

banana farmers, and the economies of so many Caribbean nations, not be damaged in any way.

I urge my colleagues to oppose H.R. 4761. It is a bill that rewards one special interest at the expense of many of our Caribbean allies and more importantly it will consign Caribbean peoples to further economic devastation beyond that experienced by the recent hurricane. This bill deserves to be defeated.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken later.

#### VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 592) providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110.

The Clerk read as follows:

H. RES. 592

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4110, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with the following amendments:

(1) Amend the title so as to read: "An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Enhancement Act of 1998".

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

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

#### TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

Sec. 101. Agreement with National Academy of Sciences regarding evaluation of health consequences of service in Southwest Asia during the Persian Gulf War.

Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.

Sec. 103. National center on war-related illnesses and post-deployment health issues.

Sec. 104. Coordination of activities.

Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.

Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.

Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

#### TITLE II—EDUCATION AND EMPLOYMENT

##### Subtitle A—Education Matters

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.

Sec. 202. Election of advance payment of work-study allowance.

Sec. 203. Alternative to twelve semester hour equivalency requirement.

Sec. 204. Medical evidence for flight training requirements.

Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.

Sec. 206. Expansion of education outreach services.

Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

##### Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

Sec. 211. Enforcement of rights with respect to a State as an employer.

Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.

Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.

#### TITLE III—COMPENSATION, PENSION, AND INSURANCE

Sec. 301. Medal of Honor special pension.

Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.

Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.

Sec. 304. National Service Life Insurance program.

#### TITLE IV—MEMORIAL AFFAIRS

Sec. 401. Commemoration of individuals whose remains are unavailable for interment.

Sec. 402. Merchant mariner burial and cemetery benefits.

Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.

Sec. 404. State cemetery grants program.

#### TITLE V—COURT OF VETERANS APPEALS

##### Subtitle A—Administrative Provisions Relating to the Court

Sec. 501. Continuation in office of judges pending confirmation for second term.

Sec. 502. Exemption of retirement fund from sequestration orders.

Sec. 503. Adjustments for survivor annuities.

Sec. 504. Reports on retirement program modifications.

##### Subtitle B—Renaming of Court

Sec. 511. Renaming of the Court of Veterans Appeals.

Sec. 512. Conforming amendments.

Sec. 513. Effective date.

#### TITLE VI—HOUSING

Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.

Sec. 602. Veterans housing benefit program fund account consolidation.

Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.

Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.

#### TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

Sec. 701. Authorization of major medical facility projects.

Sec. 702. Authorization of major medical facility leases.

Sec. 703. Authorization of appropriations.

Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.

Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.

Sec. 706. Parking fees.

Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.

Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.

Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.

Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.

#### TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Sec. 801. Short title.

Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.

Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.

Sec. 804. Repeal of prohibition on payment of tuition loans.

Sec. 805. Conforming amendments.

Sec. 806. Coordination with appropriations provision.

#### TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

Sec. 901. Examinations and care associated with certain radiation treatment.

- Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.
- Sec. 903. Management of specialized treatment and rehabilitative programs.
- Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
- Sec. 905. Report on nurse locality pay.
- Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.
- Sec. 907. Interim appointment of Under Secretary for Health.

#### TITLE X—OTHER MATTERS

- Sec. 1001. Requirement for naming of Department property.
- Sec. 1002. Members of the Board of Veterans' Appeals.
- Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.
- Sec. 1004. Disabled veterans outreach program specialists.
- Sec. 1005. Technical amendments.

#### TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

- Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.
- Sec. 1102. Publication of adjusted rates.

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

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

#### TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

##### SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING EVALUATION OF HEALTH CONSEQUENCES OF SERVICE IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not a part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between illness and service in the Persian Gulf War.

(b) AGREEMENT.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of the enactment of this Act.

(2)(A) If the Secretary is unable within the time period set forth in paragraph (1) to enter into an agreement with the Academy for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the Academy.

(B) If the Secretary enters into an agreement with another organization under this paragraph, any reference in this section to

the National Academy of Sciences shall be treated as a reference to such other organization.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct a comprehensive review and evaluation of the available scientific and medical information regarding the health status of Gulf War veterans and the health consequences of exposures to risk factors during service in the Persian Gulf War. In conducting such review and evaluation, the Academy shall—

(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines (including the agents specified in subsection (d)(1)) to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service;

(B) identify the illnesses associated with the agents, hazards, or medicines or vaccines identified under subparagraph (A); and

(C) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) for which there is scientific evidence of a higher prevalence among populations of Gulf War veterans when compared with other appropriate populations of individuals.

(2) In identifying illnesses under subparagraphs (B) and (C) of paragraph (1), the Academy shall review and summarize the relevant scientific evidence regarding illnesses, including symptoms, adverse reproductive health outcomes, and mortality, among the members described in paragraph (1)(A) and among other appropriate populations of individuals.

(3) In conducting the review and evaluation under paragraph (1), the Academy shall, for each illness identified under subparagraph (B) or (C) of that paragraph, assess the latency period, if any, between service or exposure to any potential risk factor (including an agent, hazard, or medicine or vaccine identified under subparagraph (A) of that paragraph) and the manifestation of such illness.

(d) SPECIFIED AGENTS.—(1) In identifying under subsection (c)(1)(A) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed, the National Academy of Sciences shall consider the following:

(A) The following organophosphorous pesticides:

- (i) Chlorpyrifos.
- (ii) Diazinon.
- (iii) Dichlorvos.
- (iv) Malathion.

(B) The following carbamate pesticides:

- (i) Proxpur.
- (ii) Carbaryl.
- (iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbons and other pesticides and repellents:

- (i) Lindane.
- (ii) Pyrethrins.
- (iii) Permethrins.
- (iv) Rodenticides (bait).
- (v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:

- (i) Sarin.
- (ii) Tabun.

(F) The following synthetic chemical compounds:

- (i) Mustard agents at levels below those which cause immediate blistering.
- (ii) Volatile organic compounds.
- (iii) Hydrazine.
- (iv) Red fuming nitric acid.

(v) Solvents.

(G) The following sources of radiation:

- (i) Depleted uranium.
- (ii) Microwave radiation.
- (iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:

- (i) Hydrogen sulfide.
- (ii) Oil fire byproducts.
- (iii) Diesel heater fumes.
- (iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):

- (i) Leishmaniasis.
- (ii) Sandfly fever.
- (iii) Pathogenic escherichia coli.
- (iv) Shigellosis.

(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (h).

(3) Not later than six months after entry into the agreement under subsection (b), the Academy shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) SCIENTIFIC DETERMINATIONS CONCERNING ILLNESSES.—(1) For each illness identified under subparagraph (B) or (C) of subsection (c)(1), the National Academy of Sciences shall determine (to the extent available scientific evidence permits) whether there is scientific evidence of an association of that illness with Gulf War service or exposure during Gulf War service to one or more agents, hazards, or medicines or vaccines. In making those determinations, the Academy shall consider—

(A) the strength of scientific evidence, the replicability of results, the statistical significance of results, and the appropriateness of the scientific methods used to detect the association;

(B) in any case where there is evidence of an apparent association, whether there is reasonable confidence that that apparent association is not due to chance, bias, or confounding;

(C) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine;

(D) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness;

(E) in any case where information about exposure levels is available, whether the evidence indicates that the levels of exposure of the studied populations were of the same magnitude as the estimated likely exposures of Gulf War veterans; and

(F) whether there is an increased risk of illness among Gulf War veterans in comparison with appropriate peer groups.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of service in the Persian Gulf War or exposure to toxic agents, environmental or wartime hazards,

or preventive medicines or vaccines associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) **SUBSEQUENT REVIEWS.**—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, evidence, and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(h) **REPORTS BY ACADEMY.**—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than two years after entry into the agreement under subsection (b). That report shall include—

(A) the determinations and discussion referred to in subsection (e); and

(B) any recommendations of the Academy under subsection (f).

(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the two-year period ending on the date of such report.

(i) **REPORTS BY SECRETARY.**—(1) The Secretary shall review each report from the Academy under subsection (h). As part of such review, the Secretary shall seek comments on, and evaluation of, the Academy's report from the heads of other affected departments and agencies of the United States.

(2) Based upon a review under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the available scientific and medical information regarding the health consequences of Persian Gulf War service and of exposures to risk factors during service in the Persian Gulf War. The Secretary shall include in the report the Secretary's recommendations as to whether there is sufficient evidence to warrant a presumption of service-connection for the occurrence of a specified condition in Gulf War veterans. In determining whether to make such a recommendation, the Secretary shall consider the matters specified in subparagraphs (A) through (F) of subsection (e)(1).

(3) The report under this subsection shall be submitted not later than 120 days after the date on which the Secretary receives the report from the Academy.

(j) **SUNSET.**—This section shall cease to be effective 11 years after the last day of the fiscal year in which the National Academy of

Sciences enters into an agreement with the Secretary under subsection (b).

(k) **DEFINITION.**—In this section, the term "toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service" means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

**SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS.**

(a) **AUTHORITY.**—Section 1710(e) is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.";

(2) in paragraph (2)(B), by inserting "or (1)(D)" after "paragraph (1)(C)";

(3) in paragraph (3)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out "December 31, 1998," in subparagraph (B) and inserting in lieu thereof "December 31, 2001; and"; and

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

"(C) in the case of care for a veteran described in paragraph (1)(D), after a period of two years beginning on the date of the veteran's discharge or release from active military, naval, or air service.";

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

"(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority."

(b) **IMPLEMENTATION REPORT.**—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4).

**SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES AND POST-DEPLOYMENT HEALTH ISSUES.**

(a) **ASSESSMENT.**—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate independent organization, under which such entity shall assist in developing a plan for the es-

tablishment of a national center or national centers for the study of war-related illnesses and post-deployment health issues. The purposes of such a center may include—

(1) carrying out and promoting research regarding the etiologies, diagnosis, treatment, and prevention of war-related illnesses and post-deployment health issues; and

(2) promoting the development of appropriate health policies, including monitoring, medical recordkeeping, risk communication, and use of new technologies.

(b) **RECOMMENDATIONS AND REPORT.**—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

(1) make recommendations regarding (A) design of an organizational structure or structures, operational scope, staffing and resource needs, establishment of appropriate databases, the advantages of single or multiple sites, mechanisms for implementing recommendations on policy, and relationship to academic or scientific entities, (B) the role or roles that relevant Federal departments and agencies should have in the establishment and operation of any such center or centers, and (C) such other matters as it considers appropriate; and

(2) report to the Secretary, the Secretaries of Defense and Health and Human Services, and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than one year after the date of the enactment of this Act, on its recommendations.

(c) **REPORT ON ESTABLISHMENT OF NATIONAL CENTER.**—Not later than 60 days after receiving the report under subsection (b), the Secretaries specified in subsection (b)(2) shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a joint report on the findings and recommendations contained in that report. Such report may set forth an operational plan for carrying out any recommendation in that report to establish a national center or centers for the study of war-related illnesses. No action to carry out such plan may be taken after the submission of such report until the end of a 90-day period following the date of the submission.

**SEC. 104. COORDINATION OF ACTIVITIES.**

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended—

(1) in the heading, by striking out "government activities on health-related research" and inserting the following: "health-related government activities";

(2) in subsection (a), by striking out "research"; and

(3) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) **PUBLIC ADVISORY COMMITTEE.**—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, including Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) **REPORTS.**—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

“(A) the status and results of all such research activities undertaken by the executive branch during the previous year; and

“(B) research priorities identified during that year.

“(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled ‘VA National Survey of Persian Gulf Veterans—Phase III’, the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study and any other pertinent medical literature.

“(B) With respect to any findings of that study and any other pertinent medical literature which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

“(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

“(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that the appropriate departments consult and coordinate in carrying out an ongoing program to provide information to those who served in the Southwest Asia theater of operations during the Persian Gulf War relating to (1) the health risks, if any, resulting from any risk factors associated with such service, and (2) any services or benefits available with respect to such health risks.”

**SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.**

(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than April 1, 1999, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences to review the available scientific data in order to—

(1) assess whether a methodology could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (including functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War; and

(2) identify, to the extent feasible, with respect to each undiagnosed illness prevalent among such veterans and for any other chronic illness that the Academy determines to warrant such review, empirically valid models of treatment for such illness which employ successful treatment modalities for populations with similar symptoms.

(b) ACTION ON REPORT.—(1) After receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall, if a reasonable and scientifically feasible methodology is identified by the Academy, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of paragraph (1).

(3) The Secretary shall carry out paragraphs (1) and (2) not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a).

**SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.**

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended by adding at the end the following new subsection:

“(d) RESEARCH REVIEW AND DEVELOPMENT OF MEDICAL EDUCATION CURRICULUM.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

“(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

“(B) on an ongoing basis, periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

“(2) Recommendations to be provided under paragraph (1)(B) include any recommendations that the Academy considers appropriate for additional scientific studies (including studies related to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service. In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

“(3) Not later than nine months after the Institute of Medicine provides the Secretary the curriculum developed under paragraph (1)(A), the Secretaries shall provide for the conduct of continuing education programs using that curriculum. Those programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.”

**SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.**

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 38 U.S.C. 1117 note) is amended by striking out “December 31, 1998” and inserting in lieu thereof “December 31, 1999”.

(b) TERMINATION OF CERTAIN TESTING AND EVALUATION REQUIREMENTS.—Subsection (a) of such section is amended—

(1) by striking out “the” after “Secretary of”;

(2) by striking out “study” both places it appears and inserting in lieu thereof “program”; and

(3) by striking out the sentence following paragraph (3).

(c) ENHANCED FLEXIBILITY IN EXAMINATIONS.—Subsection (d) of such section is amended—

(1) by striking out “shall” and inserting in lieu thereof “may”; and

(2) by inserting “, including fee arrangements described in section 1703 of title 38, United States Code” after “arrangements”.

(d) OUTREACH.—Subsection (g) of such section is amended—

(1) by striking out “to ensure” and all that follows through the period at the end of paragraph (2) and inserting in lieu thereof “for the purposes of the program.”; and

(2) by adding at the end the following new sentence: “In conducting such outreach activities, the Secretary shall advise that medical treatment is not available under the program.”

(e) REPORT TO CONGRESS.—Subsection (i) of such section is amended to read as follows:

“(i) REPORT TO CONGRESS.—Not later than July 31, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on activities with respect to the program, including the provision of services under subsection (d).”

**TITLE II—EDUCATION AND EMPLOYMENT**

**Subtitle A—Education Matters**

**SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.**

(a) IN GENERAL.—The second sentence of section 3684(c) is amended by striking out “on October 31” and all that follows through the period and inserting in lieu thereof “during the calendar year.”

(b) FUNDING.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: “The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

**SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.**

(a) IN GENERAL.—The third sentence of section 3485(a)(1) is amended by striking out “An individual shall be paid in advance” and inserting in lieu thereof “An individual may elect, in a manner prescribed by the Secretary, to be paid in advance”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

**SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.**

(a) IN GENERAL.—The following sections of chapter 30 are each amended by striking out “successfully completed” each place it appears and inserting in lieu thereof “successfully completed (or otherwise received academic credit for)”: sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

**SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.**

(a) TITLE 38, UNITED STATES CODE.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out “pilot's license” each place it appears and inserting in lieu thereof “pilot certificate”; and

(2) by inserting “, on the day the individual begins a course of flight training,” after “meets”.

(b) TITLE 10, UNITED STATES CODE.—Section 16136(c)(2) of title 10, United States Code, is amended—

(1) by striking out “pilot’s license” each place it appears and inserting in lieu thereof “pilot certificate”; and

(2) by inserting “, on the day the individual begins a course of flight training,” after “meets”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

**SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.**

(a) IN GENERAL.—Section 3677(b) is amended—

(1) by inserting “(1)” after “(b)”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A), as so redesignated, by striking out “(A)” and “(B)” and inserting in lieu thereof “(i)” and “(ii)”, respectively; and

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

“(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

**SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.**

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

“(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member. The Secretary shall furnish such information as soon as practicable after the basic pay of the member has been reduced by \$1,200 in accordance with section 3011(b) or 3012(c) of this title and at such additional times as the Secretary determines appropriate.

“(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

“(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

“(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

**SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.**

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

“(i) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member’s initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.”.

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

“(g)(1) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member’s initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

“(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).”.

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out “and (B)” and inserting in lieu thereof “(B)”;

(2) by inserting before the semicolon the following: “, and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts”.

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

**Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments**  
**SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.**

(a) IN GENERAL.—Section 4323 is amended to read as follows:

**“§ 4323. Enforcement of rights with respect to a State or private employer**

“(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

“(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

“(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

“(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

“(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

“(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

“(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

“(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

“(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

“(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

“(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

“(A) The court may require the employer to comply with the provisions of this chapter.

“(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer’s failure to comply with the provisions of this chapter.

“(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer’s failure to comply with the provisions of this chapter was willful.

“(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

“(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

“(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

“(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

“(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

“(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

“(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

“(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

“(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

“(j) DEFINITION.—In this section, the term ‘private employer’ includes a political subdivision of a State.”.

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

**SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.**

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) is amended by adding at the end the following new sentence: “Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.”.

(b) FOREIGN COUNTRIES.—(1) Subchapter II of chapter 43 is amended by inserting after section 4318 the following new section:

**“§4319. Employment and reemployment rights in foreign countries**

“(a) LIABILITY OF CONTROLLING UNITED STATES EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

“(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

“(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

“(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, shall be exempt from compliance with any of sections 4311 through 4318 of this title with respect to an employee in a workplace in a foreign country, if compliance with that section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.”.

(2) The table of sections at the beginning of chapter 43 is amended by inserting after the

item relating to section 4318 the following new item:

“4319. Employment and reemployment rights in foreign countries.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to causes of action arising after the date of the enactment of this Act.

**SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.**

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) is amended by inserting before the period at the end the following: “, without regard as to whether the complaint accrued before, on, or after October 13, 1994”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

**TITLE III—COMPENSATION, PENSION, AND INSURANCE**

**SEC. 301. MEDAL OF HONOR SPECIAL PENSION.**

(a) INCREASE.—Section 1562(a) is amended by striking out “\$400” and inserting in lieu thereof “\$600”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

**SEC. 302. ACCELERATED DEATH BENEFIT FOR SERVICEMEMBERS’ GROUP LIFE INSURANCE AND VETERANS’ GROUP LIFE INSURANCE PARTICIPANTS.**

(a) IN GENERAL.—(1) Subchapter III of chapter 19 is amended by adding at the end the following new section:

**“§1980. Option to receive accelerated death benefit**

“(a) For the purpose of this section, a person shall be considered to be terminally ill if the person has a medical prognosis such that the life expectancy of the person is less than a period prescribed by the Secretary. The maximum length of such period may not exceed 12 months.

“(b)(1) A terminally ill person insured under Servicemembers’ Group Life Insurance or Veterans’ Group Life Insurance may elect to receive in a lump-sum payment a portion of the face value of the insurance as an accelerated death benefit reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.

“(2) The Secretary shall prescribe the maximum amount of the accelerated death benefit available under this section that the Secretary finds to be administratively practicable and actuarially sound, but in no event may the amount of the benefit exceed the amount equal to 50 percent of the face value of the person’s insurance in force on the date the election of the person to receive the benefit is approved.

“(3) A person making an election under this section may elect to receive an amount that is less than the maximum amount prescribed under paragraph (2). The Secretary shall prescribe the increments in which a reduced amount under this paragraph may be elected.

“(c) The portion of the face value of insurance which is not paid in a lump sum as an accelerated death benefit under this section shall remain payable in accordance with the provisions of this chapter.

“(d) Deductions under section 1969 of this title and premiums under section 1977(c) of this title shall be reduced, in a manner consistent with the percentage reduction in the face value of the insurance as a result of payment of an accelerated death benefit under

this section, effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

“(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions regarding—

“(1) the form and manner in which an application for an election under this section shall be made; and

“(2) the procedures under which any such application shall be considered.

“(f)(1) An election to receive a benefit under this section shall be irrevocable.

“(2) A person may not make more than one election under this section, even if the election of the person is to receive less than the maximum amount of the benefit available to the person under this section.

“(g) If a person insured under Servicemembers’ Group Life Insurance elects to receive a benefit under this section and the person’s Servicemembers’ Group Life Insurance is thereafter converted to Veterans’ Group Life Insurance as provided in section 1968(b) of this title, the amount of the benefit paid under this section shall reduce the amount of Veterans’ Group Life Insurance available to the person under section 1977(a) of this title.

“(h) Notwithstanding any other provision of law, the amount of the accelerated death benefit received by a person under this section shall not be considered income or resources for purposes of determining eligibility for or the amount of benefits under any Federal or federally-assisted program or for any other purpose.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1979 the following new item:

“1980. Option to receive accelerated death benefit.”.

(b) CONFORMING AMENDMENTS.—Section 1970(g) is amended in the first sentence—

(1) by striking out “Payments of benefits” and inserting in lieu thereof “Any payments”; and

(2) by inserting “an insured or” after “or on account of.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

**SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE AND SURVIVOR BENEFITS PROGRAMS FOR SURVIVORS OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

(a) REPORT ON ASSESSMENT.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report containing an assessment of the adequacy of the insurance and survivor benefits programs of the Department of Veterans Affairs (including the payment of dependency and indemnity compensation under chapter 13 of title 38, United States Code) in meeting the needs of survivors of veterans with service-connected disabilities, including survivors of catastrophically disabled veterans who cared for those veterans.

(b) REPORT ELEMENTS.—The report on the assessment under subsection (a) shall include the following:

(1) An identification of the characteristics that make a disabled veteran catastrophically disabled.

(2) A statement of the number of veterans with service-connected disabilities who participate in insurance programs administered by the Department.

(3) A statement of the number of survivors of veterans with service-connected disabilities who receive dependency and indemnity

compensation under chapter 13 of title 38, United States Code.

(4) Data on veterans with service-connected disabilities that are relevant to the insurance programs administered by the Department, and an assessment how such data might be used to better determine the cost above standard premium rates of insuring veterans with service-connected disabilities under such programs.

(5) An analysis of various methods of accounting and providing for the additional cost of insuring the lives of veterans with service-connected disabilities under the insurance programs administered by the Department.

(6) An assessment of the adequacy and effectiveness of the current insurance programs and dependency and indemnity compensation programs of the Department in meeting the needs of survivors of severely disabled or catastrophically-disabled veterans.

(7) An analysis of various methods of meeting the transitional financial needs of survivors of veterans with service-connected disabilities immediately after the deaths of such veterans.

(8) Such recommendations as the Secretary considers appropriate regarding means of improving the benefits available to survivors of veterans with service-connected disabilities under programs administered by the Department.

#### SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) ELIGIBILITY OF CERTAIN VETERANS FOR DIVIDENDS UNDER NSLI PROGRAM.—Section 1919(b) is amended—

(1) by striking “sections 602(c)(2) and” and inserting “section”; and

(2) by striking “sections” after “under such” and inserting “section”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

#### TITLE IV—MEMORIAL AFFAIRS

#### SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE REMAINS ARE UNAVAILABLE FOR INTERMENT.

(a) MEMORIAL HEADSTONES OR MARKERS FOR CERTAIN MEMBERS OF THE ARMED FORCES AND SPOUSES.—Subsection (b) of section 2306 is amended to read as follows:

“(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans’ cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

“(2) For purposes of paragraph (1), an eligible individual is any of the following:

“(A) A veteran.

“(B) The spouse or surviving spouse of a veteran.

“(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual’s remains—

“(A) have not been recovered or identified;

“(B) were buried at sea, whether by the individual’s own choice or otherwise;

“(C) were donated to science; or

“(D) were cremated and the ashes scattered without interment of any portion of the ashes.

“(4) For purposes of this subsection:

“(A) The term ‘veteran’ includes an individual who dies in the active military, naval, or air service.

“(B) The term ‘surviving spouse’ includes an unmarried surviving spouse whose sub-

sequent remarriage was terminated by death or divorce.”.

(b) ALTERNATIVE COMMEMORATION FOR CERTAIN SPOUSES.—Such section is further amended by adding at the end the following new subsection:

“(e)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse of such individual.

“(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse of such individual.”.

(c) MEMORIAL AREAS.—Section 2403(b) is amended to read as follows:

“(b) Under regulations prescribed by the Secretary, group memorials may be placed to honor the memory of groups of individuals referred to in subsection (a), and appropriate memorial headstones and markers may be placed to honor the memory of individuals referred to in subsection (a) and section 2306(b) of this title.”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to deaths occurring after the date of the enactment of this Act.

#### SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY BENEFITS.

(a) BENEFITS.—Part G of subtitle II of title 46, United States Code, is amended by inserting after chapter 111 the following new chapter:

#### “CHAPTER 112—MERCHANT MARINER BENEFITS

“Sec.

“11201. Eligibility for veterans’ burial and cemetery benefits.

“11202. Qualified service.

“11203. Documentation of qualified service.

“11204. Processing fees.

#### “§ 11201. Eligibility for veterans’ burial and cemetery benefits

“(a) ELIGIBILITY.—

“(1) IN GENERAL.—The qualified service of a person referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

“(A) Chapter 23 (relating to burial benefits).

“(B) Chapter 24 (relating to interment in national cemeteries).

“(2) COVERED INDIVIDUALS.—Paragraph (1) applies to a person who—

“(A) receives an honorable service certificate under section 11203 of this title; and

“(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

“(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for a person by reason of eligibility under this section.

“(c) APPLICABILITY.—

“(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

“(2) BURIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium

placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

#### “§ 11202. Qualified service

“For purposes of this chapter, a person shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

“(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

“(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

“(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

“(C) under contract or charter to, or property of, the Government of the United States; and

“(D) serving the Armed Forces; and

“(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

#### “§ 11203. Documentation of qualified service

“(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

“(1) issue a certificate of honorable service to a person who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

“(2) correct, or request the appropriate official of the Government to correct, the service records of that person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

“(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than one year after the date of that receipt.

“(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

“(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of a person shall make such correction.

#### “§ 11204. Processing fees

“(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of \$30 from each applicant for processing an application submitted under section 11203(a) of this title.

“(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be

available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following new item:

“112. Merchant Mariner Benefits ..... 11201”.

**SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYSTEM AND ESTABLISHMENT OF UNDER SECRETARY FOR MEMORIAL AFFAIRS.**

(a) REDESIGNATION AS NATIONAL CEMETERY ADMINISTRATION.—(1) The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the National Cemetery System is hereby redesignated as Under Secretary of Veterans Affairs for Memorial Affairs.

(2) Section 301(c)(4) is amended by striking out “National Cemetery System” and inserting in lieu thereof “National Cemetery Administration”.

(3) Section 307 is amended—

(A) in the first sentence, by striking out “a Director of the National Cemetery System” and inserting in lieu thereof “an Under Secretary for Memorial Affairs”; and

(B) in the second sentence, by striking out “The Director” and all that follows through “National Cemetery System” and inserting in lieu thereof “The Under Secretary is the head of the National Cemetery Administration”.

(b) PAY RATE FOR UNDER SECRETARY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by inserting after the item relating to the Under Secretary for Benefits of the Department of Veterans Affairs the following new item:

“Under Secretary for Memorial Affairs, Department of Veterans Affairs.”; and

(2) in section 5315, by striking out “Director of the National Cemetery System.”.

(c) CONFORMING AMENDMENTS.—

(1)(A) The heading of section 307 is amended to read as follows:

“§307. Under Secretary for Memorial Affairs”.

(B) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

“307. Under Secretary for Memorial Affairs.”.

(2) Section 2306(d) is amended by striking out “within the National Cemetery System” each place such term appears and inserting in lieu thereof “under the control of the National Cemetery Administration”.

(3) Section 2400 is amended—

(A) in subsection (a)—

(i) by striking out “National Cemetery System” and inserting in lieu thereof “National Cemetery Administration responsible”; and

(ii) in the second sentence, by striking out “Such system” and all that follows through “National Cemetery System” and inserting in lieu thereof “The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs”;

(B) in subsection (b), by striking out “National Cemetery System” and inserting in lieu thereof “national cemeteries and other facilities under the control of the National Cemetery Administration”;

(C) by amending the heading to read as follows:

“§2400. Establishment of National Cemetery Administration; composition of Administration”.

(4) The item relating to section 2400 in the table of sections at the beginning of chapter 24 is amended to read as follows:

“2400. Establishment of National Cemetery Administration; composition of Administration.”.

(5) Section 2402 is amended in the matter preceding paragraph (1) by striking out “in the National Cemetery System” and inserting in lieu thereof “under the control of the National Cemetery Administration”.

(6) Section 2403(c) is amended by striking out “in the National Cemetery System created by this chapter” and inserting in lieu thereof “under the control of the National Cemetery Administration”.

(7) Section 2405(c) is amended—

(A) by striking out “within the National Cemetery System” and inserting in lieu thereof “under the control of the National Cemetery Administration”; and

(B) by striking out “within such System” and inserting in lieu thereof “under the control of such Administration”.

(8) Section 2408(c)(1) is amended by striking out “in the National Cemetery System” and inserting in lieu thereof “under the control of the National Cemetery Administration”.

(d) REFERENCES.—

(1) Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Cemetery System shall be deemed to be a reference to the National Cemetery Administration.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Under Secretary of Veterans Affairs for Memorial Affairs.

**SEC. 404. STATE CEMETERY GRANTS PROGRAM.**

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

“(1) The amount of a grant under this section may not exceed—

“(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

“(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

“(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant.”.

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out “shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated” and inserting in lieu thereof “shall remain available until expended”.

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

“(2) There is authorized to be appropriated such sums as may be necessary for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).”.

**TITLE V—COURT OF VETERANS APPEALS**

**Subtitle A—Administrative Provisions  
Relating to the Court**

**SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.**

Section 7253(c) is amended by adding at the end the following new sentence: “A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.”.

**SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.**

Section 7298 is amended by adding at the end the following new subsection:

“(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges’ Retirement Fund.”.

**SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.**

Subsection (o) of section 7297 is amended to read as follows:

“(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors’ Annuities Fund are increased pursuant to section 376(m) of title 28.”.

**SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.**

(a) REPORT ON JUDGES’ RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

**Subtitle B—Renaming of Court**

**SEC. 511. RENAMING OF THE COURT OF VETERANS APPEALS.**

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking “United States Court of Veterans Appeals” and inserting “United States Court of Appeals for Veterans Claims”.

**SEC. 512. CONFORMING AMENDMENTS.**

(a) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—

(1) The following sections are amended by striking “Court of Veterans Appeals” each place it appears and inserting “Court of Appeals for Veterans Claims”: sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

“§7286. Judicial Conference of the Court”.

(B) The heading of section 7291 is amended to read as follows:

**“§ 7291. Date when Court decision becomes final”.**

(C) The heading of section 7298 is amended to read as follows:

**“§ 7298. Retirement Fund”.**

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

“7286. Judicial Conference of the Court.”.

(B) The item relating to section 7291 is amended to read as follows:

“7291. Date when Court decision becomes final.”.

(C) The item relating to section 7298 is amended to read as follows:

“7298. Retirement Fund.”.

(4) (A) The heading of chapter 72 is amended to read as follows:

**“CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS”.**

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38, United States Code, and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

“72. United States Court of Appeals

for Veterans Claims ..... 7251”.

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking “Court of Veterans Appeals” each place it appears and inserting “Court of Appeals for Veterans Claims”:

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) (A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

**“§ 8440d. Judges of the United States Court of Appeals for Veterans Claims”.**

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

“8440d. Judges of the United States Court of Appeals for Veterans Claims.”.

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

**SEC. 513. EFFECTIVE DATE.**

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

**TITLE VI—HOUSING****SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.**

(a) IN GENERAL.—Chapter 37 is amended by adding at the end the following new subchapter:

**“SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS****“§ 3771. Definitions**

“For purposes of this subchapter:

“(1) The term ‘veteran’ has the meaning given such term by paragraph (2) of section 101.

“(2) The term ‘homeless veteran’ means a veteran who is a homeless individual.

“(3) The term ‘homeless individual’ has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

**“§ 3772. General authority**

“(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

“(b) (1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans may be guaranteed during the three-year period beginning on the date of the enactment of this subchapter.

“(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

“(3) Not more than an aggregate amount of \$100,000,000 in loans may be guaranteed under subsection (a).

“(c) A loan may not be guaranteed under this subchapter unless, before closing such loan, the Secretary has approved the loan.

“(d) (1) The Secretary shall enter into contracts with a qualified nonprofit organization, or other qualified organization, that has experience in underwriting transitional housing projects to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 3773 of this title.

“(2) For purposes of paragraph (1), a nonprofit organization is an organization that is described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and is exempt from tax under subsection (a) of such section.

“(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

“(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

**“§ 3773. Requirements**

“(a) A loan referred to in section 3772 of this title meets the requirements of this subchapter if each of the following requirements is met:

“(1) The loan—

“(A) is for—

“(i) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes; or

“(ii) refinancing of an existing loan for such a project; and

“(B) may also include additional reasonable amounts for—

“(i) financing acquisition of furniture, equipment, supplies, or materials for the project; or

“(ii) in the case of a loan made for purposes of subparagraph (A)(i), supplying the organization carrying out the project with working capital relative to the project.

“(2) The loan is made in connection with funding or the provision of substantial property or services for such project by either a State or local government or a nongovernmental entity, or both.

“(3) The maximum loan amount does not exceed the lesser of—

“(A) that amount generally approved (utilizing prudent underwriting principles) in the consideration and approval of projects of similar nature and risk so as to assure repayment of the loan obligation; and

“(B) 90 percent of the total cost of the project.

“(4) The loan is of sound value, taking into account the creditworthiness of the entity

(and the individual members of the entity) applying for such loan.

“(5) The loan is secured.

“(6) The loan is subject to such terms and conditions as the Secretary determines are reasonable, taking into account other housing projects with similarities in size, location, population, and services provided.

“(b) For purposes of this subchapter, a multifamily transitional housing project referred to in subsection (a)(1) is a project that—

“(1) provides transitional housing to homeless veterans, which housing may be single room occupancy (as defined in section 8(n) of the United States Housing Act of 1937 (42 U.S.C. 1437f(n)));

“(2) provides supportive services and counselling services (including job counselling) at the project site with the goal of making such veterans self-sufficient;

“(3) requires that each such veteran seek to obtain and maintain employment;

“(4) charges a reasonable fee for occupying a unit in such housing; and

“(5) maintains strict guidelines regarding sobriety as a condition of occupying such unit.

“(c) Such a project—

“(1) may include space for neighborhood retail services or job training programs; and

“(2) may provide transitional housing to veterans who are not homeless and to homeless individuals who are not veterans if—

“(A) at the time of taking occupancy by any such veteran or homeless individual, the transitional housing needs of homeless veterans in the project area have been met;

“(B) the housing needs of any such veteran or homeless individual can be met in a manner that is compatible with the manner in which the needs of homeless veterans are met under paragraph (1); and

“(C) the provisions of paragraphs (4) and (5) of subsection (b) are met.

“(d) In determining whether to guarantee a loan under this subchapter, the Secretary shall consider—

“(1) the availability of Department of Veterans Affairs medical services to residents of the multifamily transitional housing project; and

“(2) the extent to which needs of homeless veterans are met in a community, as assessed under section 107 of Public Law 102-405.

