

In the House of Representatives, U. S.,

August 8, 1994.

Resolved, That the bill from the Senate (S. 1927) entitled “An Act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,***

2 ***UNITED STATES CODE.***

3 *(a) SHORT TITLE.—This Act may be cited as the “Vet-*
4 *erans’ Benefits Act of 1994”.*

5 *(b) REFERENCES.—Except as otherwise expressly pro-*
6 *vided, whenever in this Act an amendment or repeal is ex-*
7 *pressed in terms of an amendment to, or repeal of, a section*
8 *or other provision, the reference shall be considered to be*
9 *made to a section or other provision of title 38, United*
10 *States Code.*

1 **TITLE I—COST-OF-LIVING AD-**
2 **JUSTMENT IN RATES OF COM-**
3 **PENSATION AND DEPEND-**
4 **ENCY AND INDEMNITY COM-**
5 **PENSATION**

6 **SEC. 101. DISABILITY COMPENSATION.**

7 *Section 1114 is amended—*

8 *(1) by striking out “\$87” in subsection (a) and*
9 *inserting in lieu thereof “\$89”;*

10 *(2) by striking out “\$166” in subsection (b) and*
11 *inserting in lieu thereof “\$170”;*

12 *(3) by striking out “\$253” in subsection (c) and*
13 *inserting in lieu thereof “\$260”;*

14 *(4) by striking out “\$361” in subsection (d) and*
15 *inserting in lieu thereof “\$371”;*

16 *(5) by striking out “\$515” in subsection (e) and*
17 *inserting in lieu thereof “\$530”;*

18 *(6) by striking out “\$648” in subsection (f) and*
19 *inserting in lieu thereof “\$667”;*

20 *(7) by striking out “\$819” in subsection (g) and*
21 *inserting in lieu thereof “\$843”;*

22 *(8) by striking out “\$948” in subsection (h) and*
23 *inserting in lieu thereof “\$976”;*

24 *(9) by striking out “\$1,067” in subsection (i)*
25 *and inserting in lieu thereof “\$1,099”;*

1 (10) by striking out “\$1,774” in subsection (j)
2 and inserting in lieu thereof “\$1,827”;

3 (11) by striking out “\$2,207” and “\$3,093” in
4 subsection (k) and inserting in lieu thereof “\$2,273”
5 and “\$3,187”, respectively;

6 (12) by striking out “\$2,207” in subsection (l)
7 and inserting in lieu thereof “\$2,273”;

8 (13) by striking out “\$2,432” in subsection (m)
9 and inserting in lieu thereof “\$2,504”;

10 (14) by striking out “\$2,768” in subsection (n)
11 and inserting in lieu thereof “\$2,851”;

12 (15) by striking out “\$3,093” each place it ap-
13 pears in subsections (o) and (p) and inserting in lieu
14 thereof “\$3,185”;

15 (16) by striking out “\$1,328” and “\$1,978” in
16 subsection (r) and inserting in lieu thereof “\$1,367”
17 and “\$2,037”, respectively; and

18 (17) by striking out “\$1,985” in subsection (s)
19 and inserting in lieu thereof “\$2,044”.

20 **SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.**

21 Section 1115(1) is amended—

22 (1) by striking out “\$105” in subparagraph (A)
23 and inserting in lieu thereof “\$108”;

1 (2) by striking out “\$178” and “\$55” in sub-
2 paragraph (B) and inserting in lieu thereof “\$183”
3 and “\$56”, respectively;

4 (3) by striking out “\$72” and “\$55” in subpara-
5 graph (C) and inserting in lieu thereof “\$74” and
6 “\$56”, respectively;

7 (4) by striking out “\$84” in subparagraph (D)
8 and inserting in lieu thereof “\$86”;

9 (5) by striking out “\$195” in subparagraph (E)
10 and inserting in lieu thereof “\$200”; and

11 (6) by striking out “\$164” in subparagraph (F)
12 and inserting in lieu thereof “\$168”.

