEGUARDS.**—(1) Chapter 53 is amended by adding at the end the following new section:

“§ 5319. Limitations on access to financial records

“(a) The Secretary may make a request referred to in section 1113(p) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(p)) only if the Secretary determines that the requested information—

“(1) is necessary in order for the Secretary to administer the provisions of law referred to in that section; and

“(2) cannot be secured by a reasonable search of records and information of the Department.

“(b) The Secretary shall include a certification of the determinations referred to in subsection (a) in each request presented to a financial institution.

“(c) Information disclosed pursuant to a request referred to in subsection (a) may be used solely for the purpose of the administration of benefits programs under laws administered by the Secretary if, except for the exemption in subsection (a), the disclosure

of that information would otherwise be prohibited by any provision of the Right to Financial Privacy Act of 1978.”

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

“5319. Limitations on access to financial records.”

SEC. 604. EXTENSION OF EXPIRING COST-RECOVERY AUTHORITY.

Section 1729(a)(2)(E) is amended by striking out “October 1, 1993” and inserting in lieu thereof “August 1, 1994”.

SEC. 605. EXCLUSION FOR LOW-INCOME VETERANS FROM MEDICATION COPAYMENT REQUIREMENT.

(a) **EXCLUSION.**—Section 1722A(a) is amended—

(1) by striking out “(other than” and all that follows through “or more”; and

(2) by adding at the end the following:

“(3) Paragraph (1) does not apply—

“(A) to a veteran with a service-connected disability rated 50 percent or more; or

“(B) to a veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 1521 of this title.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to medication furnished after the date of the enactment of this Act.

38 USC 1722A
note.

SEC. 606. EXTENSION OF COPAYMENT PROGRAMS.

(a) **MEDICATION COPAYMENT REQUIREMENT.**—Section 1722A(c) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997.”

(b) **HEALTH-CARE CATEGORIES AND COPAYMENTS.**—Section 8013(e) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, the amendments made by this section shall be in effect through September 30, 1997.”

38 USC 1710
note.
Termination
date.

Approved October 29, 1992.

LEGISLATIVE HISTORY—H.R. 5008:

HOUSE REPORTS: No. 102-753, Pt. 1 (Comm. on Veterans' Affairs) and Pt. 2 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Aug. 10, considered and passed House.

Sept. 22, considered and passed Senate, amended.

Oct. 3, House concurred in Senate amendments with amendments.

Oct. 7, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 29, Presidential statement.