

PUBLIC LAW 107-103—DEC. 27, 2001

VETERANS EDUCATION AND BENEFITS
EXPANSION ACT OF 2001

Dec. 27, 2001
[H.R. 1291]

Veterans
Education and
Benefits
Expansion Act of
2001.
38 USC 101 note.

Public Law 107-103
107th Congress
An Act

To amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, 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 Education and Benefits Expansion Act of 2001”.

(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—EDUCATIONAL ASSISTANCE PROVISIONS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Increase in rates of survivors' and dependents' educational assistance.
Sec. 103. Restoration of certain education benefits of individuals being ordered to active duty.
Sec. 104. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.
Sec. 105. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.
Sec. 106. Increase in maximum allowable annual Senior ROTC educational assistance for eligibility for benefits under the Montgomery GI Bill.
Sec. 107. Expansion of work-study opportunities.
Sec. 108. Eligibility for survivors' and dependents' educational assistance of spouses and surviving spouses of veterans with total service-connected disabilities.
Sec. 109. Expansion of special restorative training benefit to certain disabled spouses or surviving spouses.
Sec. 110. Inclusion of certain private technology entities in definition of educational institution.
Sec. 111. Distance education.

TITLE II—COMPENSATION AND PENSION PROVISIONS

Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam veterans.
Sec. 202. Payment of compensation for Persian Gulf War veterans with certain chronic disabilities.
Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Persian Gulf War veterans.
Sec. 204. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 205. Extension of round-down requirement for compensation cost-of-living adjustments.
Sec. 206. Expansion of presumptions of permanent and total disability for veterans applying for nonservice-connected pension.

Sec. 207. Eligibility of veterans 65 years of age or older for veterans' pension benefits.

TITLE III—TRANSITION AND OUTREACH PROVISIONS

Sec. 301. Authority to establish overseas veterans assistance offices to expand transition assistance.

Sec. 302. Timing of preseparation counseling.

Sec. 303. Improvement in education and training outreach services for separating servicemembers and veterans.

Sec. 304. Improvement of veterans outreach programs.

TITLE IV—HOUSING MATTERS

Sec. 401. Increase in home loan guaranty amount for construction and purchase of homes.

Sec. 402. Native American veteran housing loan pilot program.

Sec. 403. Modification of loan assumption notice requirement.

Sec. 404. Increase in assistance amount for specially adapted housing.

Sec. 405. Extension of other housing authorities.

Sec. 406. Clarifying amendment relating to eligibility of members of the Selected Reserve for housing loans.

TITLE V—OTHER MATTERS

Sec. 501. Increase in burial benefits.

Sec. 502. Government markers for marked graves at private cemeteries.

Sec. 503. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.

Sec. 504. Extension of limitation on pension for certain recipients of medicaid-covered nursing home care.

Sec. 505. Prohibition on provision of certain benefits with respect to persons who are fugitive felons.

Sec. 506. Limitation on payment of compensation for veterans remaining incarcerated since October 7, 1980.

Sec. 507. Elimination of requirement for providing a copy of notice of appeal to the Secretary of Veterans Affairs.

Sec. 508. Increase in fiscal year limitation on number of veterans in programs of independent living services and assistance.

Sec. 509. Technical and clerical amendments.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Facilitation of staggered terms of judges through temporary expansion of the Court.

Sec. 602. Repeal of requirement for written notice regarding acceptance of re-appointment as condition to retirement from the Court.

Sec. 603. Termination of notice of disagreement as jurisdictional requirement for the Court.

Sec. 604. Registration fees.

Sec. 605. Administrative authorities.

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—EDUCATIONAL ASSISTANCE PROVISIONS

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—(1) Paragraph (1) of section 3015(a) is amended to read as follows:

“(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

“(A) for months beginning on or after January 1, 2002, \$800;

“(B) for months occurring during fiscal year 2003, \$900;
 “(C) for months occurring during fiscal year 2004, \$985;
 and

“(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or”.

(2) Paragraph (1) of section 3015(b) is amended to read as follows:

“(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

“(A) for months beginning on or after January 1, 2002, \$650;

“(B) for months occurring during fiscal year 2003, \$732;

“(C) for months occurring during fiscal year 2004, \$800;
 and

“(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or”.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2003 and 2004.

SEC. 102. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking “\$588” and inserting “\$670”;

(B) by striking “\$441” and inserting “\$503”; and

(C) by striking “\$294” and inserting “\$335”;

(2) in subsection (a)(2), by striking “\$588” and inserting “\$670”;

(3) in subsection (b), by striking “\$588” and inserting “\$670”; and

(4) in subsection (c)(2)—

(A) by striking “\$475” and inserting “\$541”;

(B) by striking “\$356” and inserting “\$406”; and

(C) by striking “\$238” and inserting “\$271”.