13 **SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**
14 **VETERANS.**

15 Section 1162 is amended by striking out “\$478” and
16 inserting in lieu thereof “\$492”.

17 **SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION**
18 **FOR SURVIVING SPOUSES.**

19 Section 1311 is amended—

20 (1) in subsection (a)(1), by striking out “\$769”
21 and inserting in lieu thereof “\$792”;

22 (2) in subsection (a)(2), by striking out “\$169”
23 and inserting in lieu thereof “\$174”;

24 (3) in subsection (a)(3), by striking out the table
25 therein and inserting in lieu thereof the following:

<i>Pay grade</i>	<i>Monthly rate</i>	<i>Pay grade</i>	<i>Monthly rate</i>
<i>E-7</i>	<i>\$817</i>	<i>O-3</i>	<i>\$923</i>
<i>E-8</i>	<i>863</i>	<i>O-4</i>	<i>976</i>
<i>E-9</i>	¹ <i>901</i>	<i>O-5</i>	<i>1,075</i>
<i>W-1</i>	<i>836</i>	<i>O-6</i>	<i>1,212</i>
<i>W-2</i>	<i>869</i>	<i>O-7</i>	<i>1,309</i>
<i>W-3</i>	<i>895</i>	<i>O-8</i>	<i>1,433</i>
<i>W-4</i>	<i>947</i>	<i>O-9</i>	<i>1,536</i>
<i>O-1</i>	<i>836</i>	<i>O-10</i>	² <i>1,685</i>
<i>O-2</i>	<i>863</i>		

¹*If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$971.*

²*If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,805.”;*

- 1 (4) in subsection (c), by striking out “\$195” and
2 inserting in lieu thereof “\$200”; and
3 (5) in subsection (d), by striking out “\$95” in
4 subsection (c) and inserting in lieu thereof “\$97”.

5 **SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION**
6 **FOR CHILDREN.**

- 7 (a) *DIC FOR ORPHAN CHILDREN.*—Section 1313(a) is
8 *amended—*
9 (1) by striking out “\$327” in paragraph (1) and
10 inserting in lieu thereof “\$336”;
11 (2) by striking out “\$471” in paragraph (2) and
12 inserting in lieu thereof “\$485”;
13 (3) by striking out “\$610” in paragraph (3) and
14 inserting in lieu thereof “\$628”; and

1 (4) by striking out “\$610” and “\$120” in para-
 2 graph (4) and inserting in lieu thereof “\$628” and
 3 “\$123”, respectively.

4 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHIL-
 5 DREN.—Section 1314 is amended—

6 (1) by striking out “\$195” in subsection (a) and
 7 inserting in lieu thereof “\$200”;

8 (2) by striking out “\$327” in subsection (b) and
 9 inserting in lieu thereof “\$336”; and

10 (3) by striking out “\$166” in subsection (c) and
 11 inserting in lieu thereof “\$170”.

12 **SEC. 106. EFFECTIVE DATE.**

13 The amendments made by this title shall take effect
 14 on December 1, 1994.

15 **TITLE II—DISABILITIES RESULT-**
 16 **ING FROM HERBICIDE EXPO-**
 17 **SURE**

18 **SEC. 201. CODIFICATION OF PRESUMPTIONS ESTABLISHED**

19 **ADMINISTRATIVELY.**

20 Section 1116(a)(2) is amended by adding at the end
 21 the following new subparagraphs:

22 “(D) Hodgkin’s disease becoming manifest to a
 23 degree of disability of 10 percent or more.

24 “(E) Porphyria cutanea tarda becoming mani-
 25 fest to a degree of disability of 10 percent or more

1 *within a year after the last date on which the veteran*
 2 *performed active military, naval, or air service in the*
 3 *Republic of Vietnam during the Vietnam era.*

4 “(F) *Respiratory cancers (cancer of the lung,*
 5 *bronchus, larynx, or trachea) becoming manifest to a*
 6 *degree of 10 percent or more within 30 years after the*
 7 *last date on which the veteran performed active mili-*
 8 *tary, naval, or air service in the Republic of Vietnam*
 9 *during the Vietnam era.*

10 “(G) *Multiple myeloma becoming manifest to a*
 11 *degree of disability of 10 percent or more.*”.

