

Public Law 97-66
97th Congress

An Act

Oct. 17, 1981
[S. 917]

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for the surviving spouses and children of disabled veterans, to authorize the Administrator of Veterans' Affairs to guarantee home loans with provisions for graduated-payment plans, to increase the maximum amount payable under the Veterans' Administration automobile assistance and specially adapted housing assistance programs, to expand eligibility for memorial markers, to require advance notification to Congress regarding certain Veterans' Administration reorganizations, and to limit expenditures of medical appropriations in connection with contracting-out studies; and for other purposes.

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

Veterans'
Disability
Compensation,
Housing, and
Memorial
Benefits
Amendments of
1981.
38 USC 101 note.

SHORT TITLE; AMENDMENTS TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981".

(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—VETERANS' DISABILITY COMPENSATION
BENEFITS

INCREASES IN RATES OF DISABILITY COMPENSATION

94 Stat. 1528.
38 USC 314.

SEC. 101. (a) Section 314 is amended—

- (1) by striking out "\$54" in subsection (a) and inserting in lieu thereof "\$58";
- (2) by striking out "\$99" in subsection (b) and inserting in lieu thereof "\$107";
- (3) by striking out "\$150" in subsection (c) and inserting in lieu thereof "\$162";
- (4) by striking out "\$206" in subsection (d) and inserting in lieu thereof "\$232";
- (5) by striking out "\$291" in subsection (e) and inserting in lieu thereof "\$328";
- (6) by striking out "\$367" in subsection (f) and inserting in lieu thereof "\$413";
- (7) by striking out "\$434" in subsection (g) and inserting in lieu thereof "\$521";
- (8) by striking out "\$503" in subsection (h) and inserting in lieu thereof "\$604";
- (9) by striking out "\$566" in subsection (i) and inserting in lieu thereof "\$679";

(10) by striking out "\$1,016" in subsection (j) and inserting in lieu thereof "\$1,130";

(11) by striking out "\$1,262" and "\$1,768" in subsection (k) and inserting in lieu thereof "\$1,403" and "\$1,966", respectively;

(12) by striking out "\$1,262" in subsection (l) and inserting in lieu thereof "\$1,403";

(13) by striking out "\$1,391" in subsection (m) and inserting in lieu thereof "\$1,547";

(14) by striking out "\$1,581" in subsection (n) and inserting in lieu thereof "\$1,758";

(15) by striking out "\$1,768" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$1,966";

(16) by striking out "\$759" and "\$1,130" in subsection (r) and inserting in lieu thereof "\$844" and "\$1,257", respectively;

(17) by striking out "\$1,137" in subsection (s) and inserting in lieu thereof "\$1,264"; and

(18) by striking out "\$219" in subsection (t) and inserting in lieu thereof "\$244".

(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.

38 USC 314 note.

38 USC note
prec. 101.

38 USC 301 *et*
seq.

INCREASES IN RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

94 Stat. 1529.

38 USC 315.

(1) by striking out "\$62" in clause (A) and inserting in lieu thereof "\$69";

(2) by striking out "\$104" in clause (B) and inserting in lieu thereof "\$116";

(3) by striking out "\$138" in clause (C) and inserting in lieu thereof "\$153";

(4) by striking out "\$173" and "\$34" in clause (D) and inserting in lieu thereof "\$192" and "\$38", respectively;

(5) by striking out "\$42" in clause (E) and inserting in lieu thereof "\$47";

(6) by striking out "\$77" in clause (F) and inserting in lieu thereof "\$86";

(7) by striking out "\$111" and "\$34" in clause (G) and inserting in lieu thereof "\$123" and "\$38", respectively;

(8) by striking out "\$50" in clause (H) and inserting in lieu thereof "\$56";

(9) by striking out "\$112" in clause (I) and inserting in lieu thereof "\$125"; and

(10) by striking out "\$94" in clause (J) and inserting in lieu thereof "\$105".

INCREASE IN CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "\$274" and inserting in lieu thereof "\$305".