(b) CORRESPONDENCE COURSES.—Section 3534(b) is amended by striking “\$588” and inserting “\$670”.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking “\$588” and inserting “\$670”; and

(2) by striking “\$184” each place it appears and inserting “\$210”.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking “\$428” and inserting “\$488”;

(2) by striking “\$320” and inserting “\$365”;

(3) by striking “\$212” and inserting “\$242”; and

(4) by striking “\$107” and inserting “\$122”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2002, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

SEC. 103. RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY.

(a) IN GENERAL.—Sections 3013(f)(2)(A), 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) are each amended by striking “, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10;” and inserting “to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;”.

(b) INCREASE IN CHAPTER 35 DELIMITING PERIOD.—Section 3512 is amended by adding at the end the following new subsection:

“(h) Notwithstanding any other provision of this section, if an eligible person, during the delimiting period otherwise applicable to such person under this section, serves on active duty pursuant to an order to active duty issued under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such person shall be granted an extension of such delimiting period for the length of time equal to the period of such active duty plus four months.”.

(c) APPLICATION TO CHAPTER 31.—(1) Section 3105 is amended by adding at the end the following new subsection:

“(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not—

“(A) be charged against any entitlement of any veteran under this chapter; or

“(B) be counted toward the aggregate period for which section 3695 of this title limits an individual’s receipt of allowance or assistance.

“(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

“(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.”.

(2) Section 3103 is amended by adding at the end the following new subsection:

“(e) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

(d) CONFORMING AMENDMENTS.—Sections 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each amended by striking “, in connection with such War.”.

38 USC 3013
note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 11, 2001.

SEC. 104. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—(1) Chapter 30 is amended by inserting after section 3014 the following new section:

“§ 3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry

“(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

“(b) An individual described in this subsection is an individual who is—

“(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

“(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

“(2) In this subsection, the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

“(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

“(1) the individual’s enrollment in and pursuit of the program of education; and

“(2) the amount of the established charges for the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual’s entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the charge to the individual’s entitlement to basic educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

“(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3680(d) of this title for the same enrollment period.

“(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.”.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

“3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.”.

(b) RESTATEMENT AND ENHANCEMENT OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 is amended to read as follows:

“DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE

“(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

“(A) Enrollment in a course or program of education or training.

“(B) Pursuit of a course or program of education or training.

“(C) Attendance at a course or program of education or training.

Regulations.

“(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

“(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

“(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.”.

38 USC 3014A
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect October 1, 2002, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

SEC. 105. ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM ERA VETERANS.

(a) **ACTIVE DUTY PROGRAM.**—Section 3011(a)(1) is amended—

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

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

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

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

“(i) was not on active duty on October 19, 1984;

“(ii) reenlists or reenters on a period of active duty on or after October 19, 1984; and

“(iii) on or after July 1, 1985, either—

“(I) serves at least three years of continuous active duty in the Armed Forces; or

“(II) is discharged or released from active duty

(aa) for a service-connected disability, for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned 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 in the Navy.”.

(b) **SELECTED RESERVE PROGRAM.**—Section 3012(a)(1) is amended—

- (1) by striking “or” at the end of subparagraph (A);
- (2) by adding “or” at the end of subparagraph (B); and
- (3) by adding at the end the following new subparagraph:
 - “(C) as of December 31, 1989, was eligible for educational assistance under chapter 34 of this title and—
 - “(i) was not on active duty on October 19, 1984;
 - “(ii) reenlists or reenters on a period of active duty on or after October 19, 1984; and
 - “(iii) on or after July 1, 1985—
 - “(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and
 - “(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned.”.

(c) TIME FOR USE OF ENTITLEMENT.—Section 3031 is amended—

- (1) in subsection (a)—
 - (A) by striking “and” at the end of paragraph (1);
 - (B) by striking the period at the end of paragraph (2) and inserting “; and”; and
 - (C) by adding at the end the following new paragraph:
 - “(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the date of the enactment of this paragraph.”; and
- (2) in subsection (e)(1), by striking “section 3011(a)(1)(B) or 3012(a)(1)(B)” and inserting “section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C)”.

SEC. 106. INCREASE IN MAXIMUM ALLOWABLE ANNUAL SENIOR ROTC EDUCATIONAL ASSISTANCE FOR ELIGIBILITY FOR BENEFITS UNDER THE MONTGOMERY GI BILL.

- (a) IN GENERAL.—Sections 3011(c)(3)(B) and 3012(d)(3)(B) are each amended by striking “\$2,000” and inserting “\$3,400”.
- (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months beginning after the date of the enactment of this Act.

38 USC 3011
note.

SEC. 107. EXPANSION OF WORK-STUDY OPPORTUNITIES.

- (a) FIVE-YEAR EXPANSION OF QUALIFYING WORK-STUDY ACTIVITIES.—Subsection (a) of section 3485 is amended to read as follows:
 - “(a)(1) Individuals utilized under the authority of subsection (b) shall be paid an additional educational assistance allowance (hereinafter in this section referred to as ‘work-study allowance’). Such allowance shall be paid in return for an individual’s entering into an agreement described in paragraph (3).
 - “(2) Such work-study allowance shall be paid in an amount equal to the product of—
 - “(A) the applicable hourly minimum wage; and
 - “(B) the number of hours worked during the applicable period.