12 ***TITLE III—BOARD OF VETERANS’***
 13 ***APPEALS ADMINISTRATION***

14 ***SEC. 301. APPOINTMENT, PAY COMPARABILITY, AND PER-***
 15 ***FORMANCE REVIEWS FOR MEMBERS OF THE***
 16 ***BOARD OF VETERANS’ APPEALS.***

17 (a) *IN GENERAL.*—(1) *Chapter 71 is amended by in-*
 18 *serting after section 7101 the following new section:*

19 ***“§ 7101A. Members of Board: appointment; pay; per-***
 20 ***formance review***

21 “(a) *The members of the Board of Veterans’ Appeals*
 22 *other than the Chairman (and including the Vice Chair-*
 23 *man) shall be appointed by the Secretary, with the approval*
 24 *of the President, based upon recommendations of the Chair-*
 25 *man.*

1 “(b) Members of the Board (other than the Chairman
2 and any member of the Board who is a member of the Sen-
3 ior Executive Service) shall, in accordance with regulations
4 prescribed by the Secretary, be paid basic pay at rates
5 equivalent to the rates payable under section 5372 of title
6 5.

7 “(c)(1) Not less than one year after the job performance
8 standards under subsection (f) are initially established, and
9 not less often than once every three years thereafter, the
10 Chairman shall determine, with respect to each member of
11 the Board (other than a member who is a member of the
12 Senior Executive Service), whether that member’s job per-
13 formance as a member of the Board meets the performance
14 standards for a member of the Board established under sub-
15 section (f). Each such determination shall be in writing.

16 “(2) If the determination of the Chairman in any case
17 is that the member’s job performance as a member of the
18 Board meets the performance standards for a member of
19 the Board established under subsection (f), the member’s ap-
20 pointment as a member of the Board shall be recertified.

21 “(3) If the determination of the Chairman in any case
22 is that the member’s job performance does not meet the per-
23 formance standards for a member of the Board established
24 under subsection (f), the Chairman shall, based upon the
25 individual circumstances, either—

1 “(A) grant the member a conditional
2 recertification; or

3 “(B) recommend to the Secretary that the mem-
4 ber be noncertified.

5 “(4) In the case of a member of the Board who is
6 granted a conditional recertification under paragraph (3)
7 or (5)(C), the Chairman shall review the member’s job per-
8 formance record and make a further determination under
9 paragraph (1) concerning that member not later than one
10 year after the date of the conditional recertification. If the
11 determination of the Chairman at that time is that the
12 member’s job performance as a member of the Board still
13 does not meet the performance standards for a member of
14 the Board established under subsection (f), the Chairman
15 shall recommend to the Secretary that the member be
16 noncertified.

17 “(5)(A) In a case in which the Chairman recommends
18 to the Secretary under paragraph (3) or (4) that a member
19 be noncertified, the Secretary shall establish a panel to re-
20 view that recommendation. The panel shall be established
21 from among employees of the Department other than mem-
22 bers of the Board or of the Board’s staff and may include
23 Federal employees from outside the Department with appro-
24 priate expertise.

1 “(B) The panel shall review the matter and recommend
2 to the Secretary whether the Board member should be
3 noncertified or should be granted a conditional
4 recertification.

5 “(C) The Secretary, after considering the recommenda-
6 tion of the panel, may either—

7 “(i) grant the member a conditional
8 recertification; or

9 “(ii) determine that the member should be
10 noncertified.

11 “(d)(1) If the Secretary, based upon the recommenda-
12 tion of the Chairman and after considering the rec-
13 ommendation of the panel under subsection (c)(5), deter-
14 mines that a member of the Board should be noncertified,
15 that member’s appointment as a member of the Board shall
16 be terminated and that member shall be removed from the
17 Board.

