Public Law 98–223
98th Congress

An Act

To amend title 38, United States Code, to increase the rates of compensation for
disabled veterans and the rates of dependency and indemnity compensation for
survivors; to express the sense of the Congress that increases in the rates of
compensation should take effect on December 1 beginning in fiscal year 1985; and
for other purposes.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That (a) this Act
may be cited as the “Veterans' Compensation and Program Im­
provements Amendments of 1984”.
(b) 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—DISABILITY COMPENSATION AND DEPENDENCY
AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

Sec. 101. (a) Section 314 is amended—
(1) by striking out “$62” in subsection (a) and inserting in lieu
thereof “$64”;
(2) by striking out “$114” in subsection (b) and inserting in
lieu thereof “$118”;
(3) by striking out “$173” in subsection (c) and inserting in
lieu thereof “$179”;
(4) by striking out “$249” in subsection (d) and inserting in
lieu thereof “$258”;
(5) by striking out “$352” in subsection (e) and inserting in
lieu thereof “$364”;
(6) by striking out “$443” in subsection (f) and inserting in
lieu thereof “$459”;
(7) by striking out “$559” in subsection (g) and inserting in
lieu thereof “$579”;
(8) by striking out “$648” in subsection (h) and inserting in
lieu thereof “$671”;
(9) by striking out “$729” in subsection (i) and inserting in
lieu thereof “$755”;
(10) by striking out “$1,213” in subsection (j) and inserting in
lieu thereof “$1,255”;
(11) by striking out “$1,506” and “$2,111” in subsection
(k) and inserting in lieu thereof “$1,559” and “$2,185”,
respectively;
(12) by striking out “$1,506” in subsection (l) and inserting in
lieu thereof “$1,559”;
(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,719";
(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,954";
(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,185";
(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$938" and "$1,397", respectively;
(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,404";
(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$271"; and
(19) by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Sections 312 and 355 are amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

ADDITIONAL COMPENSATION FOR DEPENDENTS

Sec. 102. (a) Section 315(1) is amended—
(1) by striking out "$74" in clause (A) and inserting in lieu thereof "$77";
(2) by striking out "$124" and "$40" in clause (B) and inserting in lieu thereof "$128" and "$41", respectively;
(3) by striking out "$50" and "$40" in clause (C) and inserting in lieu thereof "$52" and "$41", respectively;
(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";
(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139"; and
(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$116".
(b) Section 315 is amended by striking out "per centum" both places it appears and inserting in lieu thereof "percent".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

Sec. 103. Section 362 is amended by striking out "$327" and inserting in lieu thereof "$338".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

Sec. 104. (a) Subsection (a) of section 411 is amended to read as follows:
"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:
"Pay grade rate
E-1 $461
E-2 475
E-3 486
E-4 518
E-5 532
E-6 544
E-7 571
E-8 602
E-9 629
W-1 583
W-2 607
W-3 624

If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be $678.

If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be $1,265.

(b) Subsection (b) of such section is amended by striking out “$51” and inserting in lieu thereof “$53”.

(c) Subsection (c) of such section is amended by striking out “$134” and inserting in lieu thereof “$139”.

(d) Subsection (d) of such section is amended by striking out “$66” and inserting in lieu thereof “$68”.

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—
(1) by striking out “$225” in clause (1) and inserting in lieu thereof “$233”;
(2) by striking out “$323” in clause (2) and inserting in lieu thereof “$334”;
(3) by striking out “$417” in clause (3) and inserting in lieu thereof “$432”; and
(4) by striking out “$417” and “$84” in clause (4) and inserting in lieu thereof “$432” and “$87”, respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—
(1) by striking out “$134” in subsection (a) and inserting in lieu thereof “$139”;
(2) by striking out “$225” in subsection (b) and inserting in lieu thereof “$233”; and
(3) by striking out “$114” in subsection (c) and inserting in lieu thereof “$118”.