“(3) An agreement described in this paragraph is an agreement of an individual to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with a qualifying work-study activity.

“(4) For the purposes of this section, the term ‘qualifying work-study activity’ means any of the following:

“(A) The outreach services program under subchapter II of chapter 77 of this title as carried out under the supervision of a Department employee or, during the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

“(B) The preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department.

“(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

“(D) Any other activity of the Department as the Secretary determines appropriate.

“(E) In the case of an individual who is receiving educational assistance under chapter 1606 of title 10, an activity relating to the administration of that chapter at Department of Defense, Coast Guard, or National Guard facilities.

“(F) During the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, an activity relating to the administration of a national cemetery or a State veterans’ cemetery.

“(5) An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual’s agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

“(6) For the purposes of this subsection and subsection (e), the term ‘applicable hourly minimum wages’ means—

“(A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)); or

“(B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in subparagraph (A) and the Secretary has made a determination to pay such higher wage.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 108. ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF SPOUSES AND SURVIVING SPOUSES OF VETERANS WITH TOTAL SERVICE-CONNECTED DISABILITIES.

(a) DESIGNATION OF ELIGIBILITY.—Section 3501(a)(1)(D) is amended—

- (1) by inserting “(i)” after “(D)”; and
- (2) by inserting “(ii)” after “or”.

(b) RESTATEMENT AND EXPANSION OF TREATMENT OF USE OF ELIGIBILITY.—(1) Section 3511 is amended by adding at the end the following new subsection:

“(c) Any entitlement used by an eligible person as a result of eligibility under section 3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be deducted from any entitlement to which such person may subsequently be entitled under this chapter.”.

(2) Section 3512 is amended by striking subsection (g).

(c) DELIMITING PERIOD.—(1) Section 3511(a)(1) is amended by adding at the end the following new sentence: “In no event may the aggregate educational assistance afforded to a spouse made eligible under both 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months.”.

(2) Paragraph (1) of section 3512(b) is amended to read as follows:

“(1)(A) Except as provided in subparagraph (B), a person made eligible by subparagraph (B) or (D) of section 3501(a)(1) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was eligible for educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

“(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

“(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

“(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.”.

(3) Section 3512(b) is further amended by striking paragraph (3).

(4) The amendments made by this subsection shall apply with respect to any determination (whether administrative or judicial) of the eligibility of a spouse or surviving spouse for educational assistance under chapter 35 of title 38, United States Code, made on or after the date of the enactment of this Act, whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance.

Applicability.
38 USC 3511
note.

SEC. 109. EXPANSION OF SPECIAL RESTORATIVE TRAINING BENEFIT TO CERTAIN DISABLED SPOUSES OR SURVIVING SPOUSES.

(a) IN GENERAL.—Section 3540 is amended by striking “section 3501(a)(1)(A) of this title” and inserting “subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title”.

(b) CONFORMING AMENDMENTS.—(1) Section 3541(a) is amended in the matter preceding paragraph (1) by striking “of the parent or guardian”.

(2) Section 3542(a) is amended—

(A) by striking “the parent or guardian shall be entitled to receive on behalf of such person” and inserting “the eligible person shall be entitled to receive”; and

(B) by striking “upon election by the parent or guardian of the eligible person” and inserting “upon election by the eligible person”.

(3) The second sentence of section 3543(a) is amended by striking “the parent or guardian for the training provided to an eligible person” and inserting “for the training provided to the eligible person”.

(4) Section 3543 is amended by adding at the end the following new subsection:

“(c) In a case in which the Secretary authorizes training under section 3541(a) of this title on behalf of an eligible person, the parent or guardian shall be entitled—

“(1) to receive on behalf of the eligible person the special training allowance provided for under section 3542(a) of this title;

“(2) to elect an increase in the basic monthly allowance provided for under such section; and

“(3) to agree with the Secretary on the fair and reasonable amounts which may be charged under subsection (a).”.

SEC. 110. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: “Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary)”..

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses beginning on or after the date of the enactment of this Act.

SEC. 111. DISTANCE EDUCATION.

(a) IN GENERAL.—Subsection (a)(4) of section 3680A is amended—

(1) by inserting “(A)” after “leading”; and

(2) by inserting before the period the following: “, or (B) to a certificate that reflects educational attainment offered by an institution of higher learning”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in independent study courses beginning on or after the date of the enactment of this Act. 38 USC 3680A note.

TITLE II—COMPENSATION AND PENSION PROVISIONS

SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM VETERANS.

(a) PRESUMPTIVE PERIOD FOR RESPIRATORY CANCERS.—(1)(A) Subparagraph (F) of subsection (a)(2) of section 1116 is amended by striking “within 30 years” and all that follows through “May 7, 1975”.