18 “(2) An individual so removed from the Board shall
19 have the right to be employed by the Board in an attorney-
20 advisor position.

21 “(e)(1) A member of the Board (other than the Chair-
22 man or a member of the Senior Executive Service) may
23 be removed as a member of the Board by reason of job per-
24 formance only as provided in subsections (c) and (d). Such
25 a member may be removed by the Secretary, upon the rec-

1 *ommendation of the Chairman, for any other reason as de-*
2 *termined by the Secretary.*

3 “(2) *In the case of a removal of a member under this*
4 *section for a reason other than job performance that would*
5 *be covered by section 7521 of title 5 in the case of an admin-*
6 *istrative law judge, the removal of the member of the Board*
7 *shall be carried out subject to the same requirements as*
8 *apply to removal of an administrative law judge under that*
9 *section. Section 554(a)(2) of title 5 shall not apply to a*
10 *removal action under this subsection. In such a removal ac-*
11 *tion, a member shall have the rights set out in section*
12 *7513(b) of that title.*

13 “(f) *The Chairman, subject to the approval of the Sec-*
14 *retary, shall establish standards for the performance of the*
15 *job of a member of the Board (other than a member of the*
16 *Senior Executive Service). Those standards shall establish*
17 *objective and fair criteria for evaluation of the job perform-*
18 *ance of a member of the Board.*

19 “(g) *The Secretary shall prescribe procedures for the*
20 *administration of this section, including deadlines and time*
21 *schedules for different actions under this section.”.*

22 (2) *The table of sections at the beginning of such chap-*
23 *ter is amended by inserting after the item relating to section*
24 *7101 the following new item:*

“7101A. Members of Board: appointment; pay; performance review.”.

1 (b) *SAVE PAY PROVISION.*—The rate of basic pay pay-
2 able to an individual who is a member of the Board of Vet-
3 erans' Appeals on the date of the enactment of this Act may
4 not be reduced by reason of the amendments made by this
5 section to a rate below the rate payable to such individual
6 on the day before such date.

7 (c) *EFFECTIVE DATE.*—Section 7101A(b) of title 38,
8 United States Code, as added by subsection (a), shall take
9 effect on the first day of the first pay period beginning after
10 December 31, 1994.

11 **SEC. 302. CONFORMING AMENDMENTS.**

12 Section 7101(b) is amended—

13 (1) by striking out paragraph (2);

14 (2) by designating as paragraph (2) the text in
15 paragraph (1) beginning “The Chairman may be re-
16 moved”; and

17 (3) by striking out “Members (including the
18 Chairman)” in paragraph (3) and inserting in lieu
19 thereof “The Chairman”.

20 **SEC. 303. DEADLINE FOR ESTABLISHMENT OF PERFORM-**
21 **ANCE EVALUATION CRITERIA FOR BOARD**
22 **MEMBERS.**

23 (a) *DEADLINE.*—The job performance standards re-
24 quired to be established by section 7101A(d) of title 38,
25 United States Code, as added by subsection (a), shall be

1 *established not later than 90 days after the date of the en-*
2 *actment of this Act.*

3 (b) *SUBMISSION TO CONGRESSIONAL COMMITTEE.—*
4 *Not later than the date on which the standards referred to*
5 *in subsection (a) take effect, the Secretary of Veterans Af-*
6 *fairs shall submit to the Committees on Veterans' Affairs*
7 *of the Senate and House of Representatives a report con-*
8 *taining the Secretary's proposal for the establishment of*
9 *those standards.*

10 ***TITLE IV—ADJUDICATION***
11 ***IMPROVEMENTS***

12 ***SEC. 401. SHORT TITLE.***

13 *This title may be cited as the “Veterans’ Adjudication*
14 *Improvements Act of 1994”.*