94 Stat. 1529.
38 USC 362.

INCREASES IN COMPENSATION PAYABLE TO CERTAIN SEVERELY DISABLED VETERANS

SEC. 104. Section 314 is amended—

38 USC 314.

(1) in subsection (l), by striking out "both hands, or";

(2) in subsection (m), by striking out "two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis" and inserting in lieu thereof "both hands, or of both legs at a level, or with complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses";

(3) in subsection (n), by striking out "of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance" and inserting in lieu thereof "or loss of use of both arms at levels, or with complications, preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances,"; and

(4) in subsection (o), by inserting "or if the veteran has suffered the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances," after "less,".

TITLE II—SURVIVORS' DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS

INCREASES IN RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

94 Stat. 1529.
38 USC 411.

SEC. 201. (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	Monthly rate	"Pay grade	Monthly rate
E-1.....	\$415	W-4.....	\$595
E-2.....	428	O-1.....	525
E-3.....	438	O-2.....	542
E-4.....	466	O-3.....	580
E-5.....	479	O-4.....	613
E-6.....	490	O-5.....	676
E-7.....	514	O-6.....	761
E-8.....	542	O-7.....	824
E-9.....	¹ 567	O-8.....	903
W-1.....	525	O-9.....	970
W-2.....	546	O-10.....	² 1,061
W-3.....	562		

¹If 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 \$610.

²If 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 \$1,138."

(b) Subsection (b) of such section is amended by striking out "\$43" and inserting in lieu thereof "\$48".

(c) Subsection (c) of such section is amended by striking out "\$112" and inserting in lieu thereof "\$125".

(d) Subsection (d) of such section is amended by striking out “\$56” and inserting in lieu thereof “\$62”.

INCREASES IN RATES OF DEPENDENCY AND INDEMNITY COMPENSATION
FOR CHILDREN

SEC. 202. Section 413 is amended—

94 Stat. 1530.
38 USC 413.

(1) by striking out “\$189” in clause (1) and inserting in lieu thereof “\$210”;

(2) by striking out “\$271” in clause (2) and inserting in lieu thereof “\$301”;

(3) by striking out “\$350” in clause (3) and inserting in lieu thereof “\$389”; and

(4) by striking out “\$350” and “\$71” in clause (4) and inserting in lieu thereof “\$389” and “\$79”, respectively.

INCREASES IN RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY
COMPENSATION FOR CHILDREN

SEC. 203. Section 414 is amended—

94 Stat. 1530.
38 USC 414.

(1) by striking out “\$112” in subsection (a) and inserting in lieu thereof “\$125”;

(2) by striking out “\$189” in subsection (b) and inserting in lieu thereof “\$210”; and

(3) by striking out “\$96” in subsection (c) and inserting in lieu thereof “\$107”.

MISCELLANEOUS DEPENDENCY AND INDEMNITY COMPENSATION
AMENDMENTS

SEC. 204. (a) Section 413 is amended by inserting “(a)” before “Whenever”, and by adding at the end the following new subsection:

38 USC 413.

“(b) If dependency and indemnity compensation has been awarded under this section to a veteran’s child or children and the entitlement to dependency and indemnity compensation under this section of an additional child of that veteran who is over the age of eighteen years and who had previously been entitled to dependency and indemnity compensation under this section before becoming eighteen years of age is later reestablished effective retroactively upon determination that such child is pursuing a course of instruction at an approved educational institution, the amount payable retroactively to the additional child is the amount equal to the difference between the total of the increased award payable under this section to the children of the deceased veteran for the retroactive period and the prior total award for such purpose for that period.”.

(b) Section 3010(e) is amended—

38 USC 3010.

(1) by striking out “The” and inserting in lieu thereof “(1) Except as provided in paragraph (2) of this subsection, the”; and

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

“(2) In the case of a child who is eighteen years of age or over and who immediately before becoming eighteen years of age was counted under section 411(b) of this title in determining the amount of the dependency and indemnity compensation of a surviving spouse, the effective date of an award of dependency and indemnity compensation to such child shall be the date the child attains the age of eighteen years if application therefor is received within one year from such date.”.