(B) The amendment made by subparagraph (A) shall take effect January 1, 2002.

(2) The Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences, not later than six months after the date of the enactment of this Act, for the performance of a study to include a review of all available scientific literature on the effects of exposure to an herbicide agent containing dioxin on the development of respiratory cancers in humans and whether it is possible to identify a period of time after exposure to herbicides after which a presumption of service-connection for such exposure would not be warranted. Under the contract, the National Academy of Sciences shall submit a report to the Secretary setting forth its conclusions. The report shall be submitted not later than 18 months after the contract is entered into.

(3) For a period of six months beginning on the date of the receipt of the report of the National Academy of Sciences under paragraph (2), the Secretary may, if warranted by clear scientific evidence presented in the National Academy of Sciences report, initiate a rulemaking under which the Secretary would specify a limit on the number of years after a claimant’s departure from Vietnam after which respiratory cancers would not be presumed to have been associated with the claimant’s exposure to herbicides while serving in Vietnam. Any such limit under such a rule may not take effect until 120 days have passed after the publication of a final rule to impose such a limit.

(4)(A) Subject to subparagraphs (B) and (C), if the Secretary imposes such a limit under paragraph (3), that limit shall be effective only as to claims filed on or after the effective date of that limit.

(B) In the case of any veteran whose disability or death due to respiratory cancer is found by the Secretary to be service-connected under section 1116(a)(2)(F) of title 38, United States Code, as amended by paragraph (1), such disability or death shall remain service-connected for purposes of all provisions of law under such title notwithstanding the imposition, if any, of a time limit by the Secretary by rulemaking authorized under paragraph (3).

(C) Subparagraph (B) does not apply in a case in which—

(i) the original award of compensation or service connection was based on fraud; or

(ii) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

Effective date.
38 USC 1116
note.
Contracts.
Deadline.
38 USC 1116
note.

Reports.

(b) PRESUMPTION THAT DIABETES MELLITUS (TYPE 2) IS SERVICE-CONNECTED.—Subsection (a)(2) of section 1116 is further amended by adding at the end the following new subparagraph: “(H) Diabetes Mellitus (Type 2).”.

(c) PRESUMPTION OF EXPOSURE TO HERBICIDE AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section 1116 is further amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f);

(B) by redesignating paragraph (4) of subsection (a) as paragraph (3); and

(C) in subsection (f), as transferred and redesignated by subparagraph (A) of this paragraph—

(i) by striking “For the purposes of this subsection, a veteran” and inserting “For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran”; and

(ii) by striking “and has a disease referred to in paragraph (1)(B) of this subsection”.

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

“§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam”.

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

“1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam.”.

(d) EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Subsection (e) of such section is amended by striking “10 years” and all that follows through “Agent Orange Act of 1991” and inserting “on September 30, 2015”.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking “10 years” and all that follows and inserting “on October 1, 2014.”.

SEC. 202. PAYMENT OF COMPENSATION FOR PERSIAN GULF VETERANS WITH CERTAIN CHRONIC DISABILITIES.

(a) ILLNESSES THAT CANNOT BE CLEARLY DEFINED.—(1) Subsection (a) of section 1117 is amended to read as follows:

“(a)(1) The Secretary may pay compensation under this subchapter to a Persian Gulf veteran with a qualifying chronic disability that became manifest—

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

“(B) to a degree of 10 percent or more during the presumptive period prescribed under subsection (b).

“(2) For purposes of this subsection, the term ‘qualifying chronic disability’ means a chronic disability resulting from any of the following (or any combination of any of the following):

“(A) An undiagnosed illness.

“(B) A medically unexplained chronic multisymptom illness (such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome) that is defined by a cluster of signs or symptoms.

“(C) Any diagnosed illness that the Secretary determines in regulations prescribed under subsection (d) warrants a presumption of service-connection.”

(2) Subsection (c)(1) of such section is amended—

(A) in the matter preceding subparagraph (A), by striking “for an undiagnosed illness (or combination of undiagnosed illnesses)”; and

(B) in subparagraph (A), by striking “for such illness (or combination of illnesses)”.

(b) SIGNS OR SYMPTOMS THAT MAY INDICATE UNDIAGNOSED ILLNESSES.—(1) Such section is further amended by adding at the end the following new subsection:

“(g) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness or a chronic multisymptom illness include the following:

“(1) Fatigue.

“(2) Unexplained rashes or other dermatological signs or symptoms.

“(3) Headache.

“(4) Muscle pain.

“(5) Joint pain.

“(6) Neurological signs and symptoms.

“(7) Neuropsychological signs or symptoms.

“(8) Signs or symptoms involving the upper or lower respiratory system.

“(9) Sleep disturbances.

“(10) Gastrointestinal signs or symptoms.

“(11) Cardiovascular signs or symptoms.

“(12) Abnormal weight loss.

“(13) Menstrual disorders.”.

