

106TH CONGRESS
2D SESSION

S. 1810

AN ACT

To amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans Programs Enhancement Act of 2000”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—BENEFITS MATTERS

Subtitle A—Compensation and Pension Matters

- Sec. 101. Clarification and enhancement of authorities relating to the processing of claims for veterans benefits.
 Sec. 102. Expansion of list of diseases presumed to be service-connected for radiation-exposed veterans.
 Sec. 103. Special monthly compensation for female veterans who lose a breast as a result of a service-connected disability.

Subtitle B—Education Matters

- Sec. 111. Making uniform the requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.
 Sec. 112. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.
 Sec. 113. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.
 Sec. 114. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.
 Sec. 115. Adjusted effective date for award of survivors' and dependents' educational assistance.

Subtitle C—Housing Matters

- Sec. 121. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
 Sec. 122. Increase in maximum amount of housing loan guarantee.
 Sec. 123. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

Subtitle D—Insurance Matters

- Sec. 131. Premiums for term service disabled veterans' insurance for veterans older than age 70.
 Sec. 132. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
 Sec. 133. Family coverage under Servicemembers' Group Life Insurance.

Subtitle E—Burial Matters

- Sec. 141. Eligibility for interment in the national cemeteries of certain Filipino veterans of World War II.

Subtitle F—Employment Matters

- Sec. 151. Veterans employment emphasis under Federal contracts for recently separated veterans.

Sec. 152. Comptroller General audit of veterans employment and training service of the Department of Labor.

Subtitle G—Benefits for Children of Female Vietnam Veterans

Sec. 161. Short title.

Sec. 162. Benefits for the children of female Vietnam veterans who suffer from certain birth defects.

Subtitle H—Other Benefits Matters

Sec. 171. Review of dose reconstruction program of the Defense Threat Reduction Agency.

TITLE II—HEALTH CARE MATTERS

Sec. 201. Veterans not subject to copayments for medications.

Sec. 202. Establishment of position of Advisor on Physician Assistants within Office of Undersecretary for Health.

Sec. 203. Temporary full-time appointments of certain medical personnel.

TITLE III—CONSTRUCTION AND FACILITIES MATTERS

Subtitle A—Construction Matters

Sec. 301. Authorization of major medical facility projects for fiscal year 2001.

Sec. 302. Authorization of additional major medical facility project for fiscal year 2000.

Sec. 303. Authorization of appropriations.

Subtitle B—Other Matters

Sec. 311. Maximum term of lease of Department of Veterans Affairs property for homeless purposes.

Sec. 312. Land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana.

Sec. 313. Conveyance of Ft. Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.

Sec. 314. Effect of closure of Ft. Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 38, United States Code.

1 opment of information and medical or lay evidence nec-
2 essary to establish the eligibility of a claimant for benefits
3 under the laws administered by the Secretary.

4 “(b) The Secretary is not required to provide assist-
5 ance to a claimant under subsection (a) if no reasonable
6 possibility exists, as determined in accordance with regula-
7 tions prescribed under subsection (f), that such assistance
8 would aid in the establishment of the eligibility of the
9 claimant for benefits under the laws administered by the
10 Secretary.

11 “(c) In any claim for benefits under the laws adminis-
12 tered by the Secretary, the assistance provided by the Sec-
13 retary under subsection (a) shall include the following:

14 “(1) Informing the claimant and the claimant’s
15 representative, if any, of the information and med-
16 ical or lay evidence needed in order to aid in the es-
17 tablishment of the eligibility of the claimant for ben-
18 efits under the laws administered by the Secretary.

19 “(2) Informing the claimant and the claimant’s
20 representative, if any, if the Secretary is unable to
21 obtain any information or medical or lay evidence
22 described in paragraph (1).

23 “(d)(1) In any claim for disability compensation
24 under chapter 11 of this title, the assistance provided by
25 the Secretary under subsection (a) shall include, in addi-

1 tion to the assistance provided under subsection (c), the
2 following:

3 “(A) Obtaining the relevant service and medical
4 records maintained by applicable governmental enti-
5 ties that pertain to the veteran for the period or pe-
6 riods of the veteran’s service in the active military,
7 naval, or air service.

8 “(B) Obtaining existing records of relevant
9 medical treatment or examination provided at De-
10 partment health-care facilities or at the expense of
11 the Department, but only if the claimant has fur-
12 nished information sufficient to locate such records.

13 “(C) Obtaining from governmental entities any
14 other relevant records the claimant adequately iden-
15 tifies and authorizes the Secretary to obtain.

16 “(D) Making reasonable efforts to obtain from
17 private persons and entities any other relevant
18 records the claimant adequately identifies and au-
19 thORIZES the Secretary to obtain.

20 “(E) Providing a medical examination needed
21 for the purpose of determining the existence of a
22 current disability if the claimant submits verifiable
23 evidence, as determined in accordance with the regu-
24 lations prescribed under subsection (f), establishing

1 that the claimant is unable to afford medical treat-
2 ment.

3 “(F) Providing such other assistance as the
4 Secretary considers appropriate.

5 “(2) The efforts made to obtain records under sub-
6 paragraphs (A), (B), and (C) of paragraph (1) shall con-
7 tinue until it is reasonably certain, as determined in ac-
8 cordance with the regulations prescribed under subsection
9 (f), that such records do not exist.

10 “(e) If while obtaining or after obtaining information
11 or lay or medical evidence under subsection (d) the Sec-
12 retary determines that a medical examination or a medical
13 opinion is necessary to substantiate entitlement to a ben-
14 efit, the Secretary shall provide such medical examination
15 or obtain such medical opinion.

16 “(f) The Secretary shall prescribe regulations for
17 purposes of the administration of this section.”.

18 (d) COST OF OTHER AGENCIES IN FURNISHING IN-
19 FORMATION.—Section 5106 is amended by adding at the
20 end the following new sentence: “The cost of providing
21 such information shall be borne by the department or
22 agency providing such information.”.

23 (e) REPEAL OF “WELL-GROUNDED CLAIM” RULE.—
24 Section 5107 is amended to read as follows:

1 **“§ 5107. Burden of proof; benefit of the doubt**

2 “(a) Except when otherwise provided by this title or
3 by the Secretary in accordance with the provisions of this
4 title, a claimant shall have the burden of proof in estab-
5 lishing entitlement to benefits under the laws administered
6 by the Secretary.

7 “(b) The Secretary shall consider all information and
8 lay and medical evidence of record in a case before the
9 Department with respect to benefits under laws adminis-
10 tered by the Secretary, and shall give the claimant the
11 benefit of the doubt when there is an approximate balance
12 of positive and negative evidence regarding an issue mate-
13 rial to the determination of the matter.”.

14 (f) **APPLICABILITY OF ENHANCED AUTHORITIES.—**

15 (1) Except as specifically provided otherwise, section
16 5103A of title 38, United States Code (as added by sub-
17 section (c)), and section 5107 of title 38, United States
18 Code (as amended by subsection (e)), shall apply to any
19 claim pending on or filed on or after the date of the enact-
20 ment of this Act.

21 (2)(A) In the case of a claim for benefits described
22 in subparagraph (B), the Secretary of Veterans Affairs
23 shall, upon the request of the claimant, or upon the Sec-
24 retary’s motion, order such claim readjudicated in accord-
25 ance with section 5103A of title 38, United States Code
26 (as so added), and section 5107 of title 38, United States

1 Code (as so amended), as if the denial or dismissal of such
2 claim as described in that subparagraph had not been
3 made.