Ante, p. 1028.

TITLE III—AUTOMOBILE ASSISTANCE AND ADAPTIVE EQUIPMENT

INCREASE IN AUTOMOBILE ASSISTANCE AMOUNT

38 USC 1902.

SEC. 301. Section 1902(a) is amended by striking out "\$3,800" and inserting in lieu thereof "\$4,400".

EXTENSION OF ELIGIBILITY FOR ADAPTIVE EQUIPMENT ASSISTANCE

SEC. 302. Section 1902(b) is amended—

(1) by inserting "(1)" before "The"; and

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

"(2) In the case of any veteran (other than a person eligible for assistance under paragraph (1) of this subsection) who is entitled to compensation for ankylosis of one or both knees, or one or both hips, the Administrator, under the terms and conditions set forth in subsections (a), (c), and (d) of section 1903 of this title and under regulations which the Administrator shall prescribe, shall provide such adaptive equipment to overcome the disability resulting from such ankylosis as (A) is necessary to meet the applicable standards of licensure established by the State of such veteran's residency or other proper licensing authority for the operation of such veteran's automobile or other conveyance by such veteran, and (B) is determined to be necessary by the Chief Medical Director for the safe operation of such automobile or other conveyance by such veteran."

TECHNICAL AMENDMENTS

38 USC 1902,
1903.

SEC. 303. Sections 1902 and 1903(b) are amended by striking out "he" each place it appears and inserting in lieu thereof "the Administrator" and by striking out "his" each place it appears and inserting in lieu thereof "such person's".

TITLE IV—LIFE INSURANCE PROGRAM AMENDMENTS

INCREASES IN MAXIMUM AMOUNTS OF LIFE INSURANCE

38 USC 767.

SEC. 401. (a) Section 767 is amended—

(1) in subsection (a)—

(A) by striking out "\$20,000" and inserting in lieu thereof "\$35,000"; and

(B) by inserting "\$30,000, \$25,000, \$20,000" after "or (B) to be insured in the amount of";

(2) in subsection (c)—

(A) by inserting "\$30,000, \$25,000, \$20,000" after "or to be insured in the amount of"; and

(B) by inserting "\$35,000, \$30,000, \$25,000" after "or insured in the amount of"; and

(3) by adding at the end of such section the following new subsection:

"(d) Notwithstanding any other provision of this section, any member who on the effective date of this subsection is a member of the Retired Reserve of a uniformed service (or who upon application would be eligible for assignment to the Retired Reserve of a uniformed service) may obtain increased insurance coverage up to a maximum of \$35,000 (in any amount divisible by \$5,000) if—

"(1) the member—

“(A) is insured under this subchapter on the effective date of this subsection; or

“(B) within one year after the effective date of this subsection, reinstates insurance under this subchapter that had lapsed for nonpayment of premiums; and

“(2) the member submits a written application for the increased coverage to the office established pursuant to section 766(b) of this title within one year after the effective date of this subsection.”

(b) Section 777(a) is amended—

38 USC 777.

(1) by striking out “or \$20,000” in the first sentence and inserting in lieu thereof “\$20,000, \$25,000, \$30,000, or \$35,000”;

(2) by striking out “\$20,000” in the second sentence and inserting in lieu thereof “\$35,000”; and

(3) by striking out “\$20,000” both places it appears in the fourth sentence and inserting in lieu thereof “\$35,000”.

COLLECTION OF AMOUNTS FOR SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM

SEC. 402. Section 769 is amended by adding at the end the following new subsection:

Regulations.
38 USC 769.

“(f) The Secretary of Defense shall prescribe regulations for the administration of the functions of the Secretaries of the military departments under this section. Such regulations shall prescribe such procedures as the Secretary of Defense, after consultation with the Administrator, may consider necessary to ensure that such functions are carried out in a timely and complete manner and in accordance with the provisions of this section, including specifically the provisions of subsection (a)(2) of this section relating to contributions from appropriations made for active duty pay.”