**“§ 3774. Default**

“(a) The Secretary shall take such steps as may be necessary to obtain repayment on any loan that is in default and that is guaranteed under this subchapter.

“(b) Upon default of a loan guaranteed under this subchapter and terminated pursuant to State law, a lender may file a claim under the guarantee for an amount not to exceed the lesser of—

“(1) the maximum guarantee; or

“(2) the difference between—

“(A) the total outstanding obligation on the loan, including principal, interest, and expenses authorized by the loan documents, through the date of the public sale (as authorized under such documents and State law); and

“(B) the amount realized at such sale.

**“§ 3775. Audit**

“During each of the first three years of operation of a multifamily transitional housing project with respect to which a loan is guaranteed under this subchapter, there shall be an annual, independent audit of such operation. Such audit shall include a detailed statement of the operations, activities, and accomplishments of such project during the year covered by such audit. The party responsible for obtaining such audit

(and paying the costs therefor) shall be determined before the Secretary issues a guarantee under this subchapter.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 is amended by adding at the end the following new items:

“SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

“3771. Definitions.

“3772. General authority.

“3773. Requirements.

“3774. Default.

“3775. Audit.”

**SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND ACCOUNT CONSOLIDATION.**

(a) CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS.—Subchapter III of chapter 37 is amended—

(1) by striking out sections 3723, 3724, and 3725; and

(2) by inserting after section 3721 the following new section:

**“§3722. Veterans Housing Benefit Program Fund**

“(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Benefit Program Fund (hereafter in this section referred to as the ‘Fund’).

“(b) The Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, other than administrative expenses, consistent with the Federal Credit Reform Act of 1990.

“(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

“(1) Any amount appropriated to the Fund.

“(2) Amounts paid into the Fund under section 3729 of this title or any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan programs under this chapter.

“(3) All other amounts received by the Secretary on or after October 1, 1998, incident to housing loan operations under this chapter, including—

“(A) collections of principal and interest on housing loans made by the Secretary under this chapter;

“(B) proceeds from the sale, rental, use, or other disposition of property acquired under this chapter;

“(C) proceeds from the sale of loans pursuant to sections 3720(h) and 3733(a)(3) of this title; and

“(D) penalties collected pursuant to section 3710(g)(4)(B) of this title.

“(d) Amounts deposited into the Fund under paragraphs (2) and (3) of subsection (c) shall be deposited in the appropriate financing or liquidating account of the Fund.

“(e) For purposes of this section, the term ‘housing loan’ shall not include a loan made pursuant to subchapter V of this chapter.”

(b) TRANSFERS OF AMOUNTS INTO VETERANS HOUSING BENEFIT PROGRAM FUND.—All amounts in the following funds are hereby transferred to the Veterans Housing Benefit Program Fund:

(1) The Direct Loan Revolving Fund, as such fund was continued under section 3723 of title 38, United States Code (as such section was in effect on the day before the effective date of this title).

(2) The Department of Veterans Affairs Loan Guaranty Revolving Fund, as established by section 3724 of such title (as such section was in effect on the day before the effective date of this title).

(3) The Guaranty and Indemnity Fund, as established by section 3725 of such title (as

such section was in effect on the day before the effective date of this title).

(c) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES AND OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—

(1) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES.—Section 3720 is amended by striking out subsection (e).

(2) REPEAL OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—Section 3733 is amended by striking out subsection (e).

(d) SUBMISSION OF SUMMARY FINANCIAL STATEMENT ON HOUSING PROGRAMS.—Section 3734 is amended by adding at the end the following new subsection:

“(c) The information submitted under subsection (a) shall include a statement that summarizes the financial activity of each of the housing programs operated under this chapter. The statement shall be presented in a form that is simple, concise, and readily understandable, and shall not include references to financing accounts, liquidating accounts, or program accounts.”

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO CHAPTER 37.—Chapter 37 is amended as follows:

(A) Section 3703(e)(1) is amended by striking out “3729(c)(1)” and inserting in lieu thereof “3729(c)”.

(B) Section 3711(k) is amended by striking out “and section 3723 of this title” both places it appears.

(C) Section 3727(c) is amended by striking out “funds established pursuant to sections 3723 and 3724 of this title, as applicable” and inserting in lieu thereof “fund established pursuant to section 3722 of this title”.

(D) Section 3729 is amended—

(i) in subsection (c)—

(I) by striking out “(c)(1)” and inserting in lieu thereof “(c)”; and

(II) by striking out paragraphs (2) and (3); and

(ii) in subsection (a)(1), by striking out “(c)(1)” and inserting in lieu thereof “(c)”.

(E) Section 3733(a)(6) is amended by striking out “Department of Veterans Affairs Loan Guaranty Revolving Fund established by section 3724(a)” and inserting in lieu thereof “Veterans Housing Benefit Program Fund established by section 3722(a)”.

(F) Section 3734, as amended by subsection (d), is further amended—

(i) in subsection (a)—

(I) by striking out “Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund” in paragraph (1) and inserting in lieu thereof “Veterans Housing Benefit Program Fund”; and

(II) by striking out “funds,” in paragraph (2) and inserting in lieu thereof “fund.”;

(ii) in subsection (b), by striking out “each fund” in the matter preceding paragraph (1) and inserting in lieu thereof “the fund”; and

(iii) in subsection (b)(2)—

(I) by striking out subparagraph (B);

(II) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (B), as so redesignated, by striking out “subsections (a)(3) and (c)(2) of section 3729” and inserting in lieu thereof “section 3729(a)(3)”.

(G) Section 3735(a)(3)(A)(i) is amended by striking out “Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund” and inserting in lieu thereof “Veterans Housing Benefit Program Fund”.

(2) OTHER CONFORMING AMENDMENT.—Section 2106(e) is amended by striking out “, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively” and inserting in lieu thereof “deposited in the Veterans Housing Benefit Pro-

gram Fund established by section 3722 of this title”.

(3) TECHNICAL AND CLERICAL AMENDMENTS.—(A) The heading for section 3734 is amended to read as follows:

**“§3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs”.**

(B) The heading for section 3763 is amended to read as follows:

**“§3763. Native American Veteran Housing Loan Program Account”.**

(C) The table of sections at the beginning of chapter 37 is amended—

(i) by inserting after the item relating to section 3721 the following new item:

“3722. Veterans Housing Benefit Program Fund.”;

(ii) by striking out the items relating to sections 3723, 3724, and 3725;

(iii) by striking out the item relating to section 3734 and inserting in lieu thereof the following:

“3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs.”;

and

(iv) by striking out the item relating to section 3763 and inserting in lieu thereof the following:

“3763. Native American Veteran Housing Loan Program Account.”.

(f) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on October 1, 1998.

**SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.**

(a) EXTENSION.—Section 3702(a)(2)(E) is amended by striking out “October 27, 1999,” and inserting in lieu thereof “September 30, 2003.”.

(b) ONE-YEAR EXTENSION OF FEE PROVISION.—Section 3729(a)(4) is amended—

(1) by striking out “With respect to a loan closed after September 30, 1993, and before October 1, 2002,” and inserting in lieu thereof “(A) With respect to a loan closed during the period specified in subparagraph (B)”;

(2) by adding at the end the following:

“(B) The specified period for purposes of subparagraph (A) is the period beginning on October 1, 1993, and ending on September 30, 2002, except that in the case of a loan described in subparagraph (D) of paragraph (2), such period ends on September 30, 2003.”.

**SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3720(b) is amended by striking “; however” and all that follows and inserting the following: “, except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

**TITLE VII—CONSTRUCTION AND FACILITIES MATTERS**

**SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Alterations and demolition at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed \$23,200,000.

(2) Construction and seismic work at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed \$50,000,000.

(3) Outpatient clinic expansion at the Department of Veterans Affairs Medical Center, Washington, D.C., in an amount not to exceed \$29,700,000.

(4) Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed \$22,400,000.

(5) Construction of an ambulatory care addition and renovations for ambulatory care at the Department of Veterans Affairs Medical Center, Cleveland (Wade Park), Ohio, in an amount not to exceed \$28,300,000, of which \$7,500,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(6) Construction of an ambulatory care addition at the Department of Veterans Affairs Medical Center, Tucson, Arizona, in an amount not to exceed \$35,000,000.

(7) Construction of an addition for psychiatric care at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed \$24,200,000.

(8) Outpatient clinic projects at Auburn and Merced, California, as part of the Northern California Healthcare Systems Project, in an amount not to exceed \$3,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation.

(9) Renovations to a nursing home care unit at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed \$9,500,000.

(10) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$46,300,000, of which \$20,000,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(b) CONSTRUCTION OF PARKING FACILITY.—The Secretary may construct a parking structure at the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed \$13,000,000, of which \$11,900,000 shall be derived from funds in the Parking Revolving Fund.

**SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may enter into leases for satellite outpatient clinics as follows:

(1) Baton Rouge, Louisiana, in an amount not to exceed \$1,800,000.

(2) Daytona Beach, Florida, in an amount not to exceed \$2,600,000.

(3) Oakland Park, Florida, in an amount not to exceed \$4,100,000.

**SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 and for fiscal year 2000—

(1) for the Construction, Major Projects, account \$241,100,000 for the projects authorized in section 701(a); and

(2) for the Medical Care account, \$8,500,000 for the leases authorized in section 702.

(b) LIMITATION.—(1) The projects authorized in section 701(a) may only be carried out using—

(A) funds appropriated for fiscal year 1999 or fiscal year 2000 pursuant to the authorization of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 1999 for a category of activity not specific to a project.

(2) The project authorized in section 701(b) may only be carried out using funds appropriated for a fiscal year before fiscal year 1999—

(A) for the Parking Revolving Fund; or  
(B) for Construction, Major Projects, for a category of activity not specific to a project.

**SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES FOR PURPOSES OF CONGRESSIONAL AUTHORIZATION.**

Section 8104(a)(3)(B) is amended by striking out "\$300,000" and inserting in lieu thereof "\$600,000".

**SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FACILITY PROJECT AS A MAJOR MEDICAL FACILITY PROJECT.**

Section 8109(i)(2) is amended by striking out "\$3,000,000" and inserting in lieu thereof "\$4,000,000".

**SEC. 706. PARKING FEES.**

(a) LIMITATION.—The Secretary of Veterans Affairs may not establish or collect any parking fee at any parking facility associated with the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center in Honolulu, Hawaii.

(b) REPORT.—Not later than September 15, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the Department's experience in exercising and administering the authority of the Secretary to charge parking fees under subsections (d) and (e) of section 8109 of title 38, United States Code. The report shall include—

(1) the results of a survey which shall describe the parking facilities and number of parking spaces available to employees of the Department at each medical facility of the Department with more than 50 employees;

(2) an analysis of the means by which the Secretary could implement in a cost-effective manner the authority of the Secretary under subsection (e) of section 8109 of title 38, United States Code; and

(3) recommendations for amending section 8109 of such title—

(A) to address the applicability of parking fees to employees of the Secretary who are employed at a regional office which is co-located with a medical facility;

(B) to address the applicability of parking fees to persons using parking facilities at Department of Veterans Affairs medical centers co-located with facilities of the Department of Defense;

(C) to link any schedule of applicable fees to applicable commercial rates; and

(D) to achieve any other purpose.

**SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.**

(a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of such proposals.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of such proposals.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) over the next 25 years and over the next 50 years.

**SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.**

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz III Department of Veterans Affairs Medical Center.

**SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.**

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the "Malcom Randall Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Malcom Randall Department of Veterans Affairs Medical Center.

**SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, COLUMBUS, OHIO.**

The Department of Veterans Affairs outpatient clinic in Columbus, Ohio, shall after the date of the enactment of this Act be known and designated as the "Chalmers P. Wylie Veterans Outpatient Clinic". Any reference to that outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Chalmers P. Wylie Veterans Outpatient Clinic.

**TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE**

**SEC. 801. SHORT TITLE.**

This title may be cited as the "Department of Veterans Affairs Health Care Personnel Incentive Act of 1998".

**SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.**

(a) PROGRAM AUTHORITY.—Chapter 76 is amended by adding at the end the following new subchapter:

**"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM**

**"§ 7671. Authority for program**

"As part of the Educational Assistance Program, the Secretary may carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to assist, through the establishment of an incentive program for individuals employed in the Veterans Health Administration, in meeting the staffing needs of the Veterans Health Administration for health professional occupations for which recruitment or retention of qualified personnel is difficult.

**"§ 7672. Eligibility; agreement**

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-

time or part-time student in a field of education or training described in subsection (c).

“(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

“(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

“(d) AWARD OF SCHOLARSHIPS.—Notwithstanding section 7603(d) of this title, the Secretary, in selecting participants in the Program, may award a scholarship only to applicants who have a record of employment with the Veterans Health Administration which, in the judgment of the Secretary, demonstrates a high likelihood that the applicant will be successful in completing such education or training and in employment in such field.

“(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

“(A) The Secretary’s agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

“(B) The participant’s agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the ‘period of obligated service’) determined in accordance with regulations prescribed by the Secretary of up to three calendar years for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than three years.

“(C) The participant’s agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

“(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

“(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

#### “§7673. Scholarship

“(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

“(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

“(1) in the case of a participant in the Program who is a full-time student, may not exceed \$10,000 for any one year; and

“(2) in the case of a participant in the Program who is a part-time student, shall be the

amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

“(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

“(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

“(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

#### “§7674. Obligated service

“(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant’s profession or in another health-care position in an assignment or location determined by the Secretary.

“(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant’s service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant’s period of obligated service.

“(2) As soon as possible after a participant’s service commencement date, the Secretary shall—

“(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

“(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant’s course of education or training prepared the participant, assign the participant to such a position.

“(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant’s service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

“(B) In the case of a participant receiving a degree from a school of nursing, the participant’s service commencement date is the later of—

“(i) the participant’s course completion date; or

“(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

“(C) In the case of a participant not covered by subparagraph (A) or (B), the participant’s service commencement date is the later of—

“(i) the participant’s course completion date; or

“(ii) the date the participant meets any applicable licensure or certification requirements.

“(4) The Secretary shall by regulation prescribe the service commencement date for

participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

“(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant’s period of obligated service—

“(A) on the date, after the participant’s course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

“(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant’s course of training prepared the participant.

“(2) A participant in the Program who on the participant’s course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant’s course of training prepared the participant shall be considered to have begun serving the participant’s period of obligated service on such course completion date.

“(d) COURSE COMPLETION DATE DEFINED.—In this section, the term ‘course completion date’ means the date on which a participant in the Program completes the participant’s course of education or training under the Program.

#### “§7675. Breach of agreement: liability

“(a) LIQUIDATED DAMAGES.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of \$1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

“(b) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

“(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

“(B) The participant is dismissed from such educational institution for disciplinary reasons.

“(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

“(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

“(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

“(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

“(C) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A=3\Phi \left( \frac{t-s}{t} \right)$$

“(2) In such formula:

“(A) ‘A’ is the amount the United States is entitled to recover.

“(B) ‘Φ’ is the sum of—

“(i) the amounts paid under this subchapter to or on behalf of the participant; and

“(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

“(C) ‘t’ is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

“(D) ‘s’ is the number of months of such period served by the participant in accordance with section 7673 of this title.

“(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a staffing adjustment.

“(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

#### “§ 7676. Expiration of program

“The Secretary may not furnish scholarships to individuals who have not commenced participation in the Program before December 31, 2001.”

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

#### “SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

“7671. Authority for program.

“7672. Eligibility; agreement.

“7673. Scholarship.

“7674. Obligated service.

“7675. Breach of agreement: liability.

“7676. Expiration of program.”

#### SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) PROGRAM AUTHORITY.—Chapter 76 (as amended by section 802(a)), is further amended by adding after subchapter VI the following new subchapter:

#### “SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

##### “§ 7681. Authority for program

“(a) IN GENERAL.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereinafter in this subchapter referred to as the ‘Education Debt Reduction Program’).

“(2) The purpose of the Education Debt Reduction Program is to assist in the recruitment of qualified health care professionals for positions in the Veterans Health Administration for which recruitment or retention of an adequate supply of qualified personnel is difficult.

“(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE PROGRAM.—Education debt reduction payments under the Education Debt Reduction Program may be in addition to other assistance available to individuals under the Educational Assistance Program.

##### “§ 7682. Eligibility

“(a) ELIGIBILITY.—An individual is eligible to participate in the Education Debt Reduction Program if the individual—

“(1) is a recently appointed employee in the Veterans Health Administration serving under an appointment under section 7402(b) of this title in a position for which recruitment or retention of a qualified health-care personnel (as determined by the Secretary) is difficult; and

“(2) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for the position referred to in paragraph (1).

“(b) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

“(1) tuition expenses;

“(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

“(3) reasonable living expenses.

“(c) RECENTLY APPOINTED INDIVIDUALS.—For purposes of subsection (a), an individual shall be considered to be recently appointed to a position if the individual has held that position for less than six months.

##### “§ 7683. Education debt reduction

“(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

“(b) FREQUENCY OF PAYMENT.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, as determined by the Secretary.

“(2) The Secretary shall make such payments at the end of the period determined by the Secretary under paragraph (1).

“(c) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

“(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program may not exceed—

“(A) \$6,000 for the first year of the participant's participation in the Program;

“(B) \$8,000 for the second year of the participant's participation in the Program; and

“(C) \$10,000 for the third year of the participant's participation in the Program.

“(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principal and interest on loans referred to in subsection (a) that is paid by the individual during such year.

##### “§ 7684. Expiration of program

“The Secretary may not make education debt reduction payments to individuals who have not commenced participation in the Education Debt Reduction Program before December 31, 2001.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 802(b)) is further amended by adding at the end the following new items:

#### “SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

“7681. Authority for program.