4 (B) A claim for benefits described in this subpara-
5 graph is any claim for benefits—

6 (i) the denial of which became final during the
7 period beginning on July 14, 1999, and ending on
8 the date of the enactment of this Act; and

9 (ii) which was denied or dismissed because the
10 claim was not well grounded (as that term was used
11 in section 5107(a) of title 38, United States Code,
12 during the period referred to in clause (i)).

13 (3) No claim shall be readjudicated under paragraph
14 (2) unless the request for readjudication is filed, or the
15 motion made, not later than two years after the date of
16 the enactment of this Act.

17 (4) In the absence of a timely request of a claimant
18 under paragraph (3), nothing in this subsection shall be
19 construed as establishing a duty on the part of the Sec-
20 retary to locate and readjudicate a claim described in
21 paragraph (2)(B).

22 (g) CLERICAL AMENDMENTS.—The table of sections
23 at the beginning of chapter 51 is amended—

24 (1) by striking the item relating to section 5101
25 and inserting the following new items:

“5101. Definition of ‘claimant’.
 “5101A. Claims and forms.”; and

1 (2) by inserting after the item relating to sec-
 2 tion 5103 the following new item:

“5103A. Assistance to claimants.”.

3 **SEC. 102. EXPANSION OF LIST OF DISEASES PRESUMED TO**
 4 **BE SERVICE-CONNECTED FOR RADIATION-EX-**
 5 **POSED VETERANS.**

6 Section 1112(c)(2) is amended by adding at the end
 7 the following:

8 “(P) Lung cancer.

9 “(Q) Colon cancer.

10 “(R) Tumors of the brain and central nervous
 11 system.

12 “(S) Ovarian cancer.”.

13 **SEC. 103. SPECIAL MONTHLY COMPENSATION FOR FEMALE**
 14 **VETERANS WHO LOSE A BREAST AS A RE-**
 15 **SULT OF A SERVICE-CONNECTED DISABILITY.**

16 (a) IN GENERAL.—Section 1114(k) is amended—

17 (1) by striking “or has suffered” and inserting
 18 “has suffered”; and

19 (2) by inserting after “air and bone conduc-
 20 tion,” the following: “or, in the case of a female vet-
 21 eran, has suffered the anatomical loss of one or both
 22 breasts (including loss by mastectomy),”.

1 (b) EFFECTIVE DATE.—(1) The amendments made
2 by subsection (a) shall take effect on the date of the enact-
3 ment of this Act, and shall apply with respect to payment
4 of compensation under section 1114(k) of title 38, United
5 States Code (as so amended), for months beginning on
6 or after that date.

7 (2) No compensation may be paid for any period be-
8 fore the date of the enactment of this Act by reason of
9 the amendments made by subsection (a).

10 **Subtitle B—Education Matters**

11 **SEC. 111. MAKING UNIFORM THE REQUIREMENT FOR HIGH** 12 **SCHOOL DIPLOMA OR EQUIVALENCY BEFORE** 13 **APPLICATION FOR MONTGOMERY GI BILL** 14 **BENEFITS.**

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

17 (A) in subsection (a), by striking paragraph (2)
18 and inserting the following new paragraph (2):

19 “(2) who completes the requirements of a sec-
20 ondary school diploma (or equivalency certificate), or
21 successfully completes (or otherwise receives aca-
22 demic credit for) the equivalent of 12 semester hours
23 in a program of education leading to a standard col-
24 lege degree, before applying for benefits under this
25 section; and”;

1 (B) by striking subsection (e); and

2 (C) by redesignating subsections (f), (g), (h),
3 and (i) as subsections (e), (f), (g), and (h), respec-
4 tively.

5 (2) Section 3017(a)(1)(A)(ii) is amended by striking
6 “clause (2)(A)” and inserting “clause (2)”.

7 (b) SELECTED RESERVE PROGRAM.—Section 3012 is
8 amended—

9 (1) in subsection (a), by striking paragraph (2)
10 and inserting the following new paragraph (2):

11 “(2) who completes the requirements of a sec-
12 ondary school diploma (or equivalency certificate), or
13 successfully completes (or otherwise receives aca-
14 demic credit for) the equivalent of 12 semester hours
15 in a program of education leading to a standard col-
16 lege degree, before applying for benefits under this
17 section; and”;

18 (2) by striking subsection (f); and

19 (3) by redesignating subsection (g) as sub-
20 section (f).

21 (c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—

22 Section 3018(b)(4) is amended to read as follows:

23 “(4) before applying for benefits under this
24 section—

1 uous active duty in the Armed Forces; or”;

2 and

3 (B) in clause (ii)(II), by striking “in the
4 case of an individual who completed not less
5 than 20 months” and all that follows through
6 “was at least three years” and inserting “if, in
7 the case of an individual with an obligated pe-
8 riod of service of two years, the individual com-
9 pletes not less than 20 months of continuous
10 active duty under that period of obligated serv-
11 ice, or, in the case of an individual with an obli-
12 gated period of service of three years, the indi-
13 vidual completes not less than 30 months of
14 continuous active duty under that period of ob-
15 ligated service”;

16 (2) in subsection (d)(1), by striking “individ-
17 ual’s initial obligated period of active duty” and in-
18 serting “obligated period of active duty on which an
19 individual’s entitlement to assistance under this sec-
20 tion is based”;

21 (3) in subsection (g)(2)(A), as redesignated by
22 section 111(a)(1)(C) of this Act, by striking “during
23 an initial period of active duty,” and inserting “dur-
24 ing the obligated period of active duty on which enti-

1 tlement to assistance under this section is based,”;
2 and

3 (4) in subsection (h), as so redesignated, by
4 striking “initial”.

5 (b) SELECTED RESERVE PROGRAM.—Section 3012 is
6 amended—

7 (1) in subsection (a)(1)(A)(i), by striking “, as
8 the individual’s” and all that follows through
9 “Armed Forces” and inserting “an obligated period
10 of active duty of at least two years of continuous ac-
11 tive duty in the Armed Forces”; and

12 (2) in subsection (e)(1), by striking “initial”.

13 (c) DURATION OF ASSISTANCE.—Section 3013 is
14 amended—

15 (1) in subsection (a)(2), by striking “individ-
16 ual’s initial obligated period of active duty” and in-
17 serting “obligated period of active duty on which
18 such entitlement is based”; and

19 (2) in subsection (b)(1), by striking “individ-
20 ual’s initial obligated period of active duty” and in-
21 serting “obligated period of active duty on which
22 such entitlement is based”.

23 (d) AMOUNT OF ASSISTANCE.—Section 3015 is
24 amended—

1 (1) in the second sentence of subsection (a), by
2 inserting before “a basic educational assistance al-
3 lowance” the following: “in the case of an individual
4 entitled to an educational assistance allowance under
5 this chapter whose obligated period of active duty on
6 which such entitlement is based is three years,”;

7 (2) in subsection (b), by striking “and whose
8 initial obligated period of active duty is two years,”
9 and inserting “whose obligated period of active duty
10 on which such entitlement is based is two years,”;
11 and

12 (3) in subsection (c)(2), by striking subpara-
13 graphs (A) and (B) and inserting the following new
14 subparagraphs (A) and (B):

15 “(A) whose obligated period of active duty on
16 which such entitlement is based is less than three
17 years;

18 “(B) who, beginning on the date of the com-
19 mencement of such obligated period of active duty,
20 serves a continuous period of active duty of not less
21 than three years; and”.

1 **SEC. 113. AVAILABILITY UNDER SURVIVORS' AND DEPEND-**
 2 **ENTS' EDUCATIONAL ASSISTANCE OF PRE-**
 3 **PARATORY COURSES FOR COLLEGE AND**
 4 **GRADUATE SCHOOL ENTRANCE EXAMS.**

5 Paragraph (5) of section 3501(a) is amended by add-
 6 ing at the end the following new sentence: "The term also
 7 includes any preparatory course described in section
 8 3002(3)(B) of this title."