EFFECTIVE DATE

SEC. 107. The amendments made by this part shall take effect on April 1, 1984.
EFFECTIVE DATE OF FUTURE INCREASES

38 USC 301 note. Sec. 108. It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose.

PART B—COMPENSATION PROGRAM AMENDMENTS

PREMISE CONCERNING DYSTHOMIC DISORDER

38 USC 312. Sec. 111. Section 312(b) is amended—
(1) by striking out "or" at the end of clause (8); and
(2) by inserting "or" at the end of clause (9); and
(3) by inserting after clause (9) the following new clause:
"(10) dysthymic disorder (or depressive neurosis),".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

38 USC 314. Sec. 112. (a) Subsection (o) of section 314 is amended by inserting "or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less," after "5/200 visual acuity or less,"

(b) Subsection (p) of section 314 is amended—
(1) by striking out "40" in clause (1) and inserting in lieu thereof "30"; and
(2) by inserting after the second period the following new sentence: "In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Administrator shall allow the next intermediate rate, but in no event in excess of $2,185."

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION OR CONVALESCENCE

96 Stat. 801. 38 USC 3011. Sec. 113. Section 3011(c) is amended—
(1) by inserting "(1)" after "(c)"; and
(2) by adding at the end the following new paragraph:
"(2) In the case of a temporary increase in compensation for hospitalization or treatment where such hospitalization or treatment commences and terminates within the same calendar month, the period of payment shall commence on the first day of such month."

EFFECTIVE DATE

38 USC 312 note. Sec. 114. The amendments made by this part shall take effect as of October 1, 1983.
TITLE II—VETERANS’ PROGRAM IMPROVEMENTS

INCLUSION OF CERTAIN ADOPTED PERSONS WITHIN THE TITLE 38 DEFINITION OF CHILD

Sec. 201. Section 101(4)(A) is amended by adding at the end the following new sentence: “A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran’s household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.”

FIVE-YEAR EXTENSION OF PROGRAM TO PROVIDE ASSISTANCE TO STATE VETERANS’ CEMETERIES

Sec. 202. Section 1008(a)(2) is amended by inserting a comma and “and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years,” after “fiscal years”.

MISCELLANEOUS EDUCATION PROGRAM AMENDMENTS

Sec. 203. (a) Section 1602(1) is amended by adding at the end the following new subparagraph:

“(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

“(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 1652(a)(3)(C) of this title to have such service considered to be ‘active duty’ for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.”.

(b) Section 1733(a) is amended—

(1) by inserting “(with no dependents)” after “an eligible veteran”; and

(2) by striking out all after “of this title” the second place it appears and inserting in lieu thereof a period.

(c)(1) Section 1781 is amended—

(A) by inserting “(a)” before “No educational”; and

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

“(b) No person may receive benefits concurrently under two or more of the provisions of law listed below for the pursuit of the same program of education:

“(1) Chapters 31, 32, 34, 35, and 36 of this title.

“(2) Chapter 107 of title 10.


(2)(A) Subsection (a) of section 1795 is amended to read as follows:
“(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

“(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

“(2) Title II of the Veterans’ Readjustment Assistance Act of 1952.


“(4) Chapters 32, 34, 35, and 36 of this title, and the former chapter 33.

“(5) Chapter 107 of title 10.


(B) Subsection (b) of such section is amended—

(i) by striking out “clauses (1), (2), (3), and (4)” and inserting in lieu thereof “subsection (a)”;

(ii) by striking out “forty-eight” and inserting in lieu thereof “48”.

SUBSTITUTION OF HOUSING LOAN-GUARANTY ENTITLEMENT

38 USC 1802.

Sec. 204. Section 1802(b)(2) is amended by striking out “an immediate” and inserting in lieu thereof “a”.

LOAN GUARANTRIES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO LOTS

38 USC 1810.

Sec. 205. (a) Section 1810 is amended—

(1) by inserting after subsection (a)(8) the following new clause:

“(9)(A)(i) To purchase a manufactured home to be permanently affixed to a lot that is owned by the veteran.

“(ii) To purchase a manufactured home and a lot to which the home will be permanently affixed.