BENEFICIARY'S RIGHT TO ELECT ONE-SUM PAYMENT

SEC. 403. (a) Section 717(c) is amended—

38 USC 717.

(1) by striking out “Unless” in the first sentence and inserting in lieu thereof “Except as provided in the second and third sentences of this subsection, unless”; and

(2) by inserting the following new sentence after the second sentence: “In the case of insurance maturing after September 30, 1981, and for which no option has been elected by the insured, the first beneficiary may elect to receive payment in one sum.”

(b) Section 752(a) is amended by adding at the end the following new sentence: “Notwithstanding any provision to the contrary in any insurance contract, the beneficiary may, in the case of insurance maturing after September 30, 1981, and for which the insured has not exercised the right of election of the insured as provided in this subchapter, elect to receive payment of the insurance in one sum.”

38 USC 752.

TITLE V—VETERANS' ADMINISTRATION HOUSING BENEFITS

ESTABLISHMENT OF GRADUATED-PAYMENT PLANS IN VETERANS' ADMINISTRATION LOAN GUARANTY PROGRAM

SEC. 501. (a) Section 1803(d)(2) is amended—

38 USC 1803.

(1) by inserting “(A)” after “(2)”; and

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

Loan guarantee.

“(B) The Administrator may guarantee loans with provisions for various rates of amortization corresponding to anticipated variations in family income. With respect to any loan guaranteed under this subparagraph—

“(i) the initial principal amount of the loan may not exceed the reasonable value of the property as of the time the loan is made; and

“(ii) the principal amount of the loan thereafter (including the amount of all interest to be deferred and added to principal) may not at any time be scheduled to exceed the projected value of the property.

“(C) For the purposes of subparagraph (B) of this paragraph, the projected value of the property shall be calculated by the Administrator by increasing the reasonable value of the property as of the time the loan is made at a rate not in excess of 2.5 percent per year, but in no event may the projected value of the property for the purposes of such subparagraph exceed 115 percent of such reasonable value. A loan made for a purpose other than the acquisition of a single-family dwelling unit may not be guaranteed under such subparagraph.”.

38 USC 1828.

(b) Section 1828 is amended—

(1) by inserting “(1)” after “constitution or law”; and

(2) by inserting “(2) restricting the manner of calculating such interest (including prohibition of the charging of interest on interest), or (3) requiring a minimum amortization of principal,” after “lenders.”.

INCREASE IN MAXIMUM AMOUNTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE

94 Stat. 1531.
38 USC 802.

SEC. 502. Section 802 is amended—

(1) in subsection (a)—

(A) by striking out “\$30,000” and inserting in lieu thereof “\$32,500”;

(B) by striking out “him” each place it appears and inserting in lieu thereof “such veteran”; and

(C) by striking out “his” in clause (3) and inserting in lieu thereof “such veteran’s”; and

(2) by striking out “section 804(b)(2)” in subsection (b) and inserting in lieu thereof “section 804(b)”.

EXTENSIONS OF MAXIMUM TERMS OF GUARANTEED LOANS FOR MOBILE-HOME PURCHASES

38 USC 1819.

SEC. 503. Paragraph (1) of section 1819(d) is amended to read as follows:

“(1) The maturity of any loan guaranteed under this section shall not be more than—

“(A) fifteen years and thirty-two days, in the case of a loan for the purchase of a lot;

“(B) twenty years and thirty-two days, in the case of a loan for the purchase of—

“(i) a single-wide mobile home; or

“(ii) a single-wide mobile home and a lot;

“(C) twenty-three years and thirty-two days, in the case of a loan for the purchase of a double-wide mobile home; or

“(D) twenty-five years and thirty-two days, in the case of a loan for the purchase of a double-wide mobile home and a lot.”.

TECHNICAL AMENDMENTS

SEC. 504. Section 1826 is amended—

- (1) by striking out subsection (a); and
- (2) by striking out “(b)”.