9 **SEC. 114. ELECTION OF CERTAIN RECIPIENTS OF COM-**
 10 **MENCEMENT OF PERIOD OF ELIGIBILITY**
 11 **FOR SURVIVORS' AND DEPENDENTS' EDU-**
 12 **CATIONAL ASSISTANCE.**

13 Section 3512(a)(3) is amended by striking "8 years
 14 after," and all that follows through the end and inserting
 15 "8 years after the date elected by the person (if such elec-
 16 tion is approved as the beginning date of such period by
 17 the Secretary and is made during the period between such
 18 birthdays) which beginning date—

19 " (A) in the case of a person whose eligi-
 20 bility is based on a parent who has a service-
 21 connected total disability permanent in nature,
 22 shall be between the dates described in sub-
 23 section (d) of this section; and

24 " (B) in the case of a person whose eligi-
 25 bility is based on the death of a parent, shall
 26 be between—

1 “(i) the date of the parent’s death;
2 and
3 “(ii) the date of the Secretary’s deci-
4 sion that the death was service-con-
5 nected;”.

6 **SEC. 115. ADJUSTED EFFECTIVE DATE FOR AWARD OF SUR-**
7 **VIVORS’ AND DEPENDENTS’ EDUCATIONAL**
8 **ASSISTANCE.**

9 (a) IN GENERAL.—Section 5113 is amended—

10 (1) in subsection (a), by striking “subsection
11 (b) of this section,” and inserting “subsections (b)
12 and (c),”;

13 (2) by redesignating subsection (b) as sub-
14 section (c); and

15 (3) by inserting after subsection (a) the fol-
16 lowing new subsection (b):

17 “(b)(1) In determining the effective date of an award
18 of educational assistance under chapter 35 of this title for
19 an individual described in paragraph (2) based on an origi-
20 nal claim, the Secretary shall consider the individual’s ap-
21 plication under section 3513 of this title as having been
22 filed on the effective date from which the Secretary, by
23 rating decision, determines that the veteran from whom
24 eligibility for such educational assistance is derived either
25 died of a service-connected disability or established the ex-

1 istence of a total service-connected disability evaluated as
2 permanent in nature if that effective date is more than
3 one year before the date the rating decision is made.

4 “(2) An individual referred to in paragraph (1) is a
5 person eligible for educational assistance under chapter 35
6 of this title by reason of subparagraph (A)(i), (A)(ii), (B),
7 or (D) of section 3501(a)(1) of this title who—

8 “(A) submits to the Secretary an original appli-
9 cation under section 3513 of this title for edu-
10 cational assistance under that chapter within one
11 year after the date that the Secretary issues the rat-
12 ing decision on which the individual’s eligibility for
13 such educational assistance is based;

14 “(B) claims such educational assistance for
15 pursuit of an approved program of education during
16 a period or periods preceding the one-year period
17 ending on the date on which the individual’s applica-
18 tion under that section is received by the Secretary;
19 and

20 “(C) would, without regard to this subsection,
21 have been entitled to such educational assistance for
22 pursuit of such approved program of education if the
23 individual had submitted such application on the ef-
24 fective date from which the Secretary determined

1 that the individual was eligible for such educational
2 assistance.”.

3 (b) **STYLISTIC AMENDMENT.**—Subsection (c) of that
4 section, as redesignated by subsection (a)(2) of this sec-
5 tion, is amended by striking “of this section”.

6 (c) **APPLICABILITY.**—The amendments made by this
7 section shall take effect on the date of the enactment of
8 this Act, and shall apply with respect to applications first
9 made under section 3513 of title 38, United States Code,
10 that—

11 (1) are received by the Secretary of Veterans
12 Affairs on or after the date of the enactment of this
13 Act; or

14 (2) as of that date are pending with the Sec-
15 retary or exhaustion of available administrative and
16 judicial remedies.

17 **Subtitle C—Housing Matters**

18 **SEC. 121. ELIMINATION OF REDUCTION IN ASSISTANCE** 19 **FOR SPECIALLY ADAPTED HOUSING FOR DIS-** 20 **ABLED VETERANS FOR VETERANS HAVING** 21 **JOINT OWNERSHIP OF HOUSING UNITS.**

22 Section 2102 is amended by adding at the end the
23 following new subsection:

24 “(c) The amount of assistance afforded under sub-
25 section (a) for a veteran authorized assistance by section

1 2101(a) of this title shall not be reduced by reason that
 2 title to the housing unit, which is vested in the veteran,
 3 is also vested in any other person, if the veteran resides
 4 in the housing unit.”.

5 **SEC. 122. INCREASE IN MAXIMUM AMOUNT OF HOUSING**
 6 **LOAN GUARANTEE.**

7 (a) IN GENERAL.—Subparagraph (A)(i)(IV) of sec-
 8 tion 3703(a)(1) is amended by striking “\$50,750” and in-
 9 serting “\$63,175”.

10 (b) CONFORMING AMENDMENT.—Subparagraph (B)
 11 of that section is amended by striking “\$50,750” and in-
 12 serting “\$63,175”.

13 **SEC. 123. TERMINATION OF COLLECTION OF LOAN FEES**
 14 **FROM VETERANS RATED ELIGIBLE FOR COM-**
 15 **PENSATION AT PRE-DISCHARGE RATING EX-**
 16 **AMINATIONS.**

17 Section 3729(c) is amended—

18 (1) by inserting “(1)” before “A fee”; and

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

21 “(2) A veteran who is rated eligible to receive com-
 22 pensation as a result of a pre-discharge disability examina-
 23 tion and rating shall be treated as receiving compensation
 24 for purposes of this subsection as of the date on which
 25 the veteran is rated eligible to receive compensation as a

1 result of the pre-discharge disability examination and rat-
 2 ing without regard to whether an effective date of the
 3 award of compensation is established as of that date.”.

4 **Subtitle D—Insurance Matters**

5 **SEC. 131. PREMIUMS FOR TERM SERVICE DISABLED VET-** 6 **ERANS’ INSURANCE FOR VETERANS OLDER** 7 **THAN AGE 70.**

8 Section 1922 is amended by adding at the end the
 9 following new subsection:

10 “(c) The premium rate of any term insurance issued
 11 under this section shall not exceed the renewal age 70 pre-
 12 mium rate.”.

13 **SEC. 132. INCREASE IN AUTOMATIC MAXIMUM COVERAGE** 14 **UNDER SERVICEMEMBERS’ GROUP LIFE IN-** 15 **SURANCE AND VETERANS’ GROUP LIFE IN-** 16 **SURANCE.**

17 (a) MAXIMUM UNDER SERVICEMEMBERS’ GROUP
 18 LIFE INSURANCE.—Section 1967 is amended in sub-
 19 sections (a), (c), and (d) by striking “\$200,000” each
 20 place it appears and inserting “\$250,000”.

21 (b) MAXIMUM UNDER VETERANS’ GROUP LIFE IN-
 22 SURANCE.—Section 1977(a) is amended by striking
 23 “\$200,000” each place it appears and inserting
 24 “\$250,000”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on the first day of the first
 3 month that begins more than 120 days after the date of
 4 the enactment of this Act.

5 **SEC. 133. FAMILY COVERAGE UNDER SERVICEMEMBERS’**
 6 **GROUP LIFE INSURANCE.**

7 (a) INSURABLE DEPENDENTS.—Section 1965 is
 8 amended by adding at the end the following:

9 “(10) The term ‘insurable dependent’, with re-
 10 spect to a member, means the following:

11 “(A) The member’s spouse.