“(B)(i) To refinance, in accordance with the terms and conditions applicable under the provisions of subsection (e) of this section (other than paragraph (1)(E) of such subsection) to the guaranty of a loan for the purpose specified in clause (8) of this subsection, an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed to a lot that is owned by the veteran.

“(ii) To refinance, in accordance with section 1819(a)(5) of this title, an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot to which the manufactured home is affixed;”;

and

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

“(f)(1) For a loan to be guaranteed for the purpose specified in subclause (A)(i) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such criteria as may be prescribed by the Administrator in regulations.

“(2) A loan may not be guaranteed for the purposes of subsection (a)(9) of this section unless the manufactured home purchased, upon
(b) Section 1819(a)(5) is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

(c) Section 1803(c)(3) is amended—

(1) by striking out "or (8)" in clause (A) and inserting in lieu thereof a comma and "(8), or (9)(B)(ii)"; and

(2) by inserting "1810(a)(9)(B)(ii) or" in clause (E) after "section".

EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS

Sec. 206. Section 2011(1) is amended to read as follows:

"(1) The term 'special disabled veteran' means—

(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap; or

(B) a person who was discharged or released from active duty because of service-connected disability."

PAYMENTS FOR FIDUCIARY SERVICES

Sec. 207. (a) Section 3202(a) is amended—

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

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

"(2) In a case in which the Administrator determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Administrator may authorize a fiduciary appointed by the Veterans' Administration to obtain from the beneficiary's estate a reasonable commission for fiduciary services rendered, but the commission for any year may not exceed 4 percent of the monetary benefits under laws administered by the Veterans' Administration paid on behalf of the beneficiary to the fiduciary during such year. A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary."

(b)(1) The heading for section 3202 is amended to read as follows:

"§ 3202. Payments to and supervision of fiduciaries".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 is amended to read as follows:

"3202. Payments to and supervision of fiduciaries."

BOARD OF VETERANS' APPEALS MEMBERSHIP

Sec. 208. (a) Section 4001(a) is amended by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than 65)".

(b) Section 4001 is amended by adding at the end the following new subsection:
"(c)(1) Subject to paragraph (2) of this subsection, the Chairman may from time to time designate employees of the Veterans' Administration to serve as temporary members of the Board. Any such designation shall be for a period of not to exceed one year, as determined by the Chairman. An individual may not serve as a temporary member of the Board for more than 24 months during any 48-month period.

(2) Designation under paragraph (1) of this subsection of an individual as a temporary member of the Board may not be made when there are fewer than 65 members of the Board.

(3) In each annual report to the Congress under section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which the report is made with respect to the authority provided by paragraph (1) of this subsection. In each such report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of temporary Board members designated under this subsection and the number of acting Board members designated under section 4002(a)(2)(A)(ii) of this title during the year for which the report is made."

(c) Sections 4001 and 4002 are each amended by striking out "associate" each place it appears.

(d) Section 4002 is amended—

(1) by inserting "(a)(1)" before "The Chairman";

(2) by striking out the second sentence and inserting in lieu thereof the following:

"(2)(A) If a section is composed of fewer than three members as a result of the absence of a member or a vacancy on the Board or the inability of a member assigned to a section to serve on that section, the Chairman—

(i) may assign another member of the Board to the section;

(ii) may designate an employee of the Veterans' Administration to serve as an acting member of the Board on such section for a period of not to exceed 90 days, as determined by the Chairman; or

(iii) may direct the section to proceed with the transaction of business without awaiting the assignment of an additional member to the section.

(B) An individual may not serve as an acting member of the Board for more than 270 days during any 12-month period.

(3) A section of the Board may not at any time have among its members more than one individual who is a temporary member designated under section 4001(c) of this title or an acting member designated under paragraph (2)(A)(ii) of this subsection;"

(4) by designating the sentence beginning "A hearing docket" as subsection (b); and

(5) by designating the sentence beginning "A section of" as subsection (c).