15 ***SEC. 402. REPORT ON FEASIBILITY OF REORGANIZATION OF***
16 ***ADJUDICATION DIVISIONS IN VBA REGIONAL***
17 ***OFFICES.***

18 *Not later than 180 days after the date of the enactment*
19 *of this Act, the Secretary of Veterans Affairs shall submit*
20 *to the Committees on Veterans' Affairs of the Senate and*
21 *House of Representatives a report addressing the feasibility*
22 *and impact of a reorganization of the adjudication divi-*
23 *sions located within the regional offices of the Veterans Ben-*
24 *efits Administration to a number of such divisions that*
25 *would result in improved efficiency in the processing of*

1 *claims filed by veterans, their survivors, or other eligible*
2 *persons, for benefits administered by the Secretary.*

3 **SEC. 403. MASTER VETERAN RECORD.**

4 (a) *REQUIREMENT.*—*The Secretary of Veterans Affairs*
5 *shall implement a recordkeeping system whereby each vet-*
6 *eran and other person eligible for benefits under laws ad-*
7 *ministered by the Secretary shall be identified by a single*
8 *identification number and through which information re-*
9 *lating to that person, including that person's current eligi-*
10 *bility or entitlement status with respect to each benefit or*
11 *service administered by the Secretary, shall be available*
12 *through electronic means to employees of the Department*
13 *located in each regional office of the Veterans Benefits Ad-*
14 *ministration or medical center of the Veterans Health Ad-*
15 *ministration.*

16 (b) *DEADLINE FOR IMPLEMENTATION.*—*The record-*
17 *keeping system required by subsection (a) shall be imple-*
18 *mented not later than two years after the date of the enact-*
19 *ment of this Act.*

20 **SEC. 404. REPORT ON PILOT PROGRAMS.**

21 (a) *IN GENERAL.*—*Not later than 180 days after the*
22 *date of the enactment of this Act, the Secretary of Veterans*
23 *Affairs shall submit to the Committees on Veterans' Affairs*
24 *of the Senate and House of Representatives a report enu-*
25 *merating and describing each pilot program and major ini-*

1 *tiative being tested in the regional offices of the Veterans*
2 *Benefits Administration that affect the adjudication of*
3 *claims for benefits administered by the Secretary.*

4 **(b) CONTENTS.**—*The report shall include the Sec-*
5 *retary’s recommendations regarding the need, if any, for*
6 *legislation to implement any of such pilot programs the*
7 *Secretary may recommend. If the Secretary indicates that*
8 *legislation is not required to implement one or more of such*
9 *programs, the Secretary shall advise the Committees as to*
10 *whether any such pilot program will be implemented and*
11 *provide a timetable for such implementation.*

12 **SEC. 405. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR**
13 **CLAIMS PURPOSES.**

14 **(a) STATEMENTS OF CLAIMANT TO BE ACCEPTED AS**
15 **PROOF OF RELATIONSHIPS.**—*Chapter 51 is amended by*
16 *adding at the end the following new section:*

17 **“§5124. Acceptance of claimant’s statement as proof**
18 **of relationship**

19 “(a) *For purposes of benefits under laws administered*
20 *by the Secretary, the Secretary shall accept the written*
21 *statement of a claimant as proof of the existence of any*
22 *relationship specified in subsection (b) for the purpose of*
23 *acting on such individual’s claim for benefits.*

1 “(b) Subsection (a) applies to proof of the existence of
2 any of the following relationships between a claimant and
3 another person:

4 “(1) Marriage.

5 “(2) Dissolution of a marriage.

6 “(3) Birth of a child.

7 “(4) Death of any family member.

8 “(c) The Secretary may require the submission of doc-
9 umentation in support of the claimant’s statement—

10 “(1) if the claimant does not reside within a
11 State; or

12 “(2) if the statement on its face raises a question
13 as to its validity.”.