(2) Section 1118(a) is amended by adding at the end the following new paragraph:

“(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(g) of this title.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on March 1, 2002.

(d) CLARIFICATION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Sections 1117(c)(2) and 1118(e) are each amended by striking “10 years” and all that follows through “of 1998” and inserting “on September 30, 2011”.

(2) Section 1603(j) of the Persian Gulf War Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking “10 years” and all that follows and inserting “on October 1, 2010.”.

38 USC 1117
note.

SEC. 203. PRESERVATION OF SERVICE CONNECTION FOR UNDIAGNOSED ILLNESSES TO PROVIDE FOR PARTICIPATION IN RESEARCH PROJECTS BY PERSIAN GULF WAR VETERANS.

(a) AUTHORITY FOR SECRETARY TO PROVIDE FOR PARTICIPATION WITHOUT LOSS OF BENEFITS.—Section 1117 is amended by adding after subsection (g), as added by section 202(b), the following new subsection:

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

“(2) Paragraph (1) does not apply in a case in which—

“(A) the original award of compensation or service connection was based on fraud; or

“(B) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

“(3) The Secretary shall publish in the Federal Register a list of medical research projects sponsored by the Department for which service connection granted under this section or section 1118 of this title may not be terminated pursuant to paragraph (1).”.

(b) **EFFECTIVE DATE.**—The authority provided by subsection (h) of section 1117 of title 38, United States Code, as added by subsection (a), may be used by the Secretary of Veterans Affairs with respect to any medical research project of the Department of Veterans Affairs, whether commenced before, on, or after the date of the enactment of this Act.

SEC. 204. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

(a) **REPEAL.**—Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) **CONFORMING AMENDMENTS.**—(1) Section 1114(r) is amended by striking “section 5503(e)” and inserting “section 5503(c)”.
(2) Section 5112 is amended by striking subsection (c).

SEC. 205. EXTENSION OF ROUND-DOWN REQUIREMENT FOR COMPENSATION COST-OF-LIVING ADJUSTMENTS.

Sections 1104(a) and 1303(a) are amended by striking “2002” and inserting “2011”.

SEC. 206. EXPANSION OF PRESUMPTIONS OF PERMANENT AND TOTAL DISABILITY FOR VETERANS APPLYING FOR NONSERVICE-CONNECTED PENSION.

(a) **IN GENERAL.**—Section 1502(a) is amended by striking “such a person” and all that follows through the end of the subsection and inserting the following: “such person is any of the following:

“(1) A patient in a nursing home for long-term care because of disability.

“(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

“(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

“(4) Suffering from—

Federal Register, publication.

38 USC 1117 note.

“(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or

“(B) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 17, 2001. 38 USC 1502 note.

SEC. 207. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR VETERANS' PENSION BENEFITS.

(a) IN GENERAL.—(1) Subchapter II of chapter 15 is amended by inserting after section 1512 the following new section:

“§ 1513. Veterans 65 years of age and older

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

“(b) If a veteran is eligible for pension under both this section and section 1521 of this title, pension shall be paid to the veteran only under section 1521 of this title.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1512 the following new item:

“1513. Veterans 65 years of age and older.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1521(f)(1) is amended by inserting “or the age and service requirements prescribed in section 1513 of this title,” after “of this section.”.

(2) Section 1522(a) is amended by inserting “1513 or” after “under section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 17, 2001. 38 USC 1513 note.

TITLE III—TRANSITION AND OUTREACH PROVISIONS

SEC. 301. AUTHORITY TO ESTABLISH OVERSEAS VETERANS ASSISTANCE OFFICES TO EXPAND TRANSITION ASSISTANCE.

Section 7723(a) is amended by inserting after the first sentence the following new sentence: “The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense, determines to be necessary to carry out such purposes.”.

SEC. 302. TIMING OF PRESEPARATION COUNSELING.

(a) IN GENERAL.—(1) The first sentence of section 1142(a)(1) of title 10, United States Code, is amended to read as follows: “Within the time periods specified in paragraph (3), the Secretary

concerned shall (except as provided in paragraph (4)) provide for individual preseparation counseling of each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date.”.

(2) Such section is further amended by adding at the end the following new paragraphs:

“(3)(A) In the case of an anticipated retirement, preseparation counseling shall commence as soon as possible during the 24-month period preceding the anticipated retirement date. In the case of a separation other than a retirement, preseparation counseling shall commence as soon as possible during the 12-month period preceding the anticipated date. Except as provided in subparagraph (B), in no event shall preseparation counseling commence later than 90 days before the date of discharge or release.

“(B) In the event that a retirement or other separation is unanticipated until there are 90 or fewer days before the anticipated retirement or separation date, preseparation counseling shall begin as soon as possible within the remaining period of service.

“(4)(A) Subject to subparagraph (B), the Secretary concerned shall not provide preseparation counseling to a member who is being discharged or released before the completion of that member’s first 180 days of active duty.