“7682. Eligibility.

“7683. Education debt reduction.

“7684. Expiration of program.”

#### SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

#### SEC. 805. CONFORMING AMENDMENTS.

Chapter 76 is amended as follows:

(1) Section 7601(a) is amended—

(A) by striking out “and” at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

“(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and”; and

“(5) the education debt reduction program provided for in subchapter VII of this chapter.”

(2) Section 7602 is amended—

(A) in subsection (a)(1)—

(i) by striking out “subchapter I or II” and inserting in lieu thereof “subchapter II, III, or VI”;

(ii) by striking out “or for which” and inserting in lieu thereof “, for which”; and

(iii) by inserting before the period at the end the following: “, or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be”; and

(B) in subsection (b), by striking out “subchapter I or II” and inserting in lieu thereof “subchapter II, III, or VI”.

(3) Section 7603 is amended—

(A) in subsection (a)—

(i) by striking out “To apply to participate in the Educational Assistance Program,” and inserting in lieu thereof “(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter.”; and

(ii) by adding at the end the following:

“(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation.”; and

(B) in subsection (b)(1), by inserting “(if required)” before the period at the end.

(4) Section 7604 is amended by striking out “subchapter II, III, or V” in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof “subchapter II, III, V, or VI”.

(5) Section 7632 is amended—

(A) in paragraph (1)—

(i) by striking out “and the Tuition Reimbursement Program” and inserting in lieu thereof “, the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program”; and

(ii) by inserting “(if any)” after “number of students”;

(B) in paragraph (2), by inserting “(if any)” after “education institutions”; and

(C) in paragraph (4)—

(i) by striking “and per participant” and inserting in lieu thereof “, per participant”; and

(ii) by inserting “, per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program” before the period at the end.

(6) Section 7636 is amended by striking “or a stipend” and inserting “a stipend, or education debt reduction”.

**SEC. 806. COORDINATION WITH APPROPRIATIONS PROVISION.**

This title shall be considered to be the authorizing legislation referred to in the third proviso under the heading “VETERANS HEALTH ADMINISTRATION—MEDICAL CARE” in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, and the reference in that proviso to the “Primary Care Providers Incentive Act” shall be treated as referring to this title.

**TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS**

**SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH CERTAIN RADIATION TREATMENT.**

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1720D the following new section:

**“§1720E. Nasopharyngeal radium irradiation**

“(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran’s receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

“(b) The Secretary shall provide care and services to a veteran under subsection (a) only on the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

“(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

“(2) underwent submarine training in active naval service before January 1, 1965.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

“1720E. Nasopharyngeal radium irradiation.”.

**SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.**

Section 1720D(a) is amended by striking out “December 31, 1998” in paragraphs (1) and (3) and inserting in lieu thereof “December 31, 2001”.

**SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.**

(a) STANDARDS OF JOB PERFORMANCE.—Section 1706(b) is amended—

(1) in paragraph (2), by striking out “April 1, 1997, April 1, 1998, and April 1, 1999” and inserting in lieu thereof “April 1, 1999, April 1, 2000, and April 1, 2001”; and

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

“(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

“(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

“(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.”.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

**SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.**

(a) IN GENERAL.—Section 5503(a)(1)(B) is amended by striking “Effective through September 30, 1997, any” in the second sentence and inserting “Any”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

**SEC. 905. REPORT ON NURSE LOCALITY PAY.**

(a) REPORT REQUIRED.—(1) Not later than February 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report assessing the system of locality-based pay for nurses established under the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366) and now set forth in section 7451 of title 38, United States Code.

(2) The Secretary shall submit with the report under paragraph (1) a copy of the report on the locality pay system prepared by the contractor pursuant to a contract with Systems Flow, Inc., that was entered into on May 22, 1998.

(b) MATTERS TO BE INCLUDED.—The report of the Secretary under subsection (a)(1) shall include the following:

(1) An assessment of the effects of the locality-based pay system, including information, shown by facility and grade level, regarding the frequency and percentage increases, if any, in the rate of basic pay under that system of nurses employed in the Veterans Health Administration.

(2) An assessment of the manner in which that system is being applied.

(3) Plans and recommendations of the Secretary for administrative and legislative improvements or revisions to the locality pay system.

(4) An explanation of the reasons for any decision not to adopt any recommendation in the report referred to in subsection (a)(2).

(c) UPDATED REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report updating the report submitted under subsection (a)(1).

**SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDITURES OF DEPARTMENT OF VETERANS AFFAIRS FOR DOMESTIC RESPONSE TO WEAPONS OF MASS DESTRUCTION.**

(a) IN GENERAL.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

**“§530. Annual report on program and expenditures for domestic response to weapons of mass destruction**

“(a) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual

report, to be submitted each year at the time that the President submits the budget for the next fiscal year under section 1105 of title 31, on the activities of the Department relating to preparation for, and participation in, a domestic medical response to an attack involving weapons of mass destruction.

“(b) Each report under subsection (a) shall include the following:

“(1) A statement of the amounts of funds and the level of personnel resources (stated in terms of full-time equivalent employees) expected to be used by the Department during the next fiscal year in preparation for a domestic medical response to an attack involving weapons of mass destruction, including the anticipated source of those funds and any anticipated shortfalls in funds or personnel resources to achieve the tasks assigned the Department by the President in connection with preparation for such a response.

“(2) A detailed statement of the funds expended and personnel resources (stated in terms of full-time equivalent employees) used during the fiscal year preceding the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of those funds and a description of how those funds were expended.

“(3) A detailed statement of the funds expended and expected to be expended, and the personnel resources (stated in terms of full-time equivalent employees) used and expected to be used, during the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of funds expended and a description of how those funds were expended.

“(c) This section shall expire on January 1, 2009.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

“530. Annual report on program and expenditures for domestic response to weapons of mass destruction.”.

**SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY FOR HEALTH.**

The President may appoint to the position of Under Secretary for Health of the Department of Veterans Affairs, for service through June 30, 1999, the individual whose appointment to that position under section 305 of title 38, United States Code, expired on September 28, 1998.

**TITLE X—OTHER MATTERS**

**SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT PROPERTY.**

(a) IN GENERAL.—(1) Subchapter II of chapter 5, as amended by section 906(a), is further amended by adding at the end the following new section:

**“§531. Requirement relating to naming of Department property**

“Except as expressly provided by law, a facility, structure, or real property of the Department, and a major portion (such as a wing or floor) of any such facility, structure, or real property, may be named only for the geographic area in which the facility, structure, or real property is located.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 530, as added by section 906(b), the following new item:

“531. Requirement relating to naming of Department property.”.

(b) EFFECTIVE DATE.—Section 531 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to the

assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act.

**SEC. 1002. MEMBERS OF THE BOARD OF VETERANS' APPEALS.**

(a) REQUIREMENT FOR BOARD MEMBERS TO BE ATTORNEYS.—Section 7101A(a) is amended—

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

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

"(2) Each member of the Board shall be a member in good standing of the bar of a State."

(b) EMPLOYMENT REVERSION RIGHTS.—Paragraph (2) of section 7101A(d) is amended to read as follows:

"(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

"(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position."

**SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF APPEALS BY BOARD OF VETERANS' APPEALS.**

(a) FLEXIBILITY IN ORDER OF CONSIDERATION AND DETERMINATION.—Subsection (a) of section 7107 is amended—

(1) in paragraph (1), by inserting "in paragraphs (2) and (3) and" after "Except as provided";

(2) in paragraph (2), by striking out the second sentence and inserting in lieu thereof the following: "Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or in under severe financial hardship; or

"(C) for other sufficient cause shown."; and

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

"(3) A case referred to in paragraph (1) may be postponed for later consideration and determination if such postponement is necessary to afford the appellant a hearing."

(b) SCHEDULING OF FIELD HEARINGS.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking out "in the order" and all that follows through the end and inserting in lieu thereof "in accordance with the place of the case on the docket under subsection (a) relative to other cases on the docket for which hearings are scheduled to be held within that area."; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or in under severe financial hardship; or

"(C) for other sufficient cause shown."

**SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.**

(a) IN GENERAL.—Section 4103A(a)(1) is amended—

(1) in the first sentence, by striking out "for each 6,900 veterans residing in such State" through the period and inserting in lieu thereof "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.";

(2) in the third sentence, by striking out "of the Vietnam era"; and

(3) by striking out the fourth sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

**SEC. 1005. TECHNICAL AMENDMENTS.**

(a) SECTION REDESIGNATION.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105-33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) OTHER AMENDMENTS TO TITLE 38, U.S.C.—

(1) Section 712(a) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "November 2, 1994";

(2) Section 1706(b)(1) is amended by striking out "the date of the enactment of this section" at the end of the first sentence and inserting in lieu thereof "October 9, 1996";

(3) Section 1710(e)(2)(A)(ii) is amended by striking out "section 2" and inserting in lieu thereof "section 3";

(4) Section 1803(c)(2) is amended by striking out "who furnishes health care that the Secretary determines authorized" and inserting in lieu thereof "furnishing health care services that the Secretary determines are authorized";

(5) Section 2408(d)(1) is amended—

(A) by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "November 21, 1997"; and

(B) by striking out "on the condition described in" and inserting in lieu thereof "subject to the condition specified in";

(6) Section 3018B(a)(2)(E) is amended by striking out "before the one-year period beginning on the date of enactment of this section," and inserting in lieu thereof "before October 23, 1993";

(7) Section 3231(a)(2) is amended by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)";

(8) Section 3674A(b)(1) is amended by striking out "after the 18-month period beginning on the date of the enactment of this section";

(9) Section 3680A(d)(2)(C) is amended by striking out "section";

(10) Section 3714(f)(1)(B) is amended by striking out "more than 45 days after the date of the enactment of the Veterans' Benefits and Programs Improvement Act of 1988" and inserting in lieu thereof "after January 1, 1989";

(11) Section 3727(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "May 7, 1968";

(12) Section 3730(a) is amended by striking out "Within" and all that follows through "steps to" and inserting in lieu thereof "The Secretary shall";

(13) Section 4102A(e)(1) is amended by striking out the second sentence and inserting in lieu thereof the following: "A person

may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran."

(14) Section 4110A is amended—

(A) by striking out subsection (b); and

(B) by redesignating paragraph (3) of subsection (a) as subsection (b) and striking out "paragraph (1)" therein and inserting in lieu thereof "subsection (a)";

(15) Section 5303A(d) is amended—

(A) in paragraph (2)(B), by striking out "on or after the date of the enactment of this subsection" and inserting in lieu thereof "after October 13, 1982"; and

(B) in paragraph (3)(B)(i), by striking out "on or after the date of the enactment of this subsection," and inserting in lieu thereof "after October 13, 1982";

(16) Section 5313(d)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 7, 1980";

(17) Section 5315(b)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 17, 1980";

(18) Section 8107(b)(3)(E) is amended by striking out "section 7305" and inserting in lieu thereof "section 7306(f)(1)(A)";

(c) PUBLIC LAW 104-275.—The Veterans' Benefits Improvements Act of 1996 (Public Law 104-275) is amended as follows:

(1) Section 303(b) (110 Stat. 3332; 38 U.S.C. 4104 note) is amended by striking out "sections 4104(b)(1) and (c)" and inserting in lieu thereof "subsections (b)(1) and (c) of section 4104";

(2) Section 705(e) (110 Stat. 3350; 38 U.S.C. 545 note) is amended by striking out "section 5316" and inserting in lieu thereof "section 5315";

**TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT**

**SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(l) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which

benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

**SEC. 1102. PUBLICATION OF ADJUSTED RATES.**

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 1101, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.Res. 592.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I ask unanimous consent that each side be limited to 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House and Senate Veterans' Affairs Committees have reached an agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion. I believe this bill is an excellent package of program reform for veterans. It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in the defense of freedom.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure now before the House, as amended, the Veterans' Benefits Enhancement Act of 1998, deserves the strong support of every Member of the House of Representatives.

This measure improves the benefits provided by a grateful Nation to the men and women who, through their honorable service in uniform, have earned the benefits provided by Congress on behalf of this grateful Nation. The legislation is the result of diligent work, and I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee, for his work and efforts in making this come to passage today.

One of the most important provisions creates a new permanent framework for establishing a presumption of service connection for Persian Gulf war veterans. I urge every Member to support the passage of this legislation.

Mr. Speaker, I rise in support of the Veterans' Programs Enhancement Act of 1998. This omnibus measure improves many of the benefits which a grateful Nation has provided to the men and women who served in uniform and deserves the strong support of every Member of this body.

The legislation now before us is the result of the diligent work and cooperative efforts of many Members. In particular, I want to recognize and thank the Chairman of the Committee, the gentleman from Arizona, for his continued leadership on behalf of the Nation's veterans. I also want to commend the Chairman and Ranking Democratic Member of our Health Subcommittee, CLIFF STEARNS and LUIS GUTIERREZ; the Chairman and Ranking Democratic Member of our Benefits Subcommittee, JACK QUINN and BOB FILNER; the Chairman and Ranking Democratic Member of our Oversight and Investigations Subcommittee, TERRY EVERETT and JIM CLYBURN, and the other Members of the Committee who have contributed to this legislation. I also want to recognize the Democratic and Republican staffs for their outstanding efforts and their critical contributions to the legislative process and the measure before us.

COST-OF-LIVING ADJUSTMENT

The Veterans' Benefits Enhancement Act of 1998 includes numerous important provisions. This measure provides a cost-of-living adjustment (COLA) in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. The bill assures our veterans and their families that the value of these benefits will not be diluted by increases in the cost-of-living. While the amount of the increase to veterans and their families will not be great because of minimal inflation, it will protect the purchasing power of these beneficiaries. By enacting this bill, we are keeping our promises to those veterans who have sacrificed their health and, in some cases, their lives for our nation. The adjustment to be provided to veterans in receipt of compensation for a service-connected disability are to be the same rate of increase being provided to beneficiaries of Social Security benefits. Our Nation owes much to those who have honorably served in our Armed Forces.

PERSIAN GULF VETERANS

This bill provides for an independent scientific inquiry and research to ascertain the nature of the illnesses which are experienced by our Gulf War veterans and to determine the most effective means of treatment for these illnesses. This will fulfill for many Persian Gulf

veterans, as well as the American public, the need to bring a credible "third-party" perspective to the table.

Earlier this year I introduced H.R. 3279, the Persian Gulf Veterans Act of 1998, which provided for epidemiological studies to identify medical conditions which are more prevalent among Gulf War theatre veterans than comparable groups. This scientific approach provides an important means of identifying those medical conditions for which VA should consider compensating Gulf War veterans. I am pleased the compromise legislation we are considering today incorporates the intent of H.R. 3279.

Approximately 697,000 American men and women served our country during Operations Desert Shield and Desert Storm. These members of the Armed Forces were subject to the rigors of combat in a desert environment and to a variety of potentially toxic substances which alone, or in combination, may have adversely affected their health.

It may take years to determine why Gulf veterans are sick, but one thing is indisputable. Our veterans are suffering, and many share similar symptoms that are not attributable to any particular known cause. These symptoms, rather than unknown and yet-to-be-determined causes, are an appropriate basis for granting compensation. This approach will require scientists to determine which conditions are most likely the result of Gulf War service. This approach will also not require veterans to prove that a certain specific exposure caused an adverse health outcome; proof of which would require science and data that do not now, and may never, exist.

Determining the "prevalence" of the illnesses Gulf War theatre veterans experience more often than comparable populations is a scientifically valid epidemiological approach endorsed by scientists from the President's Gulf War advisory panel. On February 5, 1998, Dr. Arthur Caplan, a member of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, stated that his Committee felt a prevalence model gave the veterans the greatest benefit of the doubt. According to Dr. Caplan, "Gulf War Illness is a very real phenomena. No one on this committee should doubt that for a moment. . . . What should be forthcoming . . . is an unwavering commitment from this Congress and this administration to provide the health and disability benefits to all those who became sick when they came back from the Gulf."

I am very pleased the measure before us today includes, in principle, many of the provisions contained in the Persian Gulf Veterans Act of 1998 and believe it will provide answers to the many health-related questions and concerns of our Gulf War veterans.

The measure before us also authorizes a study to determine scientifically-rigorous measures of health treatment provided to Gulf War veterans. Many veterans have told me heartbreaking stories about the deterioration of their health since their return from the Gulf. Some have been suffering for many years and are desperate for effective health care treatment. Finding meaningful ways of assessing outcomes can help scientists determine the best health care treatments so more veterans can benefit from them. Assessing effective treatment was an important part of my bill, H.R. 3279, and I thank my colleagues for including this provision in the compromise agreement.

This legislation also extends expiring authority for the health care assessment of spouses and dependents of Gulf War veterans. I have strongly supported this program but have been concerned that inadequate implementation by VA has hampered its usefulness. For the many dependents who seem to be suffering from ailments similar to those experienced by their spouses who served in the Gulf, providing them with a thorough physical examination is entirely appropriate and will, hopefully, ensure their peace of mind. This measure will provide the opportunity for more dependents to take advantage of this important program.

#### ELIGIBILITY FOR VA HEALTH CARE FOR PGW VETERANS

Another of the important component of this bill is the extension of eligibility for VA health care for PGW veterans with undiagnosed illnesses until the year 2002. Earlier this year, I introduced H.R. 3571 which extended this authority and am pleased this provision was incorporated in the measure before us today.

#### NATIONAL CENTER FOR WAR-RELATED ILLNESSES

In addition, this legislation requires VA to enter into a study to determine the agencies and resources best suited to examine war-related illnesses. A plan will be developed to assign an appropriate agency to advise VA and DOD regarding preparation for post-deployment medical responses and assess the extent to which activities such as medical record keeping and risk communication can be improved to enhance veterans' post-combat health status.