12 “(B) A child of the member for so long as
 13 the child is unmarried and the member is pro-
 14 viding over 50 percent of the support of the
 15 child.”.

16 (b) INSURANCE COVERAGE.—(1) Subchapter III of
 17 chapter 19 is amended by inserting after section 1967 the
 18 following new section:

19 **“§ 1967A. Insurance of dependents**

20 “(a) Subject to the provisions of this section, any pol-
 21 icy of insurance purchased by the Secretary under section
 22 1966 of this title shall also automatically insure against
 23 death each insurable dependent of a member.

1 “(b)(1) A member insurable under this subchapter
2 may make an election not to insure a spouse under this
3 subchapter.

4 “(2) Except as provided in subsection (c)(3), a spouse
5 covered by an election under paragraph (1) is not insured
6 under this section.

7 “(3) Except as otherwise provided under this section,
8 no insurable dependent of a member is insured under this
9 section unless the member is insured under this sub-
10 chapter.

11 “(c)(1) Subject to an election under paragraph (2),
12 the amount for which a person insured under this section
13 is insured under this subchapter is as follows:

14 “(A) In the case of a member’s spouse, the less-
15 er of—

16 “(i) the amount for which the member is
17 insured under this subchapter; or

18 “(ii) \$50,000.

19 “(B) In the case of a member’s child, \$5,000.

20 “(2) A member may elect in writing to insure the
21 member’s spouse in an amount less than the amount pro-
22 vided for under paragraph (1)(A). The amount of insur-
23 ance so elected shall be evenly divisible by \$10,000.

24 “(3) If a spouse eligible for insurance under this sec-
25 tion is not so insured, or is insured for less than the max-

1 imum amount provided for under subparagraph (A) of
2 paragraph (1) by reason of an election made by the mem-
3 ber concerned under paragraph (2), the spouse may there-
4 after be insured under this section in the maximum
5 amount or any lesser amount elected as provided for in
6 paragraph (2) upon written application by the member,
7 proof of good health of the spouse, and compliance with
8 such other terms and conditions as may be prescribed by
9 the Secretary.

10 “(d)(1) Insurance coverage under this section with
11 respect to an insurable dependent of the member shall
12 cease—

13 “(A) upon election made in writing by the
14 member to terminate the coverage; or

15 “(B) the date that is 120 days after the earlier
16 of—

17 “(i) the date of the member’s death;

18 “(ii) the date of termination of the insur-
19 ance on the member under this subchapter; or

20 “(iii) the date on which the insurable de-
21 pendent of the member no longer meets the cri-
22 teria applicable to an insurable dependent as
23 specified in section 1965(10) of this title.

24 “(2)(A) At the election of an insured spouse whose
25 insurance under this subchapter is terminated under para-

1 graph (1), the insurance shall be converted to an indi-
2 vidual policy of insurance upon written application for
3 conversion made to the participating company selected by
4 the insured spouse and the payment of the required pre-
5 miums.

6 “(B) The individual policy of insurance of an insured
7 spouse making an election under subparagraph (A) shall
8 become effective on the date of the termination of the
9 spouse’s insurance under paragraph (1).

10 “(C) The second, fourth, and fifth sentences of sec-
11 tion 1977(e) of this title shall apply with respect to the
12 insurance of an insured spouse under this paragraph.

13 “(e)(1) During any period in which the spouse of a
14 member is insured under this section, there shall be de-
15 ducted each month from the member’s basic or other pay,
16 or otherwise collected from the member, until the mem-
17 ber’s separation or release from active duty an amount
18 determined by the Secretary (which shall be the same for
19 all such members) as the premium allocable to the pay
20 period for providing that insurance coverage.

21 “(2)(A) The Secretary shall determine the premium
22 amounts to be charged for insurance coverage for spouses
23 of members under this section.

24 “(B) The premium amounts shall be determined on
25 the basis of sound actuarial principles and shall include

1 an amount necessary to cover the administrative costs to
2 the insurer or insurers providing such insurance.

3 “(C) Each premium rate for the first policy year shall
4 be continued for subsequent policy years, except that the
5 rate may be adjusted for any such subsequent policy year
6 on the basis of the experience under the policy, as deter-
7 mined by the Secretary in advance of that policy year.

8 “(3) Any amounts deducted or collected under para-
9 graph (1), together with the income derived from any divi-
10 dends or premium rate adjustments received from insurers
11 with respect to insurance under this section, shall be de-
12 posited to the credit of the revolving fund established by
13 section 1969(d) of this title, and shall be available for pay-
14 ment and use in accordance with the provisions of that
15 section.

16 “(f) Any amount of insurance in force on an insurable
17 dependent of a member under this section on the date of
18 the dependent’s death shall be paid, upon the establish-
19 ment of a valid claim therefor, to the member or, in the
20 event of the member’s death before payment to the mem-
21 ber can be made, then to the person or persons entitled
22 to receive payment of the proceeds of insurance on the
23 member’ life under section 1970 of this title.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by inserting after the item relating
3 to section 1967 the following new item:

“1967A. Insurance of dependents.”.

4 (c) EFFECTIVE DATE AND INITIAL IMPLEMENTA-
5 TION.—(1) This section and the amendments made by this
6 section shall take effect on the first day of the first month
7 that begins more than 120 days after the date of the en-
8 actment of this Act, except that paragraph (2) shall take
9 effect on the date of the enactment of this Act.

10 (2) The Secretary of Veterans Affairs, in consultation
11 with the Secretaries of the military departments, the Sec-
12 retary of Transportation, the Secretary of Commerce, and
13 the Secretary of Health and Human Services, shall take
14 such action as is necessary to ensure that each member
15 of the uniformed services on active duty (other than active
16 duty for training) during the period between the date of
17 the enactment of this Act and the effective date under
18 paragraph (1) is furnished an explanation of the insurance
19 benefits available for dependents under the amendments
20 made by this section and is afforded an opportunity before
21 such effective date to make elections that are authorized
22 under those amendments to be made with respect to de-
23 pendants.

1 **Subtitle E—Burial Matters**

2 **SEC. 141. ELIGIBILITY FOR INTERMENT IN THE NATIONAL** 3 **CEMETERIES OF CERTAIN FILIPINO VET-** 4 **ERANS OF WORLD WAR II.**

5 (a) **ELIGIBILITY OF CERTAIN COMMONWEALTH**
6 **ARMY VETERANS.**—Section 2402 is amended by adding
7 at the end the following new paragraph:

8 “(8) Any individual whose service is described
9 in section 107(a) of this title if such individual at
10 the time of death—

11 “(A) was a naturalized citizen of the
12 United States; and

13 “(B) resided in the United States.”.

14 (b) **CONFORMING AMENDMENT.**—Section 107(a)(3)
15 is amended by striking the period at the end and inserting
16 the following: “, and chapter 24 of this title to the extent
17 provided for in section 2402(8) of this title.”.

18 (c) **APPLICABILITY.**—The amendments made by this
19 section shall take effect on the date of the enactment of
20 this Act, and shall apply with respect to deaths occurring
21 on or after that date.

1 **Subtitle F—Employment Matters**

2 **SEC. 151. VETERANS EMPLOYMENT EMPHASIS UNDER FED-**
 3 **ERAL CONTRACTS FOR RECENTLY SEPA-**
 4 **RATED VETERANS.**

5 (a) EMPLOYMENT EMPHASIS.—Subsection (a) of sec-
 6 tion 4212 is amended in the first sentence by inserting
 7 “recently separated veterans,” after “veterans of the Viet-
 8 nam era,”.