“(B) Subparagraph (A) shall not apply in the case of a member who is being retired or separated for disability.”.

(b) CONFORMING AMENDMENT.—The second sentence of section 1144(a)(1) of title 10, United States Code, is amended by striking “during the 180-day period” and all that follows and inserting “within the time periods provided under paragraph (3) of section 1142(a) of this title, except that the Secretary concerned shall not provide preseparation counseling to a member described in paragraph (4)(A) of such section.”.

SEC. 303. IMPROVEMENT IN EDUCATION AND TRAINING OUTREACH SERVICES FOR SEPARATING SERVICEMEMBERS AND VETERANS.

(a) PROVIDING OUTREACH THROUGH STATE APPROVING AGENCIES.—Section 3672(d) is amended by inserting “and State approving agencies” before “shall actively promote the development of programs of training on the job”.

(b) ADDITIONAL DUTY.—Such section is further amended—

(1) by inserting “(1)” after “(d)”; and

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

“(2) In conjunction with outreach services provided by the Secretary under chapter 77 of this title for education and training benefits, each State approving agency shall conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.”.

SEC. 304. IMPROVEMENT OF VETERANS OUTREACH PROGRAMS.

Section 7722(c) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran

or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.”.

TITLE IV—HOUSING MATTERS

SEC. 401. INCREASE IN HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES.

Section 3703(a)(1) is amended by striking “\$50,750” each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting “\$60,000”.

SEC. 402. NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking “December 31, 2001” and inserting “December 31, 2005”.

(b) AUTHORIZATION OF THE USE OF CERTAIN FEDERAL MEMORANDUMS OF UNDERSTANDING.—Section 3762(a)(1) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by striking “and” after the semicolon and inserting “or”; and

(3) by adding at the end the following:

“(B) the tribal organization that has jurisdiction over the veteran has entered into a memorandum of understanding with any department or agency of the United States with respect to direct housing loans to Native Americans that the Secretary determines substantially complies with the requirements of subsection (b); and”.

(c) EXTENSION OF ANNUAL REPORT.—Section 3762(j) is amended by striking “2002” and inserting “2006”.

SEC. 403. MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT.

Section 3714(d) is amended to read as follows:

“(d) With respect to a loan guaranteed, insured, or made under this chapter, the Secretary shall provide, by regulation, that at least one instrument evidencing either the loan or the mortgage or deed of trust therefor, shall conspicuously contain, in such form as the Secretary shall specify, a notice in substantially the following form: ‘This loan is not assumable without the approval of the Department of Veterans Affairs or its authorized agent’.”.

Regulations.

SEC. 404. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.

Section 2102 is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking “\$43,000” and inserting “\$48,000”; and

(2) in subsection (b)(2), by striking “\$8,250” and inserting “\$9,250”.

SEC. 405. EXTENSION OF OTHER HOUSING AUTHORITIES.

(a) HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.—Section 3702(a)(2)(E) is amended by striking “September 30, 2007” and inserting “September 30, 2009”.

(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking “December 31, 2008” and inserting “December 31, 2011”.

(c) HOME LOAN FEE AUTHORITIES.—The table in section 3729(b)(2) is amended by striking “October 1, 2008” each place it appears and inserting “October 1, 2011”.

(d) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking “October 1, 2008” and inserting “October 1, 2011”.

SEC. 406. CLARIFYING AMENDMENT RELATING TO ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR HOUSING LOANS.

Section 3729(b)(4)(B) is amended by inserting before the period the following: “who is eligible under section 3702(a)(2)(E) of this title”.

TITLE V—OTHER MATTERS

SEC. 501. INCREASE IN BURIAL BENEFITS.

38 USC 2307
note.

Applicability.
38 USC 2303
note.

Expiration date.

Deadline.
Reports.

(a) BURIAL AND FUNERAL EXPENSES.—(1) Clause (1) of section 2307 is amended by striking “\$1,500” and inserting “\$2,000”.

(2) The amendment made by paragraph (1) shall apply to deaths occurring on or after September 11, 2001.

(b) PLOT ALLOWANCE.—(1) Section 2303(b) is amended by striking “\$150” each place it appears and inserting “\$300”.

(2) The amendments made by paragraph (1) shall apply to deaths occurring on or after December 1, 2001.

SEC. 502. GOVERNMENT MARKERS FOR MARKED GRAVES AT PRIVATE CEMETERIES.

(a) GOVERNMENT MARKER BENEFIT.—Section 2306 of title 38, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

“(d)(1) The Secretary shall furnish, when requested, an appropriate Government marker at the expense of the United States for the grave of an individual described in paragraph (2) or (5) of subsection (a) who is buried in a private cemetery, notwithstanding that the grave is marked by a headstone or marker furnished at private expense. Such a marker may be furnished only if the individual making the request for the Government marker certifies to the Secretary that the marker will be placed on the grave for which the marker is requested.

“(2) Any marker furnished under this subsection shall be delivered by the Secretary directly to the cemetery where the grave is located.