#### AUTHORITY TO TREAT COMBAT VETERANS

This bill gives VA the tools to apply these lessons learned by allowing VA to treat veterans from a theater of combat for two years post-discharge and to establish a plan for examining the health status and health utilization of veterans of future combat periods. This measure applies "lessons learned" from past experience with the aftermath of war and its effect on veterans. We have learned that some veterans may experience illnesses following their combat service unrelated to recognizable combat wounds. We have learned that the sooner we address these health consequences, the more likely veterans are to improve over shorter periods of time. We have learned that having systems in place to identify unusual health care utilization patterns among combat veterans can help us to quickly recognize trends that may indicate unique exposures or problems.

#### SEXUAL TRAUMA COUNSELING

Among the most important provisions contained in the measure before us is the extension of VA's authority to provide sexual trauma counseling to victims of sexual assault during their military service. My good friend, LUIS GUTIERREZ, the Ranking Democratic Member of the Health Subcommittee, has worked tirelessly to reauthorize VA's provision of sexual trauma counseling to veterans, and he is due much of the credit for the inclusion of this provision in the omnibus bill.

Some surveys indicate that up to 52% of women in the military state that they have been sexually harassed. Since the number of women entering the military continues to grow,

the need for sexual trauma counseling will obviously continue. While I am pleased that we are extending the authorization of this valuable program today, I want to continue to work on improvements and enhancements to sexual trauma counseling eligibility in the future.

#### TRANSITIONAL HOUSING FOR HOMELESS VETERANS

Mr. Speaker, I am very glad that the provisions of H.R. 3039, the Veterans Transitional Housing Opportunities Act of 1998, approved by the House on May 19, 1998, are contained in H.R. 4110. These provisions will expand the supply of transitional housing for homeless veterans by authorizing VA to guarantee loans for self-sustaining housing projects specifically targeted at homeless veterans. Patterned after many successful programs across the country, residents of the housing projects established under this section would be required to seek and maintain employment, maintain sobriety, and pay a reasonable fee for their residence.

According to Department of Veterans Affairs statistics, one-third of the homeless men in this country are military veterans, and approximately 60% of those individuals are veterans of the Vietnam era. On any given night, more than 271,000 veterans sleep on America's streets or in homeless shelters. Although transitional housing has been identified as a major need for homeless veterans, there is an acute shortage of this type of shelter, largely because of the difficulty in obtaining financing. In fact, to accommodate the hundreds of thousands of homeless veterans, VA has fewer than 5,000 transitional-type beds either under contract or as part of its domiciliary program. I believe that the loan guaranty program established under H.R. 3039 will generate opportunities for localities to provide transitional housing for homeless veterans.

#### SELECTED RESERVE HOME LOAN ELIGIBILITY

The compromise measure also includes a provision which would extend for five years the eligibility of members of the Selected Reserve for veterans housing loans. A similar provision was included in H.R. 4110, the Veterans' Benefits Improvement Act of 1998, when it was approved by the House in August. The VA's current authority to guarantee home loans for members of the National Guard and Reserve components will expire on September 30, 1999. More than 43,000 Selected Reserve members have bought their homes using a VA home loan, and 67 percent of these individuals were first-time buyers. This program has been very successful, and I am pleased that this extension is included in the compromise agreement.

#### VETERAN STATUS FOR MERCHANT MARINERS

Another provision in the compromise measure extends veteran status, for the purpose of burial benefits, to Merchant Mariners who served our nation between the dates of August 15, 1945 and December 31, 1946—the official end of World War II. Until now, this special group has not received the recognition of veteran status to which I believe they have long been entitled. The service of Merchant Mariners to our nation includes the heroic efforts put forth during World War II by the thousands of young men who volunteered for serv-

ice in the United States Merchant Marines. Many of these mariners were recruited specifically to staff ships under the control and direction of the United States Government to assist the World War II effort. These seamen were subject to government control; their vessels were controlled by the government under the authority of the War Shipping Administration and, like other branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marines because minor physical problems, such as poor eyesight, made them ineligible for service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marines because the recruiter recognized that the special skills offered by the volunteer could best be put to use for our country by service in the Merchant Marines. Most importantly, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

In order to staff our growing merchant fleet during World War II, the U.S. Maritime Commission established training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, seamen became active members of the U.S. Merchant Marines. These seamen, often at great personal risk, helped deliver troops and war supplies needed for every Allied invasion site from Guadalcanal to Omaha Beach.

More than 6,500 Merchant Marines who served our country during World War II gave the ultimate sacrifice of their lives, including 37 who died as prisoners of war, and almost 5,000 World War II Merchant Mariners remain missing and are presumed dead. In addition, 733 U.S. Merchant ships were destroyed. Even after the surrender of Japan, members of our Merchant Marine fleet were in mortal danger as they continued to support the war effort by entering mined harbors to transport our troops safely home. After the war ended, they carried food and medicine to millions of the world's starving people. It is important to remember that during the time period addressed by this bill, August 15, 1945 through December 31, 1946, 12 U.S. Flag Merchant Vessels were lost or damaged as a result of striking mines, and some of the Merchant Mariners serving on these vessels were killed or injured. Fully understanding the tremendous risks they faced, mariners nonetheless willingly went into mined harbors so that they could bring our American troops home to their families and friends. I believe these courageous Merchant Mariners, who were subject to the risks and dangers of war between V-J Day and the official end of the war, have been wrongfully denied veteran status. They faced the very real hazards of war-time hostile actions and should not be denied the status of veteran for purposes of laws administered by the Department of Veterans Affairs because their sea-going contribution began after August 15, 1945.

With the enactment of this legislation, Congress officially recognizes the veteran status of these brave mariners for the purpose of burial benefits. As the author of the Merchant Mariner Fairness Act, H.R. 1126, which was cosponsored by more than 300 Members of the House, I would have welcomed the enactment of that legislation which provided additional veterans' benefits to these brave mariners. Nevertheless, I am pleased this legislation will at long last provide overdue recognition and grant veteran status for burial benefits.

#### STATE VETERAN CEMETERY GRANT PROGRAM

The compromise agreement also modifies the current State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries. Under current law, VA may pay up to 50 percent of the cost of land and construction. This provision was contained in H.R. 4110, the Veterans Benefits Improvement Act of 1998, as approved by the House in August.

When the Department first proposed that the state cemetery program be altered, VA officials indicated that they intended the modified program to replace construction of new national cemeteries. Although we on the Committee were interested in the VA's proposed change to the state cemetery grants, we strongly disagreed with the VA's assertion that an improved state grant program would eliminate the need for future national cemetery construction. The Committee made it clear to the VA that continuing construction of new national cemeteries, must be a high priority and that the state grants program, although important, is merely a supplement to an expanding national cemetery system. The VA subsequently expressed complete support for the Committee's views regarding future national cemetery construction, and the Committee included the state grant program enhancements in H.R. 4110, as approved by the House in August.

#### EDUCATION

Mr. Speaker, I am very pleased that the compromise measure includes all of the education-related provisions contained in H.R. 4110, as introduced, the Veterans' Benefits Improvement Act of 1998, which was unanimously approved by the House on August 3, 1998. Although all of these provisions will enhance veterans' education programs, I particularly want to stress the importance of the sections of the bill which require the VA and the military services to provide additional information regarding Montgomery GI Bill benefits to active duty servicemembers.

We have been told by college and VA officials that too many active duty servicemembers and veteran students are not well informed regarding their Montgomery GI Bill (MGIB) benefits. They do not understand the payment procedures under the MGIB and, too often, do not know the amount of the benefit to which they are entitled. Additionally, we have been informed that some young veterans who have taken early-outs from their military service, specifically in order to enter college, discovered when they applied for their VA education benefits that, because they took an early-out, they had not fulfilled the minimum active duty requirements and, consequently, had lost their eligibility for Montgomery GI Bill benefits. It is our expectation that the VA and service branches will work closely together to

ensure full and effective compliance with the requirements of the compromise measure and that servicemembers will have the GI Bill information they need—when they need it.

#### UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

I am very pleased that the bill we are considering today includes the provisions of H.R. 3213, the USERRA Amendments Act of 1998, which was approved by the House on March 24, 1998. These provisions are, in part, derived from those of H.R. 166, the Veterans' Job Protection Act, a bill introduced by Congressman BOB FILNER, the Ranking Democrat on the Veterans Affairs Subcommittee on Benefits.

For more than 50 years, Federal law has provided protection for members of the uniformed services (including active duty and Reserve/National Guard duty) who choose to return to their civilian employment following military service. This protection has long covered state and private employment and is codified at chapter 43, title 38, United States Code. In particular, protections for those who believed their veterans' reemployment rights had not been honored included the right to bring an action against a state or private employer in federal court.

In 1996, the Supreme Court reached a decision in *Seminole Tribe of Florida v. Florida* that had the unintended effect of making unconstitutional, the right of state employees to sue their employers in federal court if the employees believe their veterans' reemployment rights had been violated. Since that decision, at least two court decisions have ruled against the veteran involved. This bill restores the protections and remedies for state employees that existed prior to the *Seminole Tribe* decision, and I appreciate the Senate's support for the House-passed legislation.

#### NASOPHARYNGEAL IRRADIATION THERAPY

The compromise measure addresses the long-standing need for treatment of disorders associated with nasopharyngeal irradiation therapy. This therapy exposed veterans to higher doses of radiation than many of the atomic veterans who are eligible to receive care in VA today. Veterans who served on aircraft or submarines were routinely and, often, involuntarily exposed to this therapy for prevention of sinus and ear infections that were common hazards of this service. Providing care for conditions thought to be related to such treatment is long overdue. Credit is due to the Administration which recommended enactment of similar legislation to Congress.

#### SPECIALIZED SERVICES FOR DISABLED VETERANS

The bill before us today includes a provision to require VA to add effective measures of capacity and quality, developed with VA's Advisory Committees on the Seriously Chronically Mentally Ill and the Committee on Special Disabilities to managers' performance contracts. I thank the Committees' majority who agreed to hold the compelling hearing in July and to develop the provision before us today. Decentralizing VA management and taking away authority VA service chiefs once had for ensuring the integrity of these programs may be largely to blame for these programs' disintegration. Once these programs offered "state-of-the-art" in managing care for some types of disabilities, particularly for combat injuries. With no effective VA oversight of these programs, they now seem to be falling into disarray. Perform-

ance measurements are now king and VA managers with power over resource distribution are not now evaluated ensuring the integrity of specialized services.

I am particularly pleased this measure offers another means to address the provision of specialized services for disabled veterans. The Subcommittee on Health of the House Committee on Veterans' Affairs conducted a hearing earlier this year which examined the need to further protect these special programs. Notwithstanding special legislative protection Congress enacted to ensure that capacity in these programs is maintained, testimony from both veterans and other witnesses indicated VA has, in large part, not provided this protection.

#### MEDAL OF HONOR PENSION

The Committee has been advised that veterans who have been honored with the Medal of Honor are often called upon to attend many civic events and ceremonies all over the country because of their receipt of the Medal of Honor. In order to assure that the cost of any such participation does not adversely impact the finances of these recipients of the Medal of Honor, the bill increases the amount of the special pension which they receive from \$400 per month to \$600.

#### LIFE INSURANCE ACCELERATED DEATH BENEFIT

Terminally ill veterans often suffer from severe financial hardship. In order to relieve this hardship, the bill allows terminally ill veterans with a life expectancy of less than 12 months to obtain up to 50% of the value of their veterans' life insurance policy as an accelerated death benefit. In order to assure that the funds received will be available to the terminally ill veteran; accelerated death benefits will be exempt from income and resources for purposes of all Federal and federally assisted programs and for all other purposes.

Thank you Mr. Speaker, I urge my colleagues to support H.R. 4110, as amended. For the benefit of all Members, I have attached a summary of the provisions of H.R. 4110, as amended.

#### SUMMARY OF H.R. 4110, AS AMENDED

H.R. 4110, as amended, would:

#### TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

1. Provide for the National Academy of Sciences (NAS) to review and evaluate the available scientific evidence and determine whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans and service in—or one or more agents, hazards, or medicines in—the Persian Gulf War. NAS would report its findings and recommendations to the Secretary of Veterans Affairs, who would be required to evaluate the report and provide recommendations to Congress as to whether such scientific evidence would warrant a presumption of service connection. NAS would provide periodic reports as well as recommendations for additional scientific studies.

2. Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Persian Gulf War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization

patterns of veterans who receive care under this priority.

3. Extend VA's special authority to provide care to Persian Gulf veterans through December 31, 2001.

4. Require VA to enter into an agreement with the National Academy of Sciences or another appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

5. Require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans.

6. Require Departments of Veterans Affairs, Health and Human Services, and Defense to report to Congress by March 1 of each year the status and results of such research activities, along with the list of research priorities for the upcoming year.

7. Require public availability through the World Wide Web and elsewhere of the findings of all Persian Gulf research conducted by or for the Government.

8. Require VA to enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided to Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service. VA is to develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatments and health outcomes.

9. Require VA and DoD to enter into an agreement with the National Academy of Sciences to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and DoD physicians.

10. Extend VA's authority to evaluate the health status of spouses and children of Persian Gulf War veterans through December 31, 1999, and to provide such examinations through VA facilities, or under its fee-basis or other contract arrangements.

#### TITLE II—EDUCATION AND EMPLOYMENT

##### *Education matters*

1. Change the way VA calculates the reporting fee paid to educational institutions that enroll veterans. Once a year, VA pays educational institutions a "reporting fee" to cover, in part, costs associated with the reports the institutions must submit on enrolled veterans. This provision would base the reporting fee on the number of veterans who enroll in a school during the entire year rather than the current method of reporting the number of veterans enrolled on October 31 of the year.

2. Make optional, rather than mandatory, an advance payment of 40 percent of the amount which a veteran-student under VA's work-study program is eligible to receive for their veteran-related work in VA regional offices, educational institutions, or at DOD or National Guard facilities. Current law requires the advanced payment.

3. Allow servicemembers to use college-granted credit hours for life experiences as a means of meeting eligibility requirements for their Montgomery GI Bill benefits.

4. Allow a veteran-student in flight training to continue to receive VA educational assistance if the veteran has inadvertently failed to maintain the required flight certificate.

5. Waive the wage increase and minimum salary requirements for on the job training

programs provided by State and local governments.

6. Require the VA and military service branches to expand outreach services concerning VA education program requirements to members of the armed services.

7. Require the VA and military service branches to ensure separating servicemembers are well informed of the eligibility requirements for their education benefits.

##### *Employment matters*

1. Clarify the enforcement of veterans' employment and reemployment rights with respect to a State (as an employer), under the Uniformed Service Employment and Reemployment Rights Act.

2. Extend veterans' employment and reemployment rights to former members of the uniformed services employed overseas by United States companies.

3. Clarify Federal employee enforcement of employment and reemployment rights.

#### TITLE III—COMPENSATION, PENSION AND INSURANCE

1. Increase the special pension provided to persons entered and recorded on the Army, Navy, Air force, and Coast Guard Medal of Honor Roll from \$400 to \$600 per month.

2. Provide for the payment of accelerated death benefits to terminally ill persons under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance policies.

3. Direct VA to provide to Congress an assessment of the effectiveness and adequacy of insurance and benefits programs for the survivors of veterans with service-connected disabilities.

4. Authorize the VA to issue dividends to the holders of World War II-era National Service Life Insurance (NSLI) series "H" policies. All other NSLI policies issue dividends.

#### TITLE IV—MEMORIAL AFFAIRS

1. Authorize VA to furnish a memorial marker for certain members of the armed forces and spouses whose remains are unavailable for interment.

2. Extend eligibility for burial in National Cemeteries and funeral benefits to veterans of the merchant Marine who served from August 16, 1945 to December 31, 1946.

3. Redesignate the National Cemetery System (NCS) as the National Cemetery Administration, elevating NCS to the same organizational status within VA as the Veterans Health Administration and the Veterans Benefits Administration. In addition, this provision would redesignate the Director of the National Cemetery System as the Under Secretary for Memorial Affairs.

4. Modify the existing State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries.

#### TITLE V—COURT OF VETERANS APPEALS

1. Allow a sitting judge at the Court of Veterans Appeals nominated for a second term to remain on the bench for up to one year while awaiting Senate confirmation.

2. Exempt the Court's retirement fund from sequestration orders.

3. Provide the same adjustments for annuities to the survivors of deceased Court of Veterans Appeals judges as those received by Judiciary Survivors' Annuities Fund annuitants.

4. Direct the Court to submit a report on the feasibility of merging the retirement and survivor annuity plans with other federal court retirement and survivor annuity programs.

5. Rename the Court of Veterans Appeals the United States Court of Appeals for Veterans Claims.

#### TITLE VI—HOUSING

1. Authorize the Secretary of Veterans Affairs to guarantee loans to provide multi-family transitional housing for homeless veterans.

2. Require the Secretary to provide in the budget a simple, concise, and readily understandable statement that summarizes the financial activity of each of the housing programs operated under the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.

3. Extend the VA's authority to guarantee home loans for members of the National Guard and Reserve components to September 30, 2003. The current program expires in 1999.

4. Require the Department of Veterans Affairs to comply with the requirements of the Competition in Contracting Act and the Federal Acquisition Regulations for any contract for services or supplies for properties acquired under the VA housing program.

#### TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

1. Authorize appropriations for fiscal year 1999 and 2000 in the amount of \$241.1 million for the Construction, Major Projects account and \$8.5 million for the Medical Care account for major medical leases.