9 (b) CONFORMING AMENDMENTS.—Subsection (d)(1)
 10 of that section is amended by inserting “recently sepa-
 11 rated veterans,” after “veterans of the Vietnam era,” each
 12 place it appears in subparagraphs (A) and (B).

13 (c) RECENTLY SEPARATED VETERAN DEFINED.—
 14 Section 4211 is amended by adding at the end the fol-
 15 lowing new paragraph:

16 “(6) The term ‘recently separated veteran’ means any
 17 veteran during the one-year period beginning on the date
 18 of such veteran’s discharge or release from active duty.”.

19 **SEC. 152. COMPTROLLER GENERAL AUDIT OF VETERANS**
 20 **EMPLOYMENT AND TRAINING SERVICE OF**
 21 **THE DEPARTMENT OF LABOR.**

22 (a) REQUIREMENT.—The Comptroller General of the
 23 United States shall carry out a comprehensive audit of the
 24 Veterans Employment and Training Service of the De-
 25 partment of Labor. The purpose of the audit is to provide

1 a basis for future evaluations of the effectiveness of the
2 Service is meeting its mission.

3 (b) COMMENCEMENT DATE.—The audit required by
4 subsection (a) shall commence not earlier than January
5 1, 2001.

6 (c) ELEMENTS.—In carrying out the audit of the
7 Veterans Employment and Training Service required by
8 subsection (a), the Comptroller General shall—

9 (1) review the requirements applicable to the
10 Service under law, including requirements under title
11 38, United States Code, and the regulations there-
12 under;

13 (2) evaluate the organizational structure of the
14 Service; and

15 (3) evaluate or assess any other matter relating
16 to the Service that the Comptroller General con-
17 sidered appropriate for the purpose specified in sub-
18 section (a).

19 (d) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit to the Committees on Veterans' Affairs of the Sen-
22 ate and House of Representatives a report on the audit
23 carried out under subsection (a). The report shall
24 include—

25 (1) the results of the audit; and

1 (2) any recommendations that the Comptroller
 2 General considers appropriate regarding the organi-
 3 zation or functions of the Veterans Employment and
 4 Training Service of the Department of Labor.

5 **Subtitle G—Benefits for Children**
 6 **of Female Vietnam Veterans**

7 **SEC. 161. SHORT TITLE.**

8 This subtitle may be cited as the “Children of Women
 9 Vietnam Veterans’ Benefits Act of 2000”.

10 **SEC. 162. BENEFITS FOR THE CHILDREN OF FEMALE VIET-**
 11 **NAM VETERANS WHO SUFFER FROM CERTAIN**
 12 **BIRTH DEFECTS.**

13 (a) **IN GENERAL.**—Chapter 18 is amended by adding
 14 at the end the following new subchapter:

15 “**SUBCHAPTER II—CHILDREN OF FEMALE**
 16 **VIETNAM VETERANS BORN WITH CERTAIN**
 17 **BIRTH DEFECTS**”

18 “**§ 1811. Definitions**”

19 “In this subchapter:

20 “(1) The term ‘child’, with respect to a female
 21 Vietnam veteran, means a natural child of the fe-
 22 male Vietnam veteran, regardless of age or marital
 23 status, who was conceived after the date on which
 24 the female Vietnam veteran first entered the Repub-

1 lic of Vietnam during the Vietnam era (as specified
2 in section 101(29)(A) of this title).

3 “(2) The term ‘covered birth defect’ means each
4 birth defect identified by the Secretary under section
5 1812 of this title.

6 “(3) The term ‘female Vietnam veteran’ means
7 any female individual who performed active military,
8 naval, or air service in the Republic of Vietnam dur-
9 ing the Vietnam era (as so specified), without regard
10 to the characterization of the individual’s service.

11 **“§ 1812. Birth defects covered**

12 “(a) IDENTIFICATION.—Subject to subsection (b),
13 the Secretary shall identify the birth defects of children
14 of female Vietnam veterans that—

15 “(1) are associated with the service of female
16 Vietnam veterans in the Republic of Vietnam during
17 the Vietnam era (as specified in section 101(29)(A)
18 of this title); and

19 “(2) result in the permanent physical or mental
20 disability of such children.

21 “(b) LIMITATIONS.—(1) The birth defects identified
22 under subsection (a) may not include birth defects result-
23 ing from the following:

24 “(A) A familial disorder.

25 “(B) A birth-related injury.

1 “(C) A fetal or neonatal infirmity with well-es-
2 tablished causes.

3 “(2) The birth defects identified under subsection (a)
4 may not include spina bifida.

5 “(c) LIST.—The Secretary shall prescribe in regula-
6 tions a list of the birth defects identified under subsection
7 (a).

8 **“§ 1813. Benefits and assistance**

9 “(a) HEALTH CARE.—(1) The Secretary shall pro-
10 vide a child of a female Vietnam veteran who was born
11 with a covered birth defect such health care as the Sec-
12 retary determines is needed by the child for such birth
13 defect or any disability that is associated with such birth
14 defect.

15 “(2) The Secretary may provide health care under
16 this subsection directly or by contract or other arrange-
17 ment with a health care provider.

18 “(3) For purposes of this subsection, the definitions
19 in section 1803(c) of this title shall apply with respect to
20 the provision of health care under this subsection, except
21 that for such purposes—

22 “(A) the reference to ‘specialized spina bifida
23 clinic’ in paragraph (2) of such section 1803(c) shall
24 be treated as a reference to a specialized clinic treat-

1 ing the birth defect concerned under this subsection;
2 and

3 “(B) the reference to ‘vocational training under
4 section 1804 of this title’ in paragraph (8) of such
5 section 1803(c) shall be treated as a reference to vo-
6 cational training under subsection (b).

7 “(b) VOCATIONAL TRAINING.—(1) The Secretary
8 may provide a program of vocational training to a child
9 of a female Vietnam veteran who was born with a covered
10 birth defect if the Secretary determines that the achieve-
11 ment of a vocational goal by the child is reasonably fea-
12 sible.

13 “(2) Subsections (b) through (e) of section 1804 of
14 this title shall apply with respect to any program of voca-
15 tional training provided under paragraph (1).

16 “(c) MONETARY ALLOWANCE.—(1) The Secretary
17 shall pay a monthly allowance to any child of a female
18 Vietnam veteran who was born with a covered birth defect
19 for any disability resulting from such birth defect.

20 “(2) The amount of the monthly allowance paid
21 under this subsection shall be based on the degree of dis-
22 ability suffered by the child concerned, as determined in
23 accordance with a schedule for rating disabilities resulting
24 from covered birth defects that is prescribed by the Sec-
25 retary.

1 “(3) In prescribing a schedule for rating disabilities
2 under paragraph (2), the Secretary shall establish four
3 levels of disability upon which the amount of the monthly
4 allowance under this subsection shall be based.

5 “(4) The amount of the monthly allowance paid
6 under this subsection shall be as follows:

7 “(A) In the case of a child suffering from the
8 lowest level of disability prescribed in the schedule
9 for rating disabilities under this subsection, \$100.

10 “(B) In the case of a child suffering from the
11 lower intermediate level of disability prescribed in
12 the schedule for rating disabilities under this sub-
13 section, the greater of—

14 “(i) \$214; or

15 “(ii) the monthly amount payable under
16 section 1805(b)(3) of this title for the lowest
17 level of disability prescribed for purposes of
18 that section.

19 “(C) In the case of a child suffering from the
20 higher intermediate level of disability prescribed in
21 the schedule for rating disabilities under this sub-
22 section, the greater of—

23 “(i) \$743; or

24 “(ii) the monthly amount payable under
25 section 1805(b)(3) of this title for the inter-

1 mediate level of disability prescribed for pur-
2 poses of that section.