14 (b) *REPORTS OF EXAMINATIONS BY PRIVATE PHYSI-*
15 *CIANs.*—Such chapter, as amended by subsection (a), is fur-
16 ther amended by adding at the end the following new
17 section:

18 **“§5125. Acceptance of reports of private physician**
19 **examinations**

20 “For purposes of establishing a claim for benefits
21 under chapter 11 or 15 of this title, a report of a medical
22 examination administered by a private physician that is
23 provided by a claimant in support of a claim for benefits
24 under that chapter shall be accepted without a requirement
25 for confirmation by an examination by a physician em-

1 *ployed by the Veterans Health Administration if the report*
 2 *is sufficiently complete to be adequate for disability rating*
 3 *purposes.”.*

4 (c) *CLERICAL AMENDMENT.—The table of sections at*
 5 *the beginning of such chapter is amended by adding at the*
 6 *end the following new items:*

“5124. Acceptance of claimant’s statement as proof of relationship.

“5125. Acceptance of reports of private physician examinations.”.

7 ***SEC. 406. EXPEDITED TREATMENT OF REMANDED CLAIMS.***

8 *The Secretary shall take such actions as may be nec-*
 9 *essary to provide for the expeditious treatment, by the*
 10 *Board of Veterans’ Appeals and by the regional offices of*
 11 *the Veterans Benefits Administration, of any claim that has*
 12 *been remanded by the Board of Veterans’ Appeals or by the*
 13 *United States Court of Veterans Appeals for additional de-*
 14 *velopment or other appropriate action.*

15 ***SEC. 407. SCREENING OF APPEALS.***

16 *Section 7107 of title 38, United States Code, is*
 17 *amended—*

18 (1) *in subsection (a)(1), by striking out “Each*
 19 *case” and inserting in lieu thereof “Except as pro-*
 20 *vided in subsection (f), each case”; and*

21 (2) *by adding at the end the following new sub-*
 22 *section:*

23 *“(f) Nothing in this section shall preclude the screening*
 24 *of cases for purposes of—*

1 “(1) determining the adequacy of the record for
2 decisional purposes; or

3 “(2) the development, or attempted development,
4 of a record found to be inadequate for decisional
5 purposes.”.

6 **SEC. 408. REVISION OF DECISIONS BASED ON CLEAR AND**
7 **UNMISTAKABLE ERROR.**

8 (a) ORIGINAL DECISIONS.—(1) Chapter 51 is amended
9 by inserting after section 5109 the following new section:
10 **“§5109A. Revision of decisions on grounds of clear**
11 **and unmistakable error**

12 “(a) A decision by the Secretary under this chapter
13 is subject to revision on the grounds of clear and unmistak-
14 able error. If evidence establishes the error, the prior deci-
15 sion shall be reversed or revised.

16 “(b) For the purposes of authorizing benefits, a rating
17 or other adjudicative decision that constitutes a reversal or
18 revision of a prior decision on the grounds of clear and
19 unmistakable error has the same effect as if the decision
20 had been made on the date of the prior decision.

21 “(c) Review to determine whether clear and unmistak-
22 able error exists in a case may be instituted by the Sec-
23 retary on the Secretary’s own motion or upon request of
24 the claimant.

1 “(d) A request for revision of a decision of the Sec-
2 retary based on clear and unmistakable error may be made
3 at any time after that decision is made.

4 “(e) Such a request shall be submitted to the Secretary
5 and shall be decided in the same manner as any other
6 claim.”.

7 (2) The table of sections at the beginning of such chap-
8 ter is amended by inserting after the item relating to section
9 5109 the following new item:

 “5109A. Revision of decisions on grounds of clear and unmistakable error.”.

10 (b) BVA DECISIONS.—(1) Chapter 71 is amended by
11 adding at the end the following new section:

12 **“§ 7111. Revision of decisions on grounds of clear and**
13 **unmistakable error**

14 “(a) A decision by the Board is subject to revision on
15 the grounds of clear and unmistakable error. If evidence es-
16 tablishes the error, the prior decision shall be reversed or
17 revised.