2. Authorize the following major medical facility projects:

Alterations and demolition at the Long Beach VA Medical Center (\$23.2 million);

Construction and seismic work at the San Juan VA Medical Center (\$50 million);

Outpatient clinic expansion at the Washington, DC VA Medical Center (\$28.7 million);

Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Palo Alto VA Medical Center (\$22.4 million);

Construction of an ambulatory care addition and renovations for ambulatory care at the Cleveland (Wade Park) VA Medical Center (\$28.3 million, of which \$7.5 million would come from previously appropriated funds);

Construction of an ambulatory care addition at the Tucson VA Medical Center (\$35 million);

Construction of a psychiatric care addition at the Dulles VA Medical Center (\$24.2 million);

Outpatient clinic projects at Auburn and Merced, California (\$3 million from previously appropriated funds);

Renovations to a nursing home care unit at the Lebanon VA Medical Center (\$9.5 million);

Construction of a spinal cord injury center at the Tampa VA Medical Center (\$46.3 million, of which \$20 million would come from previously appropriated funds);

Construction of a parking structure at the Denver VA Medical Center (\$13 million, of which \$11.9 million would come from previously appropriated funds in the Parking Revolving Fund).

3. Authorize the following major medical facility leases:

Satellite outpatient clinic in Baton Rouge, Louisiana (\$1.8 million)

Satellite outpatient clinic in Daytona Beach, Florida (\$2.6 million)

Satellite outpatient clinic in Oakland Park, Florida (\$4.1 million)

4. Increase the threshold for treatment of a medical facility lease as a major medical facility lease (which requires congressional authorization) from \$300,000 to \$600,000.

5. Increase the threshold for treatment of a parking facility project as a major medical facility project (which requires congressional authorization) from \$3 million to \$4 million.

6. Prohibit VA from establishing or collecting parking fees at any parking facility associated with the Spark M. Matsunaga VA

Medical Center and Regional Office in Honolulu, Hawaii.

7. Require VA to submit a report to Congress by September 15, 1999 on the Department's use of its authority to charge parking fees at VA medical facilities, to include the results of a survey on the availability of VA-provided employee-parking, an analysis of ways to provide cost-effective parking programs, and recommendations on whether and how to amend current law pertaining to parking fees.

8. Require VA to submit a report to Congress on a master plan relating to Department lands at the West Los Angeles VA Medical Center.

9. Designate the Aspinwall, PA VA Medical Center as the "H. John Heinz III Department of Veterans Affairs Medical Center".

10. Designate the Gainesville, FL VA Medical Center as the "Malcolm Randall Department of Veterans Affairs Medical Center".

11. Designate the Columbus, OH VA Outpatient Clinic as the "Chalmers P. Wylie Veterans Outpatient Clinic".

#### TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

##### *Scholarship program*

1. Authorize VA to carry out an employee-incentive scholarship program through December 31, 2001, to assist in meeting the staffing needs for health professional positions for which it is difficult to recruit or retain qualified personnel.

2. Specify that to be eligible, individuals must have been a full-time or part-time Department employee for at least two years and have an exceptional employment record.

3. Require that scholarships awarded under the program would cover payment of tuition and other educational expenses of up to \$10,000 per year for a full-time student participant.

4. Specify that participants who do not finish the agreed upon course of study are liable for damages.

##### *Education debt reduction program*

1. Authorize the VA to carry out an education debt reduction program through December 31, 2001, to assist in the recruitment of health care professionals for positions that are difficult to recruit and retain.

2. Specify that to be eligible, an individual must be a recently-hired VHA employee (less than six months) serving in a position for which recruitment or retention is difficult and still indebted for education or training in that position.

3. Limit assistance to \$6,000 for the first year of participation in the program; \$8,000 for the second year; and \$10,000 for the third.

#### TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

1. Authorize VA to provide priority health care for the treatment of cancer of the head or neck to veterans who can document nasopharyngeal radium irradiation treatment in service. It also would authorize such treatment to any veteran who served as an aviator in the service before the end of the Korean conflict or underwent submarine training in active naval service before January 1, 1965.

2. Extend VA's authority to counsel and treat veterans for sexual trauma through December 31, 2001.

3. Require VHA to develop and apply job-performance standards to VA network directors and any other officials responsible for the allocation and management of resources relating to the requirement to maintain special disability programs.

4. Provide ongoing authority to use pension funds above the \$90 monthly limit for certain veterans receiving nursing home care for operating expenses of VA medical facilities.

5. Require the VA to submit a report to Congress by February 1, 1999 and February 1, 2000 assessing the current system of locality-based pay for nurses.

6. Require the VA to provide an annual report to Congress on the Department's activities relating to its preparation for and participation in a domestic medical response to an attack involving weapons of mass destruction.

7. Permit the interim appointment of the Under Secretary for Health for service until July 1, 1999.

#### TITLE X—OTHER MATTERS

1. Require that, except as specified in law, a facility, structure, or property (or major part of any facility, structure or property) of the Department be named for the geographic area where it is located.

2. Provide reversion rights to attorney positions at the Board of Veterans' Appeals for civil service attorneys who are members of the Board of Veterans' Appeals and whose appointments to the Board are terminated.

3. Afford the Board of Veterans' Appeals flexibility in scheduling hearings, and in considering and deciding appeals, so that unintended delays may be avoided. BVA would be authorized to postpone consideration and disposition of a pending appeal in order to afford the appellant a hearing. BVA would also be authorized to schedule travel board hearings on the basis of the pending appeals' relative places on the BVA docket rather than on the basis of the order in which requests for a hearing were received.

4. Change the formula used by the Veterans Employment and Training Service to determine the number of Disabled Veterans Outreach Program Specialists (DVOPS) to reflect the working-age veteran population in each state.

#### TITLE XI—COST-OF-LIVING ADJUSTMENT

Increase, effective as of December 1, 1998, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. STUMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health of the Committee on Veterans' Affairs.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise in strong support of H.R. 4110, and I am also proud to be one of its key sponsors. As chairman of the Subcommittee on Health, we have had many hearings on this, and I think it goes without saying there is many people on this House floor, on both sides of the aisle, that have done much to make this bill possible, particularly, of course, the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Illinois (Mr. LANE EVANS).

I particularly want to thank our dedicated Chairman *Bob Stump* for his leadership and work on behalf of veterans. I want to thank and acknowledge LANE EVANS, the Ranking Member of the full committee; LUIS GUTIERREZ, the Ranking on the Health Subcommittee; and JOE KENNEDY for their hard work on this measure. I also want to thank CHRIS SHAYS for all

his work on the Persian Gulf issue, which contributed to the bill we bring to the floor today.

This legislation advances the extensive work this committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled.

The legislation is also forward-looking. It aims to apply the lessons of the Persian Gulf experience so as to avoid the problem of future combat for veterans. It has become clear, for example, that early treatment is important in overcoming health problems that may be linked to war-time service. This bill will authorize the VA, in advance, to treat veterans of future combat situations for any illnesses that develop within 2 years after service. Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of war-time service generally.

Significantly, Mr. Speaker, this bill provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and to foster education and improved clinical care. The bill will also extend to VA special authority to treat Persian Gulf War veterans, and it contains important provisions to improve VA's service delivery to those Veterans and to improve the research efforts regarding these illnesses.

Mr. Speaker, millions of veterans depend upon the VA health care system. Accordingly, this bill would also address ongoing needs of this system, ranging from assuring adequate health care staffing to improving its infrastructure. As its title indicates, this legislation is truly aimed at improving veterans' programs.

Mr. Speaker, I urge the Members to support it. The House has passed this bill twice, Mr. Speaker. If it goes to the Senate, it includes a COLA bill. It is absolutely mandatory the Senate move this to the President.

Mr. Speaker, I rise in support of H.R. 4110, as amended. Many of the key provisions of this truly important legislation originated in the Veterans Affairs Subcommittee on Health, which I chair. So I particularly welcome the House action today and urge members to support this measure.

This legislation advances the extensive work this Committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled. At the same time this legislation is *forward-looking* in aiming to apply lessons of the Persian Gulf experience so as to avoid problems for veterans of future combat.

In studying the lessons of the Persian Gulf experience, it became clear to us that *early* treatment is important in overcoming health problems that may be linked to wartime service. Several years after the end of hostilities, Congress created special treatment authorities for Vietnam veterans and for Persian Gulf veterans (tied to presumed exposures to toxic substances). In hindsight, it would have been

helpful for veterans of those conflicts if such legislation had been in place much earlier, before some of their acute health problems became chronic. This bill would build on this experience and authorize VA, in advance, to treat veterans of *future* combat situations for illnesses which first manifest themselves within two years after service. Under this legislation, such veterans would be eligible for VA care, regardless of whether their illnesses have been adjudicated as service-connected. While the other body was unwilling to agree to the duration of treatment authority provided for in the House-passed bill, this is a most important provision.

Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of wartime service. Significantly, this bill should help advance our understanding. To that end, it provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and foster research, education, and improved clinical care of such illnesses, as proposed in House-passed H.R. 3980. The bill also contains important provisions I authorized to extend VA's special authority to treat Persian Gulf War veterans, and to improve VA service-delivery to those veterans.

The bill asks much of the Department of Veterans Affairs, but it also provides for VA to tap independent scientific expertise in carrying out its new responsibilities on behalf of Persian Gulf veterans. Congress has long looked to the Institute of Medicine of the National Academy of Sciences to carry out that role. For years, the Institute has done important work on veterans issues, from exhaustive reviews into the health effects of herbicides used in Vietnam, to ongoing analysis of the health consequences of service during the Persian Gulf War. The complexity and controversy associated with Persian Gulf War illnesses highlights the importance of bringing independent expertise and judgment to our questions. Under this legislation, the Institute would provide advice and recommendations to guide virtually every aspect of major decision-making associated with resolving the remaining problems and questions relating to the health consequences of veterans' service in this war, from compensation questions to identifying methods of improving the care provided these veterans.

As its title indicates, this legislation is truly aimed at improving veterans programs. This will be quite evident in the area of VA health programs—the focus of my subcommittee. For example, the measure we bring to the floor would:

Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Vietnam War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization patterns of veterans who receive care under this priority and would report to Congress on the first eighteen months' use of that authority and on any recommendations to extend it; Extend VA's special authority to pro-

vide care to Persian Gulf veterans through December 31, 2001.

Require VA to enter into an agreement with the National Academy of Sciences or other appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

Several other provisions of the bill also call for contracting with the National Academy to assist in carrying out Government responsibilities relating to the health consequences of service in the Persian Gulf War. While the bill reflects the esteem in which the Academy is held, it is not our intention to require duplication of effort or to impose undue financial burdens on the Department. The bill is not intended, for example, to require VA to renegotiate contracts which have already been executed and which would otherwise carry out the requirements of the bill. Nor does the existence of multiple specific requirements (for VA, or VA and Department of Defense, to contract with NAS) in title I necessarily constitute a requirement that separate contracts involving separate NAS scientific panels must be executed to carry out each provision. Where, for example, the scientific expertise required to address a particular requirement set forth in one section of the bill would in whole or in part serve to address a requirement set forth in a different section, it would be altogether appropriate to execute a single contract under which NAS could use a single scientific panel to carry out these requirements.

More specifically, the bill includes requirements that:

VA (a) enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service and (b) develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatment and health outcomes; and that VA and Department of Defense enter an agreement with the National Academy to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and Department of Defense physicians, and (b) periodically review and provide recommendations regarding the Departments' research plans relating to Persian Gulf illnesses.

In further addressing concerns surrounding the health consequences of Persian Gulf service, the bill would: require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans; require the pertinent Executive branch departments to expand their annual reporting on the status and results of Persian Gulf research activities, to include their research priorities for the upcoming year, and to better coordinate their outreach activities; require publication of all Government-conducted or -funded Persian Gulf research findings through the World Wide Web and elsewhere; extend VA's authority to evaluate the health status of spouses and children of Persian Gulf

War veterans through December 31, 1999, and to provide for such examinations through VA facilities, as appropriate and under contract, including through its fee basis program.

The measure reflects a recognition that although the VA health care system is changing, Congress must address itself to ongoing needs, ranging from infrastructure to system-management to health-care staffing. Accordingly, among its provisions, the bill provides for continuity in leadership of the Veterans Health Administration by authorizing the interim appointment to the position of Under Secretary for Health of the former incumbent, the very able Dr. Kenneth Kizer.

The measure also provides mechanisms to help attract and retain health-care professionals in positions where VA has experienced difficulties in recruiting or retaining qualified staff. Particularly noteworthy is a new education-debt reduction authority. The bill would also add to title 38 provisions modeled on VA's so-called "grow-your-own" employee-scholarship program, to provide an incentive to outstanding current employees to pursue advanced education or training for positions for which VA or a particular VA medical facility has recruitment and retention needs. The legislation also requires the establishment and use of specific accountability measures applicable to VA network directors in the exercise of responsibilities associated with network management and resource allocation as they relate to VA programs dedicated to the specialized treatment and rehabilitative needs of disabled veterans.

This legislation would also authorize major medical construction projects for funding in this or the following fiscal year. Finally, the bill addresses a unique problem relating to employee pay-parking at a facility in Hawaii, but in no way retreats from or alters the otherwise applicable requirements of section 8109 of title 38, United States Code.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in strong support of H.R. 4110, the Veterans' Program Enhancement Act of 1998. I think this is a measure which is the result of bipartisan and bicameral cooperative efforts on behalf of our Nation's veterans.

Of particular importance to our Gulf War veterans are provisions from the bills introduced in the House by the gentleman from Florida (Mr. STEARNS) and by our ranking member, the gentleman from Illinois (Mr. LANE EVANS), and in the Senate by Senator ROCKEFELLER.

While we have to go further in the next Congress, these provisions will provide an independent third-party review by the National Academy of Sciences concerning the exposure to toxic substances present in the gulf theater and the prevalence of illnesses experienced by our gulf veterans; it will extend eligibility for health care for Persian Gulf Veterans until December 31, 2001; and it makes a number of changes to improve the health care offered to Gulf War veterans. All of these

measures should be of assistance to those who have served during the Gulf War.

There are other very helpful provisions for all our veterans in terms of education, employment, insurance, housing and burial programs. This is an excellent bill, and I urge my colleagues to support it.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a member of the committee.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I rise to address the issue of naming VA facilities. This has been a very frustrating problem for me and my constituents, particularly in Springfield, Illinois.

On April 8 of this year, VA's Secretary Togo West issued a press release naming the cemetery-in-progress near Joliet, Illinois the "Abraham Lincoln National Cemetery." In my opinion, Mr. West's office moved unilaterally without any congressional or Committee on Veterans' Affairs input whatsoever, disregarding VA's own policy on naming facilities. Many of my colleagues from down-State Illinois were completely unaware of this.

Congress has well-established procedures for naming facilities of all kinds in honor of individuals. The VA chose to step outside its legal authority, ignoring procedures and precedent. VA's own policy clearly states that the naming of VA facilities in honor of individuals can be done only by congressional mandate.

This situation has me very concerned about the VA's apparent lack of regard for procedures. I am pleased that this legislation we are considering today provides a solution. The VA will no longer be able to sidestep proper procedures in naming facilities. Congress' authority to naming facilities in honor of individuals will be codified and, hopefully, no more confusion will exist.

Springfield, Illinois, is the home of Abraham Lincoln. He represented that city in Congress and was buried after his assassination in Springfield. Naming a cemetery in northern Illinois will lead to much confusion. In an effort to smooth over this mistake, the VA promised, and Togo West personally promised me, that they would try to avoid the confusion by printing statements in their brochures that Abraham Lincoln is not buried at the cemetery in Joliet, and by placing signs along the interstate highways specifically saying that Abraham Lincoln is not buried at that cemetery. I hope the VA will maintain the commitment that they have made to all the citizens of Illinois.

Mr. Speaker, I thank the chairman so much and the ranking member for their support in my effort.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and ex-

tend his remarks, and to include extraneous material.)

Mr. FARR of California. Mr. Speaker, I thank both the chairman and the ranking member for all their hard work that brought this to the floor today. I appreciate particularly being able to work on section 404 of the bill, which expands the State Cemetery Grants Program.

The need for additional cemeteries to serve our Nation's veterans is of critical importance to veterans of the California central coast. Not many people know that only two of California's six national veterans cemeteries are open for burials and cremations. Only two in the most populace state in the union.

In my district we have over 40,000 veterans. We have a base closure, we have excess land, and we want to create a State-operated national veterans cemetery on the 156-acre portion of Fort Ord's army facility. When the President signs this bill into law, the State cemetery Grants Program will pay for 100 percent of the cost of the cemetery construction.

While the State legislature will have to designate a cemetery at Fort Ord, passage of this bill brings the central coast's veterans and all veterans of California one step closer to realizing their dream for a new cemetery at Fort Ord.

Mr. Speaker, I submit for the RECORD a newspaper article regarding my comments on this subject.

VETERANS CARRY ON CAMPAIGN FOR FORT ORD CEMETERY

(By Larry Parsons)

Central Coast veterans won't let a veto by Gov. Pete Wilson stop their drive for a veterans' cemetery at Fort Ord.

"We are going to figure out something," said retired Army Sgt. 1st Class Mark Giblin of Seaside. "I'm not giving up on it."

For the past three years, Giblin has helped lead a push by Central Coast veterans' groups to persuade the state to develop a veterans' cemetery on 156 acres on Artillery Hill at Fort Ord.

But the campaign was dealt a setback last week when Gov. Pete Wilson vetoed a bill by state Sen. Bruce McPherson, R-Santa Cruz, that would have required the state to take a \$20,000 look at the feasibility of a Fort Ord cemetery.

"(McPherson) was surprised and disappointed" by the governor's veto, said the senator's spokeswoman, Tricia Meade. "He worked on it so hard. The vets want it, and the land is available."