“(3) The authority to furnish a marker under this subsection expires on December 31, 2006.

“(4) Not later than February 1, 2006, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the use of the authority under this subsection. The report shall include the following:

“(A) The rate of use of the benefit under this subsection, shown by fiscal year.

“(B) An assessment as to the extent to which markers furnished under this subsection are being delivered to cemeteries and placed on grave sites consistent with the provisions of this subsection.

“(C) The Secretary’s recommendation for extension or repeal of the expiration date specified in paragraph (3).”.

(b) DESIGN OF MARKER.—Subsection (c) of such section is amended by striking “subsection (a) or (b)” and inserting “subsection (a), (b), or (d)”.

(c) CROSS REFERENCE CORRECTION.—Subsection (a)(5) of such section is amended by striking “chapter 67” and inserting “chapter 1223”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to markers for the graves of individuals dying on or after the date of the enactment of this Act.

SEC. 503. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.

Section 3902(a) is amended by striking “\$8,000” and inserting “\$9,000”.

SEC. 504. EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.

Paragraph (7) of subsection (d) of section 5503, as redesignated by section 204(a), is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

SEC. 505. PROHIBITION ON PROVISION OF CERTAIN BENEFITS WITH RESPECT TO PERSONS WHO ARE FUGITIVE FELONS.

(a) PROHIBITION.—(1) Chapter 53 is amended by inserting after section 5313A the following new section:

“§ 5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons

“(a) A veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran is a fugitive felon. A dependent of a veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran or such dependent is a fugitive felon.

“(b) For purposes of this section:

“(1) The term ‘fugitive felon’ means a person who is a fugitive by reason of—

“(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

“(B) violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

“(2) The term ‘felony’ includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

38 USC 2306
note.

“(3) The term ‘dependent’ means a spouse, surviving spouse, child, or dependent parent of a veteran.

“(c) A benefit specified in this subsection is a benefit under any of the following:

- “(1) Chapter 11 of this title.
- “(2) Chapter 13 of this title.
- “(3) Chapter 15 of this title.
- “(4) Chapter 17 of this title.
- “(5) Chapter 19 of this title.
- “(6) Chapter 30, 31, 32, 34, or 35 of this title.
- “(7) Chapter 37 of this title.

“(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a person who is eligible for a benefit specified in subsection (c) if such official—

“(A) provides to the Secretary such information as the Secretary may require to fully identify the person;

“(B) identifies the person as being a fugitive felon; and

“(C) certifies to the Secretary that apprehending such person is within the official duties of such official.

“(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).”.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 5313A the following new item:

“5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons.”.

(b) SENSE OF CONGRESS ON ENTRY INTO MEMORANDA OF UNDERSTANDING AND AGREEMENTS.—It is the sense of Congress that the memoranda of understanding and agreements referred to in section 5313B(d)(2) of title 38, United States Code (as added by subsection (a)), should be entered into as soon as practicable after the date of the enactment of this Act, but not later than six months after that date.

38 USC 5313
note.

SEC. 506. LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED SINCE OCTOBER 7, 1980.

(a) LIMITATION.—Section 5313 of title 38, United States Code, other than subsection (d) of that section, shall apply with respect to the payment of compensation to or with respect to any veteran described in subsection (b).

(b) COVERED VETERANS.—A veteran described in this subsection is a veteran who is entitled to compensation and who—

(1) on October 7, 1980, was incarcerated in a Federal, State, or local penal institution for a felony committed before that date; and

(2) remains so incarcerated for conviction of that felony as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—This section shall apply with respect to the payment of compensation for months beginning on or after the end of the 90-day period beginning on the date of the enactment of this Act.

(d) COMPENSATION DEFINED.—For purposes of this section, the term “compensation” has the meaning given that term in section 5313 of title 38, United States Code.

SEC. 507. ELIMINATION OF REQUIREMENT FOR PROVIDING A COPY OF NOTICE OF APPEAL TO THE SECRETARY OF VETERANS AFFAIRS.

(a) REPEAL.—Section 7266 is amended by striking subsection (b).

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

- (1) by striking “(1)” after “(a)”;
- (2) by redesignating paragraph (2) as subsection (b);
- (3) by redesignating paragraph (3) as subsection (c) and redesignating subparagraphs (A) and (B) thereof as paragraphs (1) and (2); and
- (4) by redesignating paragraph (4) as subsection (d) and by striking “paragraph (3)(B)” therein and inserting “subsection (c)(2)”.

SEC. 508. INCREASE IN FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

(a) INCREASE IN LIMITATION.—Section 3120(e) is amended by striking “five hundred” and inserting “2,500”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 2001. 38 USC 3120 note.

SEC. 509. TECHNICAL AND CLERICAL AMENDMENTS.

(a) REPEAL OF EXPIRED PROVISION.—(1) Section 712 is repealed.

(2) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 712.