3 “(D) In the case of a child suffering from the
4 highest level of disability prescribed in the schedule
5 for rating disabilities under this subsection, the
6 greater of—

7 “(i) \$1,272; or

8 “(ii) the monthly amount payable under
9 section 1805(b)(3) of this title for the highest
10 level of disability prescribed for purposes of
11 that section.

12 “(5) Amounts under subparagraphs (A), (B)(i),
13 (C)(i), and (D)(i) of paragraph (4) shall be subject to ad-
14 justment from time to time under section 5312 of this
15 title.

16 “(6) Subsections (c) and (d) of section 1805 of this
17 title shall apply with respect to any monthly allowance
18 paid under this subsection.

19 “(d) GENERAL LIMITATIONS ON AVAILABILITY OF
20 BENEFITS AND ASSISTANCE.—(1) No individual receiving
21 benefits or assistance under this section may receive any
22 benefits or assistance under subchapter I of this chapter.

23 “(2) In any case where affirmative evidence estab-
24 lishes that the covered birth defect of a child results from
25 a cause other than the active military, naval, or air service

1 in the Republic of Vietnam of the female Vietnam veteran
 2 who is the mother of the child, no benefits or assistance
 3 may be provided the child under this section.

4 “(e) REGULATIONS.—The Secretary shall prescribe
 5 regulations for purposes of the administration of the provi-
 6 sions of this section.”.

7 (b) ADMINISTRATIVE PROVISIONS.—Chapter 18 is
 8 further amended by inserting after subchapter II, as
 9 added by subsection (a) of this section, the following new
 10 subchapter:

11 “SUBCHAPTER III—ADMINISTRATIVE MATTERS

12 **“§ 1821. Applicability of certain administrative provi-**
 13 **sions**

14 “The provisions of sections 5101(e), 5110(a), (b)(2),
 15 (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and
 16 (b)(10) of this title shall apply with respect to benefits
 17 and assistance under this chapter in the same manner as
 18 such provisions apply to veterans’ disability compensation.

19 **“§ 1822. Treatment of receipt of monetary allowance**
 20 **on other benefits**

21 “(a) Notwithstanding any other provision of law, re-
 22 ceipt by an individual of a monetary allowance under this
 23 chapter shall not impair, infringe, or otherwise affect the
 24 right of the individual to receive any other benefit to which

1 the individual is otherwise entitled under any law adminis-
2 tered by the Secretary.

3 “(b) Notwithstanding any other provision of law, re-
4 ceipt by an individual of a monetary allowance under this
5 chapter shall not impair, infringe, or otherwise affect the
6 right of any other individual to receive any benefit to
7 which such other individual is entitled under any law ad-
8 ministered by the Secretary based on the relationship of
9 such other individual to the individual who receives such
10 monetary allowance.

11 “(c) Notwithstanding any other provision of law, a
12 monetary allowance paid an individual under this chapter
13 shall not be considered as income or resources in deter-
14 mining eligibility for or the amount of benefits under any
15 Federal or Federally-assisted program.”.

16 (c) REPEAL OF SUPERSEDED MATTER.—(1) Sub-
17 sections (c) and (d) of section 1805 are repealed.

18 (2) Section 1806 is repealed.

19 (d) REDESIGNATION OF EXISTING MATTER.—Chap-
20 ter 18 is further amended by inserting before section 1801
21 the following:

1 “SUBCHAPTER I—CHILDREN OF VIETNAM
2 VETERANS BORN WITH SPINA BIFIDA”.

3 (e) CONFORMING AMENDMENTS.—(1) Sections 1801
4 and 1802 are each amended by striking “this chapter”
5 and inserting “this subchapter”.

6 (2) Section 1805(a) is amended by striking “this
7 chapter” and inserting “this section”.

8 (f) CLERICAL AMENDMENTS.—(1)(A) The chapter
9 heading of chapter 18 is amended to read as follows:

10 **“CHAPTER 18—BENEFITS FOR CHILDREN**
11 **OF VIETNAM VETERANS”.**

12 (1) The tables of chapters at beginning, and at the
13 beginning of part II, are each amended by striking the
14 item relating to chapter 18 and inserting the following new
15 item:

“18. Benefits for Children of Vietnam Veterans 1801”.

16 (2) The table of sections at the beginning of chapter
17 18 is amended—

18 (A) by inserting after the chapter heading the
19 following:

 “SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN
 WITH SPINA BIFIDA”;

20 (B) by striking the item relating to section
21 1806; and

22 (C) by adding at the end the following:

 “SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS
 BORN WITH CERTAIN BIRTH DEFECTS

“1811. Definitions.

“1812. Birth defects covered.

“1813. Benefits and assistance.

“SUBCHAPTER III—ADMINISTRATIVE MATTERS

“1821. Applicability of certain administrative provisions.

“1822. Treatment of receipt of monetary allowance on other benefits.”.

1 (g) APPLICABILITY.—(1) Except as provided in para-
2 graph (2), the amendments made by this section shall take
3 effect on the first day of the first month beginning more
4 than one year after the date of the enactment of this Act.

5 (2) The Secretary of Veterans Affairs shall identify
6 birth defects under section 1822 of title 38, United States
7 Code (as added by subsection (a) of this section), and shall
8 prescribe the regulations required by subchapter II of that
9 title (as so added), not later than the effective date speci-
10 fied in paragraph (1).

11 (3) No benefit or assistance may be provided under
12 subchapter II of chapter 18 of title 38, United States Code
13 (as so added), for any period before the effective date spec-
14 ified in paragraph (1) by reason of the amendments made
15 by this section.

16 **Subtitle H—Other Benefits Matters**

17 **SEC. 171. REVIEW OF DOSE RECONSTRUCTION PROGRAM**

18 **OF THE DEFENSE THREAT REDUCTION AGEN-**

19 **CY.**

20 (a) REVIEW BY NATIONAL ACADEMY OF
21 SCIENCES.—Not later than 30 days after the date of the
22 enactment of this Act, the Secretary of Defense shall enter

1 into a contract with the National Academy of Sciences to
2 carry out periodic reviews of the dose reconstruction pro-
3 gram of the Defense Threat Reduction Agency.

4 (b) REVIEW ACTIVITIES.—The periodic reviews of the
5 dose reconstruction program under the contract under
6 subsection (a) shall consist of the periodic selection of ran-
7 dom samples of doses reconstructed by the Defense Threat
8 Reduction Agency in order to determine—

9 (1) whether or not the reconstruction of the
10 sampled doses is accurate;

11 (2) whether or not the reconstructed dosage
12 number is accurately reported;

13 (3) whether or not the assumptions made re-
14 garding radiation exposure based upon the sampled
15 doses are credible; and

16 (4) whether or not the data from nuclear tests
17 used by the Defense Threat Reduction Agency as
18 part of the reconstruction of the sampled doses is
19 accurate.

20 (c) DURATION OF REVIEW.—The periodic reviews
21 under the contract under subsection (a) shall occur over
22 a period of 24 months.

23 (d) REPORT.—(1) Not later than 60 days after the
24 conclusion of the period referred to in subsection (c) the
25 National Academy of Sciences shall submit to Congress

1 a report on its activities under the contract under this sec-
2 tion.

3 (2) The report shall include the following:

4 (A) A detailed description of the activities of
5 the National Academy of Sciences under the con-
6 tract.

7 (B) Any recommendations that the National
8 Academy of Sciences considers appropriate regard-
9 ing a permanent system of review of the dose recon-
10 struction program of the Defense Threat Reduction
11 Agency.