38 USC 1826.

TITLE VI—MISCELLANEOUS PROVISIONS

VETERANS’ ADMINISTRATION ADMINISTRATIVE REORGANIZATIONS;
REQUIRED STAFFING LEVEL AUTHORITIES

SEC. 601. (a)(1) Section 210(b) is amended—

38 USC 210.

- (A) by inserting “(1)” after “(b)”; and
- (B) by adding at the end the following new paragraph:

“(2)(A) The Administrator may not in any fiscal year implement an administrative reorganization described in subparagraph (B) of this paragraph unless the Administrator first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. Any such report shall be submitted not later than the day on which the President, pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), submits to the Congress the Budget for the fiscal year in which the administrative reorganization is to be implemented. No action to carry out such reorganization may be taken after the submission of such report until the first day of such fiscal year.

Report to congressional committees.

“(B) Subparagraph (A) of this paragraph applies only to an administrative reorganization within the Veterans’ Administration that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at a covered office or facility—

“(i) by 10 percent or more, or

“(ii) by a percent which, when added to the percent reduction under this subsection in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 15 percent or more.

“(C) For the purposes of this paragraph—

“(i) The term ‘administrative reorganization’ means a consolidation, elimination, abolition, or redistribution of functions under the authority granted the Administrator under the second sentence of paragraph (1) of this subsection.

“Administrative reorganization.”

“(ii) The term ‘covered office or facility’ means a Veterans’ Administration office or facility that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.”

“Covered office or facility.”

(2) Paragraph (2) of section 210(b) of title 38, United States Code, as added by paragraph (1), does not apply to an administrative reorganization (as defined in such paragraph (2)) that is fully accomplished before the date of the enactment of this Act.

38 USC 210 note.

(b) Section 5010(a) is amended—

38 USC 5010.

(1) in paragraph (4)—

(A) by inserting “for any fiscal year (or any part of a fiscal year)” in subparagraph (A) after “for the Veterans’ Administration”; and

(B) by inserting “(or part of a fiscal year)” after “fiscal year” the first place it appears in subparagraph (B) and both places it appears in subparagraph (D); and

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

"(5) Notwithstanding any other provision of this title or of any other law, funds appropriated for the Veterans' Administration under the appropriation accounts for medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses may not be used for, and no employee compensated from such funds may carry out any activity in connection with, the conduct of any study comparing the cost of the provision by private contractors with the cost of the provision by the Veterans' Administration of commercial or industrial products and services for the Department of Medicine and Surgery unless such funds have been specifically appropriated for that purpose."

CONTINUED PAYMENT OF PENSION TO CERTAIN HOSPITALIZED VETERANS
UNDERGOING A PRESCRIBED PROGRAM OF REHABILITATION

38 USC 3203.

SEC. 602. Paragraph (1) of section 3203(a) is amended—

(1) by striking out "Where" in subparagraph (B) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, where"; and

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

"(D) In the case of a veteran being furnished hospital or nursing home care by the Veterans' Administration and with respect to whom subparagraph (B) of this paragraph requires a reduction in pension, such reduction shall not be made for a period of up to three additional calendar months after the last day of the third month referred to in such subparagraph if the Administrator determines that the primary purpose for the furnishing of such care during such additional period is for the Veterans' Administration to provide such veteran with a prescribed program of rehabilitation services, under chapter 17 of this title, designed to restore such veteran's ability to function within such veteran's family and community. If the Administrator determines that it is necessary, after such period, for the veteran to continue such program of rehabilitation services in order to achieve the purposes of such program and that the primary purpose of furnishing hospital or nursing home care to the veteran continues to be the provision of such program to the veteran, the reduction in pension required by subparagraph (B) of this paragraph shall not be made for the number of calendar months that the Administrator determines is necessary for the veteran to achieve the purposes of such program."

38 USC 601 *et seq.*

HEADSTONES, MARKERS, AND MEMORIAL AREAS

38 USC 906.

SEC. 603. (a) Subsection (b) of section 906 is amended to read as follows:

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating any veteran—

"(1) whose remains have not been recovered or identified,

"(2) whose remains were buried at sea, whether by the veteran's own choice or otherwise,

"(3) whose remains were donated to science, or

"(4) whose remains were cremated and the ashes scattered without interment of any portion of the ashes, for placement by the applicant in a national cemetery area reserved for such purpose under the provisions of section 1003 of this title or in a State, local, or private cemetery."