(b) CORRECTION OF WORD OMISSION.—Section 1710B(c)(2)(B) is amended by inserting “on” before “November 30, 1999”.

(c) REPEAL OF ERRONEOUS CROSS REFERENCE.—Section 1729B(b) is amended—

- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(d) CORRECTION OF CROSS REFERENCE.—Section 3695(a)(5) is amended by striking “1610” and inserting “1611”.

(e) STYLISTIC CORRECTION.—Section 1001(a)(2) of the Veterans’ Benefits Improvements Act of 1994 (Public Law 103-446; 38 U.S.C. 7721 note) is amended by striking “and” at the end of subparagraph (C).

(f) CORRECTION OF PREVIOUS AMENDMENT.—Effective November 30, 1999, and as if included therein as originally enacted, section 204(e)(3) of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117; 113 Stat. 1563) is amended by striking “and inserting ‘a’,” and inserting “the first place it appears and inserting ‘an’.”.

Effective date.

38 USC 7366 and note.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. FACILITATION OF STAGGERED TERMS OF JUDGES THROUGH TEMPORARY EXPANSION OF THE COURT.

(a) IN GENERAL.—Section 7253 is amended by adding at the end the following new subsection:

“(h) TEMPORARY EXPANSION OF COURT.—(1) During the period from January 1, 2002, through August 15, 2005, the authorized number of judges of the Court specified in subsection (a) is increased by two.

“(2)(A) Of the two additional judges authorized by this subsection—

“(i) only one may be appointed pursuant to a nomination made in 2002; and

“(ii) only one may be appointed pursuant to a nomination made in 2003.

“(B) If a judge is not appointed under this subsection pursuant to a nomination made in 2002, a judge may be appointed under this subsection pursuant to a nomination made in 2004. If a judge is not appointed under this subsection pursuant to a nomination made in 2003, a judge may be appointed under this subsection pursuant to a nomination made in 2004. In either case, such an appointment may be made only pursuant to a nomination made before October 1, 2004.

“(3) The term of office and the eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), are governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106-117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

“(4) A judge of the Court as of the date of the enactment of this subsection who was appointed to the Court before January 1, 1991, may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section. The term of office of an incumbent judge who receives an appointment as described in the preceding sentence shall be 15 years, which includes any period remaining in the unexpired term of the judge. Any service following an appointment under this subsection shall be treated as though served as part of the original term of office of that judge on the Court.

“(5) Notwithstanding paragraph (1), an appointment may not be made to the Court if the appointment would result in there being more than seven judges on the Court who were appointed after January 1, 1997. For the purposes of this paragraph, a judge serving in recall status under section 7257 of this title shall be disregarded in counting the number of judges appointed to the Court after such date.”

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting “APPOINTMENT.” before “The judges”;

(2) in subsection (c), by inserting “TERM OF OFFICE.” before “The term”;

- (3) in subsection (f), by striking “(f)(1)” and inserting “(f) REMOVAL.—(1)”; and
- (4) in subsection (g), by striking “(g)(1)” and inserting “(g) RULES.—(1)’.

SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM THE COURT.

Section 7296(b)(2) is amended by striking the second sentence.

SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR THE COURT.

(a) TERMINATION.—Section 402 of the Veterans’ Judicial Review Act (division A of Public Law 100-687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans’ Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

38 USC 7251 note.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to any appeal filed with the United States Court of Appeals for Veterans Claims—

38 USC 7251 note.

(1) on or after the date of the enactment of this Act; or

(2) before the date of the enactment of this Act but in which a final decision has not been made under section 7291 of title 38, United States Code, as of that date.

SEC. 604. REGISTRATION FEES.

(a) FEES FOR COURT-SPONSORED ACTIVITIES.—Subsection (a) of section 7285 is amended by adding at the end the following new sentence: “The Court may also impose a registration fee on persons (other than judges of the Court) participating at judicial conferences convened pursuant to section 7286 of this title or in any other court-sponsored activity.”.

(b) USE OF FEES.—Subsection (b) of such section is amended by striking “for the purposes of (1)” and all that follows through the period and inserting “for the following purposes:

“(1) Conducting investigations and proceedings, including employing independent counsel, to pursue disciplinary matters.

“(2) Defraying the expenses of—

“(A) judicial conferences convened pursuant to section 7286 of this title; and

“(B) other activities and programs of the Court that are intended to support and foster communication and relationships between the Court and persons practicing before the Court or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court.”.

(c) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

“§ 7285. Practice and registration fees”.

(2) The item relating to such section in the table of sections at the beginning of chapter 72 is amended to read as follows:

“7285. Practice and registration fees.”.

SEC. 605. ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by inserting after section 7286 the following new section:

“§ 7287. Administration

“Notwithstanding any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds of the Court, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision of law) applicable to a court of the United States (as that term is defined in section 451 of title 28), except to the extent that such provision of law is inconsistent with a provision of this chapter.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7286 the following new item:

“7287. Administration.”.

Approved November 13, 1999.

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