Giblin said he wasn't surprised by the governor's opposition. An amendment tacked onto the measure in a Senate committee that expanded its scope from just the Fort Ord proposal to a \$100,000 statewide study on veterans' cemeteries probably sealed its fate, he said.

"I feel our only next step is to wait until after the (November) elections and resubmit it," he said.

In his veto message, Wilson said the legislation would have inappropriately given counties the power to force the California Department of Veteran Affairs to perform costly cemetery feasibility studies.

"These studies would require the department to redirect budgeted resources from other activities critical to the successful administration of veterans affairs programs," Wilson wrote.

The governor also said the bill was unnecessary because California already has looked into state-run veterans' cemeteries. Traditionally, the federal government has paid for veterans' cemeteries.

Area veterans say a local veterans' cemetery is sorely needed because an estimated 40,000 veterans live in Monterey County alone, and a total of 330,000 vets live in a six-county region within 75 miles of Fort Ord.

The nearest veterans' cemetery to the Central Coast is a federal one located near Los Banos in Merced County. That's too far away for many survivors to travel, and it's not convenient to public transportation, Giblin said.

A bill pending in Congress could improve prospects for getting the state to support the idea of a Fort Ord veterans' cemetery, Giblin said. The bill would provide 100 percent funding for start-up costs of state veterans' cemeteries, he said. Now, the federal government only pays up to 50 percent of the initial costs.

"If we can get the 100-percent bill through . . . the problem is how to fund the cemetery's ongoing operations," Giblin said. "That's going to be a major question."

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the ranking member, the gentleman from Illinois (Mr. EVANS). This is a tribute to a bipartisan, bicameral effort to help our veterans.

Mr. Speaker, I represent the Veterans Hospital in my community and, therefore, I see a lot of veterans. I see a lot of hospitalized veterans. I had the pleasure of going to the Veterans Hospital and not giving the Purple Heart to one who was hospitalized, but one who was a past recipient of a terrible, terrible oppression as a veteran of World War II, someone who was part of the Japanese death march, Mr. Arville Steele. So I know how important this is to those who have served in our military.

This is a good bill. This responds to the claims and the accusations that the Veterans Department was not responsive to those who were impacted by the Persian Gulf War. This is a good bill that allows for treatment of these individuals for at least a 2-year period and studies the impact of anything that might have happened to them as a result of the Persian Gulf War. This is a recognition of their service.

I am so grateful to all of the committee members and I believe this is a good bill that should pass.

Mr. Speaker, I rise in support of H.R. 4110, the Veterans Benefits Improvements Act of 1998. I am pleased that in the final days of this Congress, this body has decided to address the deserving Veterans of this Nation.

The bill contains two key provisions. First, it addresses the unrecognized and suffering Persian Gulf veterans. This bill provides for the National Academy of Sciences to review and evaluate the available scientific evidence. It also determines whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans.

We need to let America's troops know that, we will do everything in our power to protect their health and that of their families. This bill

gives the VA the authority to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during the Persian Gulf War.

Second, this bill provides a Cost of Living Adjustment. Mr. Speaker, our veterans made significant sacrifices to this Nation during times of trouble. We owe it to our Veterans to ensure their continued economic stability. This bill will increase the rate of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

From World War I to the Gulf War veterans were the best and the brightest that our Nation had to offer from each generation, therefore, we should in turn offer the best to our Nation's veterans.

Mr. Speaker, this bill expresses our gratitude to our Nation's veterans. They served this Nation without hesitation or reservation and it is now time for us to ensure their future security without hesitation or reservation.

On behalf of the Veterans who reside in the 18th Congressional District, of Houston, and the 1,646,700 veterans in the State of Texas, I would like to encourage my colleagues support for this important bill.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

□ 1240

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for yielding.

Mr. Speaker, I rise in opposition to one part of this bill, and that is that we are not addressing Gulf War illnesses.

Mr. Speaker, I ask unanimous consent that we could have more time to debate this bill. I ask unanimous consent that we have 10 minutes more on each side.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Connecticut?

Mr. STUMP. Mr. Speaker, reserving the right to object, I would say, in all due respect to the gentleman from Connecticut (Mr. SHAYS) that we made an agreement with the floor leader and the majority to expedite the passage of this bill so that we were assured of getting a vote to get it back in the Senate so they may take some action.

We have worked for days and days trying to strike a compromise with the Senate, and I will tell the gentleman that this was the very best we could come up with. I agree with him on some parts of the Persian Gulf war and I disagree with some, but we got every inch we could get.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SHAYS. Mr. Speaker, we need to properly diagnose, properly compensate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHAYS. Mr. Speaker, when I make a unanimous consent, is that counted as part of my 30 seconds?

The SPEAKER pro tempore. No.

Mr. SHAYS. Mr. Speaker, I respectfully request that I be told how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Connecticut has 10 seconds remaining.

Mr. SHAYS. Mr. Speaker, we are willing to give \$315 million to chickens for the majority leader of the Senate, and we are not willing to provide help to our Gulf War veterans who need the presumption of illness.

Mr. SANDERS. Mr. Speaker, the war has been over for 7 years. The gentleman from Connecticut (Mr. SHAYS) and I and other people have attended numerous hearings. We have reached conclusions. Tens of thousands of veterans are ill from Gulf War illness, and they are ill as a result of exposure to a wide variety of toxins. They need to be treated.

We should presume that if illness strikes them, the reason is that they suffered from exposure in the Gulf War and they should be compensated accordingly. This bill goes a little way and only a little way to addressing those problems.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, how much time do I have time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 1 minute remaining.

Mr. STUMP. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I do not disagree with my friend, the gentleman from Vermont (Mr. SANDERS) on Gulf War syndrome. Also FEHBP, we need to work on that for our veterans, as well, next year.

I would say that this has been crafted in a very narrow way. It is a good bill and I rise in support of it.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the Committee on Veterans' Affairs of the other body, especially Chairman SPECTER and Senator ROCKEFELLER, for reaching agreements on these provisions.

I might say that Senator ROCKEFELLER introduced a bill that the gentleman from Connecticut (Mr. SHAYS) has referred to, and he sat in and agreed to the provision that we agreed to put in this bill.

I would also like to thank all the members of the Committee on Veterans' Affairs for all their hard work. I want to tell the ranking Democratic member of the committee, the gentleman from Illinois (Mr. EVANS), that his work and cooperation on these issues, as well as the day-to-day operations of the committee, have been truly appreciated. The gentleman from Illinois (Mr. EVANS) has steadfastly ad-

hered to the tradition of bipartisanship in this committee and he should be commended by all veterans for doing so.

I would like to thank every member of the majority and minority staff for all the work they have done.

Mr. WELLER. Mr. Speaker, today the House is considering H. Res. 592, the Veterans Programs Enhancement Act. This legislation changes the procedure for the naming of national cemeteries. Earlier this year, I was dismayed to learn that one of my colleagues from Illinois had inserted a provision into another bill, H.R. 3603, which would have created new naming procedure and make it retroactive to January 1, 1998. Had this provision been signed into law, it would have essentially erased the decision of Secretary Togo West to name the new cemetery near Joliet the "Abraham Lincoln National Cemetery." This bill today contains a similar provision—fortunately it is not retroactive and will not affect the name of the Abraham Lincoln Cemetery.

I believe it is only appropriate that the founder of our national veterans cemetery system, Abraham Lincoln, is honored in the Land of Lincoln, by naming this cemetery for him. This name has been endorsed by the Illinois American Legion, the Illinois Veterans of Foreign Wars, the Illinois American Ex-Prisoners of War, the Illinois Disabled American Veterans and the Illinois Amvets. I am pleased at all of the support for naming this cemetery after one of our greatest Presidents.

For the RECORD, I am attaching copies of their endorsement letters, along with an editorial by the Chicago Tribune, and other pertinent information.

I will continue to work for the Abraham Lincoln National Cemetery and the veterans who sacrificed for our nation.

DEPARTMENT OF ILLINOIS,  
DISABLED AMERICAN VETERANS,  
Oak Park, IL, October 28, 1997.

Hon. JERRY WELLER,  
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WELLER: The Department of Illinois, Disabled American Veterans, strongly supports the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery."

Mr. Lincoln, as we all know, was instrumental in establishing the first National Cemetery and it is only befitting that he receives the honor of having a National Cemetery named after him.

We certainly appreciate your introducing this most important legislation in the House of Representatives because now the veterans and their families in this Midwest region will have a place to rest which they truly deserve and are entitled to.

Sincerely,

GEORGE M. ISDALE, JR.,  
*Department Adjutant.*  
TED BUCK,  
*Department Commander.*

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES, DEPARTMENT OF  
ILLINOIS,  
Springfield, IL, May 21, 1997.

Hon. JERRY WELLER,  
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WELLER: The Department of Illinois, Veterans of Foreign Wars, takes great pride in supporting the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery".

In naming the 982 acre site after President Abraham Lincoln, we not only acknowledge the role he played in creating the National Cemetery System, but also honor the memory of the courageous men and women who answered our nation's call to defend democracy and freedom.

The Department of Illinois, Veterans of Foreign Wars certainly commend the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Woods site for use as the new National Cemetery to serve the veterans and families of this mid-west region.

We certainly appreciate your introducing this most important legislation in the House of Representatives and look forward to the passage of same.

With warmest personal regards and best wishes, I remain

Sincerely,

DONALD HARTENBERGER,  
*Department Commander.*

DEPARTMENT OF ILLINOIS,  
AMERICAN EX-PRISONERS OF WAR  
*October 21, 1997.*

Hon. CONGRESSMAN JERRY WELLER,  
*130 Cannon Building, Washington, DC.*

DEAR HONORABLE WELLER: We the American ex-prisoners of war of the State of Illinois all agree to the naming of the Veterans Cemetery in Joliet, IL to be called Abraham Lincoln Veterans Cemetery.

Thank you for the American ex-P.O.W.'s for their opinion on this matter.

Sincerely,

DONALD McCORMICK,  
*Commander, State of Illinois.*

THE AMERICAN LEGION,  
DEPARTMENT OF ILLINOIS,  
*Bloomington, IL, April 10, 1997.*

Hon. JERRY WELLER,  
*House of Representatives, Washington, DC*

DEAR REPRESENTATIVE WELLER: The American Legion, Department of Illinois, takes great pride in supporting the introduction of legislation naming the new veterans cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery."

On Saturday, April 5, 1997 at Normal, Illinois, our state Executive Committee approved a resolution commending the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Wood site, for use as the new National Cemetery to serve the veterans and families of the mid-west region.

A copy of the approved resolution is attached and we respectfully urge the Secretary of Veterans Affairs and the United States Congress to confirm the designation of the former Joliet Arsenal as the "Abraham Lincoln National Cemetery" to honor all veterans and President Abraham Lincoln, who first established the National Cemetery system.

Sincerely,

VINCENT A. SANZOTTA,  
*Department Adjutant.*

AMVETS,  
ILLINOIS STATE HEADQUARTERS,  
*Springfield, IL, September 26, 1997.*

Hon. JERRY WELLER,  
*Cannon House Office Building,  
Washington, DC.*

DEAR CONGRESSMAN WELLER: Our last State Executive Committee Meeting, held at the Hilton Hotel, Springfield, Illinois, on September 12-14, 1997. At this meeting it was

voted unanimously to endorse your legislation to name the Joliet National Cemetery as the Abraham Lincoln National Cemetery.

Since Mr. Lincoln was instrumental in establishing the first National Cemetery, it is only befitting that he finally receives the honor of having a National Cemetery named after him.

Sincerely,

JERRY F. FOSTER,  
*Department Commander.*

[From the Chicago Tribune, Dec. 29, 1996]  
HONOR ABE AT THE NATIONAL CEMETERY

Among his many accomplishments, Abraham Lincoln created the National Cemetery System in 1862 to provide proper, registered resting places for the nation's Civil War dead. Today the system includes more than 100 cemeteries, and to be buried in one is a singular honor for the people who have served their country in the armed forces.

Now there is an opportunity to memorialize this gracious act by America's 16th and—by most assessments—greatest president. As reported recently by the Tribune's William Presecky, a move is afoot to name the country's newest and second-largest national cemetery after Lincoln, as part of the peacetime conversion of the former Joliet Arsenal.

There could not be a more appropriate choice in a more appropriate setting.

Though born in Kentucky and raised in Indiana, Lincoln is forever identified with Illinois—the land he chose to pursue his career in law and politics, where he honed his rustic genius and magnanimous spirit. From here he left to stage his momentous, tragic presidency; to here he returned for eternity.

The cemetery—to open in 1999 on 982 acres of the arsenal site—will be bordered one day by more than 19,000 acres of restored tallgrass prairie, the symbol of the promising pioneer Illinois that lured Lincoln.

The process of naming a national cemetery is a lengthy one, requiring congressional and presidential approval, with the recommendation coming from the Department of Veterans Affairs. Many names are expected to be submitted, including those of other early settlers, and there will be many disappointments. The wise course is to unite in consensus now for Lincoln, in the spirit of the great conciliator.

The Abraham Lincoln National Cemetery.  
It sounds right; it is right.

[From the Herald News, Joliet, IL.]

HEY, LAHOOD: LINCOLN'S NAME BELONGS ON  
NATIONAL VETERANS' CEMETERY

The arrogance of U.S. Rep. Ray LaHood just plain upsets me. I'm angry at the Peoria congressman's selfish attitude. The swagger of his opinion must be challenged.

LaHood has attacked the use of Abraham Lincoln's name with the new national veterans cemetery to be built here on arsenal land. He thinks the Lincoln name belongs to Springfield. To Sangamon County. To central Illinois. And only to them.

Shame on you, congressman. Lincoln belongs to all of us in this state. Ol' Abe and what he represents even belongs to the nation like a treasure.

LaHood, as quoted in a Chicago newspaper last week, said he was lobbying the Department of Veterans Affairs and the House Veteran Affairs Committee to not use Lincoln's name on the veterans cemetery here.

"It seems appropriate that we really maintain the Lincoln memory in the Springfield area," he said. "Springfield and that part of central Illinois has sort of been designated as the Lincoln geography of Illinois. Some of us believe we ought to leave it that way. They ought to come up with another name."

LaHood confirmed to me that he was accurately quoted in that news story. But my reply to those comments is:

"Hogwash, congressman."

You apparently lack knowledge about the Lincoln history outside of Springfield. Here's a couple of outside-of-Sangamon County Lincoln facts to smoke in your pipe:

The first of Abe's famous debates with Stephen A. Douglas—those debates that gave him national attention—was in Ottawa.

The multicounty circuit that he rode as a lawyer took him as far north as the courthouse in Pontiac.

He was nominated for president at the 1860 Republican convention in Chicago.

He campaigned for John C. Fremont for president in Joliet.

One of his close friends was a circuit judge right here in Joliet.

We have several communities east of Joliet that are known as the "Lincolnway" area. They're located along U.S. 30, which is sometimes called Lincoln Highway.

If LaHood needs some more Lincoln history in Northern Illinois, I'll be glad to dig it up for him.

I'm proud that Abraham Lincoln's name was selected as the name for the new national veterans cemetery here. The final resting place of all these heroes will be an honorable addition to the Will County community, which always has generously furnished more than its share of soldiers when freedom was in danger from an enemy.

When Lincoln called for help to save the Union in the Civil War, this county responded with 5,000 of its sons, brothers and husbands, of which more than 500 didn't come home ever again. If nothing else, that fact alone qualifies use of Abraham Lincoln's name at the national veterans cemetery here.

U.S. Rep. Jerry Weller, our congressman who has worked to bring the veterans cemetery here, said the Abraham Lincoln name has been endorsed by the American Legion, Veterans of Foreign Wars, Disabled American Veterans and American Ex-Prisoners of War.

"Clearly, it is proper to name the second-largest veterans cemetery in the nation after the man who established the national veterans cemetery system especially since no national veterans cemetery, even in Springfield, has ever honored Abraham Lincoln," Weller said.

"We will continue to build momentum of this name selection and pass this legislation into law. We feel this is a great honor for Abraham Lincoln, veterans and the entire state of Illinois."

Amen to that comment.

By the way, LaHood told me his opposition to use of the Lincoln name here—and he vowed to continue that opposition—is based upon conversations with public officials in Springfield and all over central Illinois.

I checked with our sister newspaper in Springfield, The State Journal Register, and they haven't reported one story about folks down there objecting to the use of the Lincoln name. Not even one letter to the editor, I was told.

Oh well, this isn't the first time I've wondered where a politician got the information he used in shooting off his mouth.

I would urge local veterans, veteran organizations and other readers to drop the congressman a line about his greedy attitude on the use of Abe Lincoln's name. Tell him no one can hog a state and national treasure.

Write to U.S. Rep. Ray LaHood, 329 Cannon HBO, Washington, D.C. 20515, or call him at (202) 225-6201.

[From the Star News, Feb., 1998]

LETTERS TO THE EDITOR—AMAZED AT  
'ARROGANCE'

I am amazed at the arrogance of U.S. Rep. Ray LaHood to publicly deny the respectful

use of President Abraham Lincoln's name to be affiliated with the new National Veterans Cemetery, which will be located at the old Army ammunition plant just south of Elwood.

Anyone who says he represents the majority view of those people in his district community, and state as Rep. LaHood proclaims to, should hand his head in shame. I feel he is unfit to represent anyone on any issue.

We all owe many thanks to U.S. Rep. Jerry Weller for his concern and devoted efforts to bring the project to a respectable and honorable conclusion. I hope that Rep. LaHood remembers that as long as our Stars and Stripes fly over this great nation that it is the majority who rule in the end, thanks to the unselfish devotion of some four million of our friends, neighbors, sons and daughters for around 222 years now, who gave up everything to guarantee our sovereignty to that very end.

LEONARD SELTZER,  
Manhattan.