12 **TITLE II—HEALTH CARE** 13 **MATTERS**

14 **SEC. 201. VETERANS NOT SUBJECT TO COPAYMENTS FOR** 15 **MEDICATIONS.**

16 Subparagraph (B) of section 1722A(a)(3) is amended
17 to read as follows:

18 “(B) to a veteran who is considered by the Sec-
19 retary to be unable to defray the expenses of nec-
20 essary care under section 1722 of this title.”.

21 **SEC. 202. ESTABLISHMENT OF POSITION OF ADVISOR ON** 22 **PHYSICIAN ASSISTANTS WITHIN OFFICE OF** 23 **UNDERSECRETARY FOR HEALTH.**

24 (a) ESTABLISHMENT.—Subsection (a) of section
25 7306 is amended—

1 (1) by redesignating paragraph (9) as para-
2 graph (10); and

3 (2) by inserting after paragraph (8) the fol-
4 lowing new paragraph (9):

5 “(9) The Advisor on Physician Assistants, who
6 shall carry out the responsibilities set forth in sub-
7 section (f).”.

8 (b) RESPONSIBILITIES.—That section is further
9 amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection (f):

14 “(f) The Advisor on Physician Assistants under sub-
15 section (a)(9) shall—

16 “(1) advise the Under Secretary for Health on
17 matters regarding the optimal utilization of physi-
18 cian assistants by the Veterans Health Administra-
19 tion;

20 “(2) advise the Under Secretary for Health on
21 the feasibility and desirability of establishing clinical
22 privileges and practice areas for physician assistants
23 in the Administration;

1 “(3) develop initiatives to facilitate the utiliza-
2 tion of the full range of clinical capabilities of the
3 physician assistants employed by the Administration;

4 “(4) provide advice on policies affecting the em-
5 ployment of physician assistants by the Administra-
6 tion, including policies on educational requirements,
7 national certification, recruitment and retention,
8 staff development, and the availability of educational
9 assistance (including scholarship, tuition reimburse-
10 ment, and loan repayment assistance); and

11 “(5) carry out such other responsibilities as the
12 Under Secretary for Health shall specify.”.

13 **SEC. 203. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**
14 **TAIN MEDICAL PERSONNEL.**

15 (a) PHYSICIAN ASSISTANTS AWAITING CERTIFI-
16 CATION OR LICENSURE.—Paragraph (2) of section
17 7405(c) is amended—

18 (1) by striking “nursing,” and inserting “nurs-
19 ing”; and

20 (2) by inserting “who have successfully com-
21 pleted a full course of training as a physician assist-
22 ant in a recognized school approved by the Sec-
23 retary,” before “or who”.

24 (b) MEDICAL SUPPORT PERSONNEL.—That section
25 is further amended—

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the fol-
4 lowing new paragraph (3):

5 “(3)(A) Temporary full-time appointments of persons
6 in positions referred to in subsection (a)(1)(D) shall not
7 exceed three years.

8 “(B) Temporary full-time appointments under this
9 paragraph may be renewed for one or more additional pe-
10 riods not in excess of three years each.”.

11 **TITLE III—CONSTRUCTION AND**
12 **FACILITIES MATTERS**

13 **Subtitle A—Construction Matters**

14 **SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
15 **PROJECTS FOR FISCAL YEAR 2001.**

16 The Secretary of Veterans Affairs may carry out the
17 following major medical projects, with each project to be
18 carried out in the amount specified for that project:

19 (1) Construction of a 120-bed gero-psychiatric
20 facility at the Department of Veterans Affairs Palo
21 Alto Health Care System, Menlo Park Division,
22 California, \$26,600,000.

23 (2) Construction of a nursing home at the De-
24 partment of Veterans Affairs Medical Center, Beck-
25 ley, West Virginia, \$9,500,000.

1 **SEC. 302. AUTHORIZATION OF ADDITIONAL MAJOR MED-**
2 **ICAL FACILITY PROJECT FOR FISCAL YEAR**
3 **2000.**

4 Section 401 of the Veterans Millennium Health Care
5 and Benefits Act (Public Law 106–117; 113 Stat. 1572)
6 is amended by adding at the end the following:

7 “(7) Renovation of psychiatric nursing units at
8 the Department of Veterans Affairs Medical Center,
9 Murfreesboro, Tennessee, in an amount not to ex-
10 ceed \$14,000,000.”.

11 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
13 **CAL YEAR 2001 PROJECTS.**—There are authorized to be
14 appropriated to the Secretary of Veterans Affairs for fiscal
15 year 2001 and for fiscal year 2002, \$36,100,000 for the
16 Construction, Major Projects, account for the projects au-
17 thorized in section 301.

18 (b) **AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**
19 **TIONAL FISCAL YEAR 2000 PROJECT.**—Section 403 of the
20 Veterans Millennium Health Care and Benefits Act (Pub-
21 lic Law 106–117; 113 Stat. 1573) is amended—

22 (1) in subsection (a)(1), by striking
23 “\$57,500,000 for the projects authorized in para-
24 graphs (1) through (5)” and inserting “\$71,500,000
25 for the projects authorized in paragraphs (1)
26 through (5) and (7)”; and

1 (2) in subsection (b), by inserting “and (7)”
 2 after “through (5)” in the matter preceding para-
 3 graph (1).

4 (c) LIMITATION.—The projects authorized in section
 5 301 may only be carried out using—

6 (1) funds appropriated for fiscal year 2001 or
 7 fiscal year 2002 pursuant to the authorization of ap-
 8 propriations in subsection (a);

9 (2) funds appropriated for Construction, Major
 10 Projects for a fiscal year before fiscal year 2001 that
 11 remain available for obligation; and

12 (3) funds appropriated for Construction, Major
 13 Projects for fiscal year 2001 for a category of activ-
 14 ity not specific to a project.

15 **Subtitle B—Other Matters**

16 **SEC. 311. MAXIMUM TERM OF LEASE OF DEPARTMENT OF** 17 **VETERANS AFFAIRS PROPERTY FOR HOME-** 18 **LESS PURPOSES.**

19 Section 3735(a)(4) is amended by striking “three
 20 years” and inserting “20 years”.

21 **SEC. 312. LAND CONVEYANCE, MILES CITY VETERANS AD-** 22 **MINISTRATION MEDICAL COMPLEX, MILES** 23 **CITY, MONTANA.**

24 (a) CONVEYANCE REQUIRED.—The Secretary of Vet-
 25 erans Affairs shall convey, without consideration, to Cus-

1 ter County, Montana (in this section referred to as the
2 “County”), all right, title, and interest of the United
3 States in and to the parcels of real property consisting
4 of the Miles City Veterans Administration Medical Center
5 complex, which has served as a medical and support com-
6 plex for the Department of Veterans Affairs in Miles City,
7 Montana.

8 (b) TIMING OF CONVEYANCE.—The conveyance re-
9 quired by subsection (a) shall be made as soon as prac-
10 ticable after the date of the enactment of this Act.

11 (c) CONDITIONS OF CONVEYANCE.—The conveyance
12 required by subsection (a) shall be subject to the condition
13 that the County—

14 (1) use the parcels conveyed, whether directly
15 or through an agreement with a public or private en-
16 tity, for veterans activities, community and economic
17 development, or such other public purposes as the
18 County considers appropriate; or

19 (2) convey the parcels to an appropriate public
20 or private entity for use for the purposes specified
21 in paragraph (1).

22 (d) CONVEYANCE OF IMPROVEMENTS.—(1) As part
23 of the conveyance required by subsection (a), the Sec-
24 retary may also convey to the County any improvements,
25 equipment, fixtures, and other personal property located

1 on the parcels conveyed under that subsection that are not
2 required by the Secretary.

3 (2) Any conveyance under this subsection shall be
4 without consideration.