18 “(b) For the purposes of authorizing benefits, a rating
19 or other adjudicative decision of the Board that constitutes
20 a reversal or revision of a prior decision of the Board on
21 the grounds of clear and unmistakable error has the same
22 effect as if the decision had been made on the date of the
23 prior decision.

1 “(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Board
2 on the Board’s own motion or upon request of the claimant.

3 “(d) A request for revision of a decision of the Board
4 based on clear and unmistakable error may be made at any
5 time after that decision is made.

6 “(e) Such a request shall be submitted directly to the
7 Board and shall be decided by the Board on the merits,
8 without referral to any adjudicative or hearing official acting
9 on behalf of the Secretary.
10

11 “(f) A claim filed with the Secretary that requests reversal or revision of a previous Board decision due to clear
12 and unmistakable error shall be considered to be a request
13 to the Board under this section, and the Secretary shall
14 promptly transmit any such request to the Board for its
15 consideration under this section.”

16 (2) The table of sections at the beginning of such chapter
17 is amended by adding at the end the following new item:
18 “7111. Revision of decisions on grounds of clear and unmistakable error.”

19 (c) EFFECTIVE DATE.—(1) Sections 5109A and 7111
20 of title 38, United States Code, as added by this section,
21 apply to any determination made before, on, or after the
22 date of the enactment of this Act.

23 (2) Notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), chapter 72 of title
24 38, United States Code, shall apply with respect to any de-
25

1 *cision of the Board of Veterans' Appeals on a claim alleging*
 2 *that a previous determination of the Board was the product*
 3 *of clear and unmistakable error if that claim is filed after,*
 4 *or was pending before the Department of Veterans Affairs,*
 5 *the Court of Veterans Appeals, the Court of Appeals for the*
 6 *Federal Circuit, or the Supreme Court on, the date of the*
 7 *enactment of this Act.*

8 ***TITLE V—MISCELLANEOUS***

9 ***SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CON-***
 10 ***CERNING COVERAGE OF RADIATION-EX-***
 11 ***POSED VETERANS COMPENSATION ACT OF***
 12 ***1988.***

13 *(a) RESTATEMENT OF ABSENCE OF STATUTORY LIMI-*
 14 *TATION TO UNITED STATES TESTS.—(1) Clause (i) of sec-*
 15 *tion 1112(c)(3)(B) is amended by inserting “(without re-*
 16 *gard to whether the nation conducting the test was the*
 17 *United States or another nation)” after “nuclear device”.*

18 *(2) The amendment made by paragraph (1) shall take*
 19 *effect as of May 1, 1988.*

20 *(b) PROOF OF SERVICE CONNECTION OF DISABILITIES*
 21 *RELATING TO EXPOSURE TO IONIZING RADIATION.—(1)*
 22 *Section 1113(b) is amended—*

23 *(A) by striking out “title or” and inserting in*
 24 *lieu thereof “title,”; and*

1 **SEC. 504. EFFECTIVE DATE OF DISCONTINUANCE OF COM-**
2 **PENSATION UPON DEATH OF CERTAIN**
3 **VETERANS.**

4 (a) *IN GENERAL.*—Section 5112 is amended by adding
5 the following new subsection:

6 “(d) *In the case of a veteran who, at time of death,*
7 *was in receipt of compensation for a disability rated as*
8 *totally disabling with an additional amount being paid for*
9 *a spouse, if the Secretary determines that the surviving*
10 *spouse of such veteran is not eligible for dependency and*
11 *indemnity compensation, the effective date of the dis-*
12 *continuance of such compensation shall be the last day of*
13 *the month in which such death occurred.”.*

14 (b) *EFFECTIVE DATE.*—The amendment made by sub-
15 section (a) shall apply with respect to deaths occurring after
16 September 30, 1994.

Amend the title so as to read: “An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans’ benefits programs, and for other purposes.”.

Attest:

Clerk.

103RD CONGRESS
2^D SESSION

S. 1927

AMENDMENTS