MEMBERSHIP OF SPECIAL MEDICAL ADVISORY GROUP

Sec. 209. Section 4112(a) is amended—

(1) by inserting a comma and "other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Department of Medicine and Surgery," after "professions";
(2) by striking out "Director, whose duties" and inserting in lieu thereof "Director. The duties of the special medical advisory group"; and
(3) by striking out "direct" and inserting in lieu thereof "directly".

REVISION OF EFFECTIVE DATE FOR CERTAIN RESERVE OFFICERS' TRAINING CORPS PARTICIPANTS' ELIGIBILITY FOR VETERANS' ADMINISTRATION BENEFITS

SEC. 210. Subsection (d) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306; 96 Stat. 1433) is amended to read as follows:
"(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c)—
"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and
"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983."

PILOT PROGRAM FOR EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 211. (a)(1) Subject to subsection (b) and notwithstanding any other provision of law, during fiscal years 1984 and 1985 the Administrator of Veterans' Affairs may obligate, for the purpose described in paragraph (2), a total of not more than $25,000,000 of funds appropriated to the Veterans' Administration under the appropriation account "CONSTRUCTION, MAJOR PROJECTS" that are unobligated and that the Administrator determines are no longer needed for the projects for which such funds were appropriated and are not needed for contingencies arising in the Veterans' Administration's construction program.

(2) Funds described in paragraph (1) may be obligated for the purpose of undertaking during fiscal year 1984 or 1985 working drawings for any project for construction or alteration of any medical facility that is planned to be undertaken (subject to appropriations for such project) during fiscal year 1985 or 1986.

(b)(1) Funds may not be obligated under subsection (a) for working drawings for projects for the complete replacement of an existing health-care facility or for projects for the new construction of a complete health-care facility.

(2) The amount obligated under subsection (a) for working drawings for any one project may not exceed $2,500,000.

(3) The Administrator may not undertake under subsection (a) working drawings for a project unless the Administrator, not less than 30 days before undertaking the drawings, has provided to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives written notice of the drawings to be undertaken, the estimated cost of the drawings, and the estimated range of the total cost of the project.

(c) For the purpose of this section:
(1) The term "medical facility" has the meaning provided in section 5001(3) of title 38, United States Code.
The term “working drawings” includes specifications and other related technical services.

**SPRINGFIELD CONFEDERATE CEMETERY**

SEC. 212. The land comprising the Confederate cemetery at Springfield, Missouri, shall be considered part of the Springfield National Cemetery and may be used for the purposes for which national cemeteries may be used under chapter 24 of title 38, United States Code. The provision of the first section of the Act of March 3, 1911 (36 Stat. 1077, chapter 211) requiring that the land comprising that cemetery be used only as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America is hereby superseded.

**TECHNICAL AMENDMENTS**

SEC. 213. Title 38 is amended as follows:

1. Section 351 is amended by striking out “title 28, United States Code,” both places it appears and inserting in lieu thereof “title 28”.
2. Section 412(a) is amended—
   A. by striking out “section 414 of title 42” in clause (1) and inserting in lieu thereof “section 214 of the Social Security Act (42 U.S.C. 414)”;
   B. by striking out “section 402 of title 42” in clause (3) and inserting in lieu thereof “section 202 of the Social Security Act (42 U.S.C. 402)”; and
   C. by striking out “subchapter II of chapter 7 of title 42” in the matter after clause (3) and inserting in lieu thereof “title II of the Social Security Act (42 U.S.C. 201 et seq.)”; and
3. Section 3010(m) is amended by striking out “subsection” and inserting in lieu thereof “section”.

Approved March 2, 1984.

**LEGISLATIVE HISTORY**—S. 1388 (H.R. 2937):

HOUSE REPORT No. 98–228 accompanying H.R. 2937 (Comm. on Veterans’ Affairs).
SENATE REPORT No. 98–249 (Comm. on Veterans’ Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 18, considered and passed Senate.
    Feb. 9, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 9 (1984):
    Mar. 2, Presidential statement.