5 (e) USE PENDING CONVEYANCE.—Until such time as
6 the real property to be conveyed under subsection (a) is
7 conveyed by deed under this section, the Secretary may
8 continue to lease the real property, together with any im-
9 provements thereon, under the terms and conditions of the
10 current lease of the real property.

11 (f) MAINTENANCE PENDING CONVEYANCE.—The
12 Secretary shall be responsible for maintaining the real
13 property to be conveyed under subsection (a), and any im-
14 provements, equipment, fixtures, and other personal prop-
15 erty to be conveyed under subsection (d), in its condition
16 as of the date of the enactment of this Act until such time
17 as the real property, and such improvements, equipment,
18 fixtures, and other personal property are conveyed by deed
19 under this section.

20 (g) LEGAL DESCRIPTION.—The exact acreage and
21 legal description of the real property to be conveyed under
22 subsection (a) shall be determined by a survey satisfactory
23 to the Secretary.

24 (h) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under this section
2 as the Secretary determines appropriate to protect the in-
3 terests of the United States.

4 **SEC. 313. CONVEYANCE OF FT. LYON DEPARTMENT OF VET-**
5 **ERANS AFFAIRS MEDICAL CENTER, COLO-**
6 **RADO, TO THE STATE OF COLORADO.**

7 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
8 any other provision of law and subject to the provisions
9 of this section, the Secretary of Veterans Affairs may con-
10 vey, without consideration, to the State of Colorado all
11 right, title, and interest of the United States in and to
12 a parcel of real property, including improvements thereon,
13 consisting of approximately 512 acres and comprising the
14 location of the Ft. Lyon Department of Veterans Affairs
15 Medical Center. The purpose of the conveyance is to per-
16 mit the State of Colorado to utilize the property for pur-
17 poses of a correctional facility.

18 (b) PUBLIC ACCESS.—(1) The Secretary may not
19 make the conveyance of real property authorized by sub-
20 section (a) unless the State of Colorado agrees to provide
21 appropriate public access to Kit Carson Chapel, which is
22 located on the real property, and the cemetery located ad-
23 jacent to the real property.

24 (2) The State of Colorado may satisfy the condition
25 specified in paragraph (1) with respect to Kit Carson

1 Chapel by relocating the chapel to Fort Lyon National
2 Cemetery, Colorado, or another appropriate location ap-
3 proved by the Secretary.

4 (c) PLAN REGARDING CONVEYANCE.—(1) The Sec-
5 retary may not make the conveyance authorized by sub-
6 section (a) before the date on which the Secretary imple-
7 ments a plan providing the following:

8 (A) Notwithstanding sections 1720(a)(3) and
9 1741 of title 38, United States Code, that veterans
10 who are receiving inpatient or institutional long-term
11 care at Ft. Lyon Department of Veterans Affairs
12 Medical Center as of the date of the enactment of
13 this Act are provided appropriate inpatient or insti-
14 tutional long-term care under the same terms and
15 conditions as such veterans are receiving inpatient
16 or institutional long-term care as of that date.

17 (B) That the conveyance of the Ft. Lyon De-
18 partment of Veterans Affairs Medical Center does
19 not result in a reduction of health care services
20 available to veterans in the catchment area of the
21 Medical Center.

22 (C) Improvements in veterans' overall access to
23 health care in the catchment area through, for ex-
24 ample, the opening of additional outpatient clinics.

1 (2) The Secretary shall prepare the plan referred to
2 in paragraph (1) in consultation with appropriate rep-
3 resentatives of veterans service organizations and other
4 appropriate organizations.

5 (3) The Secretary shall publish a copy of the plan
6 referred to in paragraph (1) before implementation of the
7 plan.

8 (d) ENVIRONMENTAL RESTORATION.—The Secretary
9 may not make the conveyance authorized by subsection (a)
10 until the Secretary completes the evaluation and perform-
11 ance of any environmental restoration activities required
12 by the Comprehensive Environmental Response, Com-
13 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
14 seq.), and by any other provision of law.

15 (e) PERSONAL PROPERTY.—As part of the convey-
16 ance authorized by subsection (a), the Secretary may con-
17 vey, without consideration, to the State of Colorado any
18 furniture, fixtures, equipment, and other personal prop-
19 erty associated with the property conveyed under that sub-
20 section that the Secretary determines is not required for
21 purposes of the Department of Veterans Affairs health
22 care facilities to be established by the Secretary in south-
23 ern Colorado or for purposes of Fort Lyon National Ceme-
24 tery.

1 (f) LEGAL DESCRIPTION.—The exact acreage and
2 legal description of the real property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary. Any costs associated with the survey
5 shall be borne by the State of Colorado.

6 (g) ADDITIONAL TERMS AND CONDITIONS.—The
7 Secretary may require such other terms and conditions in
8 connection with the conveyances authorized by subsections
9 (a) and (e) as the Secretary considers appropriate to pro-
10 tect the interests of the United States.

11 **SEC. 314. EFFECT OF CLOSURE OF FT. LYON DEPARTMENT**
12 **OF VETERANS AFFAIRS MEDICAL CENTER ON**
13 **ADMINISTRATION OF HEALTH CARE FOR**
14 **VETERANS.**

15 (a) PAYMENT FOR NURSING HOME CARE.—Notwith-
16 standing any limitation under section 1720 or 1741 of title
17 38, United States Code, the Secretary of Veterans Affairs
18 may pay the State of Colorado, or any private nursing
19 home care facility, for costs incurred in providing nursing
20 home care to any veteran who is relocated from the Ft.
21 Lyon Department of Veterans Affairs Medical Center,
22 Colorado, to the State of Colorado or such private facility,
23 as the case may be, as a result of the closure of the Ft.
24 Lyon Department of Veterans Affairs Medical Center.

1 (b) OBLIGATION TO PROVIDE EXTENDED CARE
2 SERVICES.—Nothing in section 313 of this Act or this sec-
3 tion may be construed to alter or otherwise effect the obli-
4 gation of the Secretary to meet the requirements of section
5 1710B(b) of title 38, United States Code, relating to staff-
6 ing and levels of extended care services in fiscal years after
7 fiscal year 1998.

8 (c) EXTENSION OF VOLUNTARY EARLY RETIREMENT
9 AUTHORITY.—Notwithstanding section 1109(a) of the De-
10 partment of Veterans Affairs Employment Reduction As-
11 sistance Act of 1999 (title XI of Public Law 106–117;
12 113 Stat. 1599; 5 U.S.C. 5597 note), the authority to pay
13 voluntary separation incentive payments under that Act
14 to employees of the Ft. Lyon Department of Veterans Af-
15 fairs Medical Center shall apply to eligible employees (as
16 defined by section 1110 of that Act) at the Ft. Lyon De-
17 partment of Veterans Affairs Medical Center whose sepa-
18 ration occurs before June 30, 2001.

19 (d) REPORT ON VETERANS HEALTH CARE IN
20 SOUTHERN COLORADO.—Not later than one year after the
21 conveyance, if any, authorized by section 313, the Under
22 Secretary for Health of the Department of Veterans Af-
23 fairs, acting through the Director of Veterans Integrated
24 Service Network (VISN) 19, shall submit to the Commit-
25 tees on Veterans' Affairs of the Senate and the House of

1 Representatives a report on the status of the health care
2 system for veterans under the Network in the Southern
3 Colorado. The report shall describe any improvements to
4 the system in Southern Colorado that have been put into
5 effect in the period beginning on the date of the convey-
6 ance and ending on the date of the report.

Passed the Senate September 21, 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 1810

AN ACT

To amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.

S 1810 ES—2

S 1810 ES—3

S 1810 ES—4

S 1810 ES—5