38 USC 1003.

(b) Subsection (a) of section 1003 is amended to read as follows:

“(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces and veterans—

- “(1) who are missing in action;
- “(2) whose remains have not been recovered or identified;
- “(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;
- “(4) whose remains were donated to science; or
- “(5) whose remains were cremated and the ashes scattered without interment of any portion of the ashes.”

MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT FOR BENEFITS

SEC. 604. (a)(1) Chapter 53 is amended by inserting after section 3103 the following new section:

“§ 3103A. Minimum active-duty service requirement

38 USC 3103A.

“(a) Notwithstanding any other provision of law, any requirements for eligibility for or entitlement to any benefit under this title or any other law administered by the Veterans' Administration that are based on the length of active duty served by a person who initially enters such service after September 7, 1980, shall be exclusively as prescribed in this title.

“(b)(1) Except as provided in paragraph (3) of this subsection, a person described in paragraph (2) of this subsection who is discharged or released from a period of active duty before completing the shorter of—

“(A) 24 months of continuous active duty, or

“(B) the full period for which such person was called or ordered to active duty,

is not eligible by reason of such period of active duty for any benefit under this title or any other law administered by the Veterans' Administration.

“(2) Paragraph (1) of this subsection applies—

“(A) to any person who originally enlists in a regular component of the Armed Forces after September 7, 1980; and

“(B) to any other person who enters on active duty on or after the date of the enactment of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981 and has not previously completed a continuous period of active duty of at least 24 months or been discharged or released from active duty under section 1171 of title 10.

Ante, p. 1026.

“(3) Paragraph (1) of this subsection does not apply—

“(A) to a person who is discharged or released from active duty under section 1171 or 1173 of title 10;

“(B) to a person who is discharged or released from active duty for a disability incurred or aggravated in line of duty;

“(C) to a person who has a disability that the Administrator has determined to be compensable under chapter 11 of this title;

“(D) to the provision of a benefit for or in connection with a service-connected disability, condition, or death; or

“(E) to benefits under chapter 19 of this title.

38 USC 301 *et seq.*

38 USC 701 *et seq.*

“(c)(1) Except as provided in paragraph (2) of this subsection, no dependent or survivor of a person as to whom subsection (b) of this section requires the denial of benefits shall, by reason of such person's period of active duty, be provided with any benefit under this title or any other law administered by the Veterans' Administration.

38 USC 701 *et seq.*, 1801 *et seq.*
"Benefit."

"(2) Paragraph (1) of this subsection does not apply to benefits under chapters 19 and 37 of this title.

38 USC 1601 *et seq.*

"(d) For the purposes of this section, the term 'benefit' includes a right or privilege, but does not include a refund of a participant's contributions to the educational benefits program provided by chapter 32 of this title."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3103 the following:

38 USC 3103A
note.

"3103A. Minimum active-duty service requirement."

38 USC 1801 *et seq.*

(b) Section 3103A of title 38, United States Code, as added by subsection (a), shall not apply with respect to the receipt by any person of any benefit provided by or pursuant to law before the date of the enactment of this Act. Notwithstanding such section, a person who before such date has received a certificate of eligibility from the Administrator of Veterans' Affairs for benefits under chapter 37 of title 38, United States Code, is eligible for such benefits after such date.

DELIMITING DATES FOR SURVIVING SPOUSES OF CERTAIN SERVICE-CONNECTED DISABLED VETERANS

38 USC 1712.

SEC. 605. (a) Section 1712(b)(1) is amended—

- (1) by inserting "of the following" after "whichever";
- (2) by striking out "the date" in clause (A) and inserting in lieu thereof "The date";
- (3) by striking out the comma and "or" at the end of clause (A) and inserting in lieu thereof a period; and
- (4) by striking out clause (B) and inserting in lieu thereof the following:

"(B) The date of death of the spouse from whom eligibility is derived who dies while a total disability evaluated as permanent in nature was in existence.