[From the Herald News, Feb. 20, 1998]

ABRAHAM LINCOLN BEST NAME FOR NATIONAL  
CEMETERY HERE

There is one surprising facet to the national cemetery system that may not have come to your attention. None is named after the president who started the cemeteries. Free burial in the cemeteries is offered to veterans (and their spouses) who have served this nation.

The national cemeteries are shrines to our fallen heroes. Veterans do not have to be buried in national cemeteries. That is their option. Many select this free service and their families are honored to have burials in hallowed ground.

There are more than 100 national cemeteries in various parts of the country, including the most famous being Arlington National Cemetery, the home to the Tomb of the Unknown Soldier and burial ground of famous leaders such as President John F. Kennedy.

The national cemetery system dates to the Civil War. The federal government began providing this service after it was signed into law by President Abraham Lincoln, commonly called the founder of the national cemetery system.

The surprising part about the cemeteries is that none is named after President Lincoln. That can be corrected if the new national cemetery on the former Joliet arsenal is named after Lincoln.

That name has received bipartisan support in Congress from Illinois Sen. Carol Moseley-Braun, a Democrat, and Rep. Jerry Weller, a Republican from Morris.

Local veterans have shown considerable support for the Lincoln name. Many names have been suggested, including numerous ideas from Herald News readers.

Abraham Lincoln is by far the best choice for this cemetery in our back yard. The name is both fitting and distinguished. Illinois is called the Land of Lincoln and his ties extend across the state.

The Lincoln name has not yet been officially approved in Washington D.C. We understand there is also some opposition from one member of the Illinois congressional delegation.

The opposition is based on other areas of the state claiming exclusive use of the Lincoln name.

We beg to differ. Lincoln belongs to all of Illinois. This area is fortunate that we are being honored with a national cemetery and that Lincoln's name has not been used before.

The Abraham Lincoln National Cemetery is welcome here and so his name. Lincoln should have his name on a national cemetery

and his home state is the best choice for this honor. We hope federal officials see the wisdom of naming this cemetery after Abraham Lincoln.

[From the Herald News, Mar. 14, 1998]

LAHOOD WON'T QUIT ON CEMETERY NAME  
(By Toby Eckert)

WASHINGTON.—Refusing to surrender in a mini-civil war among Illinois' congressional delegation, Rep. Ray LaHood, R-Peoria, on Monday questioned whether Acting Veterans Affairs Secretary Togo West had the authority to bestow Abraham Lincoln's name on a new veterans' cemetery in Joliet.

A Veterans Affairs Department spokesman said West clearly had the authority under federal regulations, though he acknowledged it was rarely exercised. The surprise action last Wednesday effectively short-circuited LaHood's effort to block Lincoln's name from being used at the cemetery, which is under construction at the former Joliet Arsenal. LaHood believes the naming could harm tourism in Springfield, where Lincoln is buried, since people may believe the 16th president is interred at the Joliet cemetery.

However, two other members of the state's congressional delegation—Rep. Jerry Weller, R-Morris, and democratic Sen. Carol Moseley-Braun—backed the Joliet proposal, saying Lincoln is identified with the entire state, not just his hometown. Moseley-Braun is popular with President Clinton, who appointed West, but a spokesman for her said he was uncertain whether she personally lobbied for the naming.

LaHood, a member of the House Veterans' Affairs Committee, had been blocking legislation sponsored by Weller to put Lincoln's name on the Joliet cemetery. He angrily denounced West's action as an unprecedented end-run around the committee, which had jurisdiction over Weller's bill.

At a recent hearing on budget matters, West "assured our committee (that it) would have some say in this," LaHood said. "They knew of my objections."

On Monday, LaHood fired off a letter to West in which he questioned West's authority to unilaterally approve the cemetery name and asked him to reconsider.

"Your desire for cordial relations with Congress . . . certainly falls short in this case," LaHood wrote. "In the past, the naming of a Department of Veterans Affairs facility has required a congressional mandate or executive order."

Department spokesman Terry Jemison cited federal regulations that say the department secretary "is responsible for naming national cemeteries."

However, he added that, "Generally, (the authority) has not been exercised." He said he was uncertain why.

In a memo to the director of the National Cemetery System, West called his move "an exception to Department of Veterans Affairs policy." It was warranted by Lincoln's ties to Illinois, the fact that Lincoln initiated the National Cemetery System and support for the name among veterans' groups, West wrote.

Mr. QUINN. Mr. Speaker, there has been considerable interest this Congress in the health status of Persian Gulf war veterans and the government's response to the concern that illness may have resulted from service during that war. I know that Mr. SHAYS and Mr. EVANS have introduced legislation addressing this issue. Indeed the Veterans' Committee in the other body ordered reported a bill, S. 2358, which was similar in some respects to the proposals made by Mr. EVANS and Mr. SHAYS.

We have taken great strides in addressing the concerns which led to the introduction of

those proposals, and I believe Congress can point to the legislation now before the House and say that we have responded as best we could to the continuing concerns of Persian Gulf war veterans.

Mr. Speaker, several of the bills introduced this Congress proposed that we give the Secretary of Veterans Affairs the authority to establish presumptions that certain illnesses are related to service in the gulf, and to pay compensation for such illnesses. These bills would rigidly define the circumstances in which the Secretary could act, and presume that a great deal of evidence may accumulate in the next several years linking Persian Gulf service to disease. However, under these proposals, Congress would have no role in responding to the scientific evidence as it is produced, nor would it have any responsibility to respond to the analysis and conclusions of the National Academy of Science on the scientific evidence to support establishing a presumption.

It is my belief that Congress has always had the preeminent role in establishing which diseases veterans should be compensated for on a presumptive basis. With this legislation, we reassert that role. In doing so, we retain the flexibility to respond to new information with an unbiased yet sympathetic point of view. We avoid setting in motion a procedure that may not produce fair and equitable results for veterans suffering from disease. At the same time, we avoid speculation about what the costs of a fair and equitable compensation policy might be.

To veterans who have lobbied for slightly different versions of the legislation that we propose today, I say—"Give this bill and future Congresses a chance to do its job." The bill establishes an objective method for looking at illnesses among Persian Gulf war veterans. It then requires the Secretary to recommend to Congress whether the law should be changed. By its actions today, Congress demonstrates its unwavering commitment to meeting the needs of veterans, both as we understand them today and as we learn more about them in the future.

Let me mention a few other matters which may be of interest that are contained in this measure. Earlier this year, the House passed a bill (H.R. 3039) reported by my Subcommittee on Benefits which proposes a new way of housing homeless veterans. In my home town of Buffalo, banks are willing to help develop housing to meet the needs of persons who are transitioning back to productive lives. This bill will encourage banks and homeless service providers to get together and develop clean and affordable transitional housing for veterans. By offering a government loan guarantee, we give an incentive to banks to use their capital to create these new housing opportunities. I've seen it work and I hope that thousands of new transitional housing units for veterans will be created under this authority.

We've also included almost all of the provisions we passed earlier this year as part of H.R. 4110, as well as the veterans' reemployment rights amendments which we recommended in H.R. 3213, a measure that passed the House in March of this year. These bills contained enhancements to veterans' education, employment, housing, cemetery and insurance programs. Taken together, these provisions will benefit thousands of veterans and their family members. I urge my colleagues to support this measure.

Mr. Speaker, section 301 of the bill increases the pension paid to those who have been awarded the Medal of Honor from its current \$400 to \$600. When this special benefit was first created in 1916, the amount was a modest \$10. This amount was modest for two reasons; first because Congress did not want to begin making substantial payments to honor distinguished service, and second, because Congress did not want a payment to diminish the honor of the Medal. Those purposes inform our action today.

In truth, it is difficult to say that a payment of money, no matter its amount, is adequate to honor the valor of those who have been awarded the Medal of Honor. It would be easy to say that they deserve a much higher monthly pension. The amount which we authorize today is still quite modest, but is perhaps more generous when adjusted for inflation than the amount originally authorized in 1916. One reason to be more generous is that the living veterans who have been awarded the highest military award for valor are often asked to make public appearances on behalf of patriotic causes. They are frequently asked to travel and incur expenses in connection with civic work and patriotic activities. These storied Americans should be encouraged to continue their inspirational and motivational activities on behalf of all Americans. That is why we approved the increase which is contained in this measure today.

I want to thank the ranking Democrat on the subcommittee, BOB FILNER, for working throughout the 105th Congress with me and other members of the subcommittee. Mike Brinck, our former subcommittee staff director, if you're listening, thanks for all the hard work. To my Chairman BOB STUMP, and Ranking Member LANE EVANS, my thanks for all your help and leadership. I look forward to seeing you in the 106th Congress.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4110, the Veterans' Benefits Improvement Act.

H.R. 4110 authorizes a full cost-of-living adjustment for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, for fiscal year 1999. It also simplifies VA education programs, makes Reservists and National Guard members permanently eligible for the VA Home Loan Program, and makes internal improvements to the operation of the U.S. Court of Veterans Appeals.

The disability compensation program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The survivors benefit program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also addresses a potential future problem for the Court of Veterans Appeals. Beginning in 2004, five of the six original appointees on

this court will be eligible for retirement.

Moreover, the last 2 years have seen a substantial increase in the workload and backlog of cases pending before the court.

This legislation permits the Court of Veterans Appeals to operate in a manner similar to other Federal courts, whereby retired judges are permitted to volunteer their services in a limited capacity, typically 25 percent of a normal workload. These judges receive retired pay equal to that of an active judge in exchange for their services.

This goal of the provision is to provide an effective measure to help reduce overall workload and shorten the time that veterans must wait for decisions on their appeals.

Finally, H.R. 4110 makes permanent the authority of the VA to guarantee home loans for National Guard and Reserve members. This authority was previously set to expire on September 30, 1999.

Mr. Speaker, I believe this is worthy legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Accordingly, I urge all of my colleagues to support this measure.

Mr. RODRIQUEZ. Mr. Speaker, I rise to remind us of the covenant we have with our Nation's veterans to ensure they receive the benefits and medical attention they deserve.

This legislation ensures that benefits and priority health care will be upgraded to keep up with changing times.

This bill provides a cost of living index, while improving and expanding education, burial and disability benefits.

This bill helps Persian Gulf veterans. They have been sitting on the sidelines suffering from undiagnosed illnesses while scientists try to figure out whether or not this is "service-connected." When it comes to the health of veterans and their families, they need coverage up front.

In the meantime, this bill will increase public input and public knowledge of on-going research into undiagnosed illnesses among veterans.

I commend my colleagues on the VA committee for the bipartisan nature in which we are able to conduct our business.

Mr. TOWNS. Mr. Speaker, I deeply regret that H.R. 4110 did not contain a presumption of exposure for Persian Gulf War veterans. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight chaired by the gentleman from Connecticut, Mr. SHAYS, held over a dozen hearings for the last 32 months. As the Ranking Minority on this Subcommittee, I am proud to say that these hearings were conducted on a totally bipartisan fashion which later resulted in two important bills, introduced by Mr. SHAYS and myself with over 200 co-sponsors. These bills tracked two major recommendations of our oversight report, H.R. 4036 and H.R. 4035. Our oversight report recommended two important changes in the manner in which the VA processes future claims—a presumption of exposure and a prohibition against a waiver of informed consent requirements by the FDA for the use of experimental or investigational

drugs, unless the President approves. Tragically, neither provision was included in a rush to push this bill forward. I believe that there are important provisions in H.R. 4110 but no one should be under the illusion that this bill will really meet the needs of Persian Gulf War veterans or any veterans who may face similar battle conditions in the future.

Ms. PRYCE of Ohio. Mr. Speaker, today, I rise in support of H.R. 4110, the Veterans Programs Enhancement Act of 1998, which will help to continue our commitment to our nation's veterans. I am particularly pleased that this legislation includes a bill, which I introduced H.R. 4602, naming the Veterans Outpatient Clinic in Columbus, Ohio after Chalmers P. Wylie.

I would like to express a note of personal thanks to Chairman Stump and Ranking-Members LANE EVANS of the House Veterans' Affairs Committee, as well as Chairman SPECTER and Ranking-Member ROCKEFELLER of the Senate Veterans' Affairs Committee for their support and assistance on this legislation. I would also like to express my appreciation for the support of all 18 members of the Ohio congressional delegation, who were original co-sponsors of this legislation. Finally, I would like to thank Senator MIKE DEWINE and Senator GLENN for their efforts and support in the Senate.

Sadly, on August 14, 1998, former Representative Chalmers Wylie passed away at the age of 77. First elected to the House of Representatives in 1966, Chalmers Wylie served thirteen terms, rising to ranking member of the House Banking, Finance, and Urban Affairs Committee. Mr. Wylie dedicated his life to serving Ohio and, in particular, the people of the 15th District. He earned the respect and admiration of everyone with whom he came in contact and, still today, constituents speak of him fondly wherever I go.

While many knew of Chalmers Wylie's wonderful service in the House of Representatives, few people knew of his distinguished service during World War II. Chalmers Wylie was an Army combat veteran who was awarded the Purple Heart for wounds sustained while rescuing fallen comrades in Germany. Mr. Wylie also was awarded the Silver Star, the Bronze Star, the Presidential Unit Citation with two oak-leaf clusters, and the French Croix de Guerre and Belgian Fouragier.

During his service in Congress, Chalmers Wylie also served as a distinguished member of the Veterans' Affairs Committee. In this position, he fought for the veterans of our nation and was instrumental in improving veteran access to medical care in Columbus, Ohio through the establishment of the Veterans Affairs Outpatient Clinic. It is a fitting end to our legislative session to have Members of Congress honoring one of our own. Chalmers Wylie was a distinguished Member of Congress, a dedicated veteran, and a devoted Ohioan, and he is deserving of this proper tribute.

Mr. SHAYS. Mr. Speaker, I rise today with deep concern about our country's failure to properly diagnose, effectively treat and fairly compensate veterans who are ill because of their service in the Gulf War. Today, the House considered and passed H.R. 4110, the Veterans Benefits Improvement Act. While I supported the bill, I am profoundly disappointed H.R. 4110 does not address the issue of presumption of service connected disability for our Gulf War Veterans.

In March 1996 responding to requests by veterans, the Subcommittee on Human Resources, which I chair, initiated a far-reaching oversight investigation into the status of efforts to understand the clusters of symptoms and debilitating maladies known collectively as "Gulf War Syndrome."

After 13 hearings, Representatives TOWNS, SNOWBARGER, SANDERS and I introduced H.R. 4036, the Persian Gulf War Veterans Health Act of 1998 with strong bipartisan support and that of the Gulf War veterans' community and the veterans' community at large.

H.R. 4036 would establish in law the presumption of service-connection for illnesses associated with exposure to toxins present in the war theater. The Secretary of Veterans Affairs (VA) would be required to accept the findings of an independent scientific body as to the illnesses linked with actual and presumed toxic exposures. The bill would also require the VA to commission an independent scientific panel to conduct ongoing health surveillance among Gulf War veterans.

The key provisions of H.R. 4036, not contained in H.R. 4110, is a "presumption of exposure" of sick veterans to one or more toxins known to be present during the war. This provision is critical because many of the sick Gulf War veterans, who now number more than 100,000, have a difficult time establishing service-connected disability due to missing or inadequate medical records. No other proposed House bill contains such a presumption.

By establishing a rebuttable presumption of exposure, and the presumption of service-connection for exposure effects, the bill places the burden of proof where it belongs—on the VA, not the sick veteran.

The bill embodies a principal finding and legislative recommendation of an oversight report adopted without dissent by the Government Reform and Oversight Committee last November. We owe it to the brave men and women who have come forward to assist our ongoing VA oversight, and to all Gulf War veterans, to follow through with this proposal and properly diagnose, effectively treat and fairly compensate our Gulf War veterans.

It is essential we address the problems faced by Gulf War veterans and pass a bill establishing a rebuttable presumption of exposure, and presumption of service-connection for exposure effects. We should place the burden of proof on the Veterans Affairs Department, not on the sick veterans.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the resolution, H. Res. 592.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PRIVILEGES OF THE HOUSE—FAILURE OF U.S. GOVERNMENT TO ENFORCE ANTIDUMPING LAWS REGARDING STEEL

Mr. VISCLOSKY. Mr. Speaker, I rise to a question of the privileges of the

House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of title VII) have not been expeditiously enforced:

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries; Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

*Resolved by the House of Representatives,* That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

Mr. VISCLOSKY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the record.

The SPEAKER pro tempore. By practice, the resolution is read in full.

The Clerk completed reading the resolution.

The SPEAKER pro tempore. Does any Member desire to be heard on whether the resolution presents a question of the privileges of the House?

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I offer this question of privilege to bring attention to a catastrophic situation facing this Nation. The trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal trade practices. Congressional intent, as represented by the Trade and Tariff Act of 1930, is being ignored at the present time.

□ 1250

The U.S. steel industry and its workers are suffering because the Asian and Russian financial crises have led those countries to dump their steel on our market. The U.S. has been reluctant to stop this illegal practice. Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices in the United States have fallen 20 percent in the last 3 months alone.

The European Union has protected itself and its steel industry against dumping by erecting temporary barriers to steel imports during the crisis. Their steel industry is weathering the storm. In America, the demand for domestic steel has decreased dramatically in mills in Alabama, West Virginia, Utah, Ohio, Iowa, Indiana, and workers have been laid off because of the decreased demand for American steel. American workers should not have to pay the price of the administration's refusal to enforce trade laws which the Congress has enacted and supports. This impinges on the integrity of this House.

American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. We need to protect our American steel workers by stemming the tide of illegally dumped steel, and the administration's failure to act again directly impinges on the integrity of this House.

The SPEAKER pro tempore (Mr. CALVERT). The Chair is prepared to hear argument on this question of privilege from other Members, including those