"(C) The date on which the Administrator determines that the spouse from whom eligibility is derived died of a service-connected disability."

38 USC 1712
note.

(b) Subsection (f) of section 2 of Public Law 90-631 (82 Stat. 1331) is amended to read as follows:

"(f)(1) Except as provided in paragraph (2) of this subsection, in the case of any person who is an eligible person by reason of subparagraph (B) or (D) of section 1701(a)(1) of title 38, United States Code, if the date of death or the date of the determination of service-connected total disability permanent in nature of the person from whom eligibility is derived occurred before December 1, 1968, the 10-year delimiting period referred to in section 1712(b)(1) of such title shall run from such date.

"(2) If the death of the person from whom such eligibility is derived occurred before December 1, 1968, and the date on which the Administrator of Veterans' Affairs determines that such person died of a service-connected disability is later than December 1, 1968, the delimiting period referred to in section 1712(b)(1) of such title shall run from the date on which the Administrator makes such determination."

WAIVER OF PRO RATA REFUND REQUIREMENT IN THE CASE OF CERTAIN
INSTITUTIONS

SEC. 606. Section 1776 is amended by adding at the end the following new subsection: 38 USC 1776.

“(d) The Administrator may waive, in whole or in part, the requirements of subsection (c)(13) of this section in the case of an educational institution which—

“(1) is a college, university, or similar institution offering postsecondary level academic instruction that leads to an associate or higher degree,

“(2) is operated by an agency of a State or of a unit of local government,

“(3) is located within such State or, in the case of an institution operated by an agency of a unit of local government, within the boundaries of the area over which such unit has taxing jurisdiction, and

“(4) is a candidate for accreditation by a regional accrediting association,

if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, that such requirements would work an undue administrative hardship because the total amount of tuition, fees, and other charges at such institution is nominal.”.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 607. (a) The Veterans' Administration Medical Center in Reno, Nevada, shall after the date of the enactment of this Act be known and designated as the “Ioannis A. Lougaris Veterans' Administration Medical Center”. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Ioannis A. Lougaris Veterans' Administration Medical Center.

Ioannis A.
Lougaris.

(b) The Veterans' Administration Medical Center in Clarksburg, West Virginia, shall after the date of the enactment of this Act be known and designated as the “Louis A. Johnson Veterans' Administration Medical Center”. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Louis A. Johnson Veterans' Administration Medical Center.

Louis A.
Johnson.

TITLE VII—EFFECTIVE DATES

SEC. 701. (a) The amendments made by titles I, II, and III shall take effect as of October 1, 1981.

(b)(1) Except as otherwise provided in this subsection, the amendments made by titles IV, V, and VI shall take effect on the date of the enactment of this Act.

(2) The amendments made by section 401 shall take effect on December 1, 1981.

(3) The amendments made by section 504 shall take effect as of October 17, 1980.

(4) The amendments made by section 601(b)(1) shall take effect as of October 1, 1981.

(5) The amendments made by section 602 shall take effect on the date of the enactment of this Act and shall apply with respect to veterans admitted to a Veterans' Administration hospital or nursing home on or after such date.

Ante, pp. 1026,
1028, 1030.
38 USC 314 note.

Ante, pp. 1030,
1031, 1033.

(6) The amendments made by section 603 shall apply with respect to veterans dying before, on, or after the date of the enactment of this Act.

Approved October 17, 1981.

LEGISLATIVE HISTORY—S. 917 (H.R. 3995):

HOUSE REPORT No. 97-179 accompanying H.R. 3995 (Comm. on Veterans' Affairs).

SENATE REPORT No. 97-153 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 127 (1981):

July 24, considered and passed Senate.

Sept. 21, H.R. 3995 considered and passed House; proceedings vacated and S. 917, amended, passed in lieu.

Oct. 1, Senate concurred in House amendments with amendments.

Oct. 2, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 43 (1981):

Oct. 17, Presidential statement.