

States not otherwise appropriated, there is appropriated \$319,000,000 for bonus grants under section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)). Amounts appropriated under this subsection shall be in addition to amounts appropriated under subparagraph (F) of section 403(a)(4) of such Act (42 U.S.C. 603(a)(4)).

Mr. REID. I ask unanimous consent that the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 942), as amended, was read the third time and passed.

#### VETERANS' BENEFITS IMPROVEMENT ACT OF 2001

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1088.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1088) to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Benefits Improvement Act of 2001".

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### TITLE I—EDUCATION MATTERS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.

Sec. 102. Authority for accelerated payments of basic educational assistance under Montgomery GI Bill.

Sec. 103. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.

Sec. 104. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.

Sec. 105. Inclusion of certain private technology entities in definition of educational institution.

#### TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam era veterans.

Sec. 202. Compensation for disabilities of Persian Gulf War veterans.

Sec. 203. Exclusion of certain additional income from determinations of annual income for pension purposes.

Sec. 204. Time limitation on receipt of claim information pursuant to request by Department of Veterans Affairs.

Sec. 205. Effective date of change in recurring income for pension purposes.

Sec. 206. Prohibition on provision of certain benefits with respect to veterans who are fugitive felons.

Sec. 207. Limitation on payment of compensation for veterans remaining incarcerated for felonies committed before October 7, 1980.

Sec. 208. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.

Sec. 209. Extension of certain expiring authorities.

#### TITLE III—HOUSING MATTERS

Sec. 301. Increase in home loan guaranty amount for construction and purchase of homes.

Sec. 302. Four-year extension of Native American Veterans Housing Loan Program.

Sec. 303. Extension of other expiring authorities.

#### TITLE IV—BURIAL MATTERS

Sec. 401. Increase in burial and funeral expense benefit for veterans who die of service-connected disabilities.

Sec. 402. Authority to provide bronze grave markers for privately marked graves.

#### TITLE V—OTHER BENEFITS MATTERS

Sec. 501. Repeal of fiscal year limitation on number of veterans in programs of independent living services and assistance.

#### TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Temporary expansion of United States Court of Appeals for Veterans Claims to facilitate staggered terms of judges.

Sec. 602. Repeal of requirement for written notice regarding acceptance of reappointment as condition to retirement from United States Court of Appeals for Veterans Claims.

Sec. 603. Termination of notice of disagreement as jurisdictional requirement for United States Court of Appeals for Veterans Claims.

Sec. 604. Registration fees.

Sec. 605. Administrative authorities.

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

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

#### TITLE I—EDUCATION MATTERS

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

(a) **ACTIVE DUTY EDUCATIONAL ASSISTANCE.**—Section 3015 is amended—

(1) in subsection (a)(1), by striking "\$650 (as increased from time to time under subsection (h))" and inserting "\$700, for months beginning after September 30, 2001, but before September 30, 2002, \$800 for months beginning after September 30, 2002, but before September 30, 2003, and \$950 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,"; and

(2) in subsection (b)(1), by striking "\$528 (as increased from time to time under subsection (h))" and inserting "\$569, for months beginning after September 30, 2001, but before September 30, 2002, \$650 for months beginning after September 30, 2002, but before September 30, 2003,

and \$772 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after September 2001. However, no adjustment shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2002, 2003, or 2004.

##### SEC. 102. AUTHORITY FOR ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) **IN GENERAL.**—Section 3014 is amended by adding at the end the following new subsection:

"(c)(1)(A) Notwithstanding any other provision of this chapter and subject to subparagraph (B), an individual entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance.

"(B) The Secretary may not make an accelerated payment under this subsection for a course to an individual who has received an advance payment under section 3014A or 3680(d) of this title for the same enrollment period.

"(2)(A) Pursuant to an election under paragraph (1), the Secretary shall make an accelerated payment to an individual for a course in a lump-sum amount equal to the lesser of—

"(i) the amount of the educational assistance allowance for the month, or fraction thereof, in which the course begins plus the educational assistance allowance for each of the succeeding four months; or

"(ii)(I) in the case of a course offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the course for the entire quarter, semester, or term; or

"(II) in the case of a course that is not offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the entire course.

"(B) In the case of an adjustment under section 3015(h) of this title in the monthly rate of basic educational assistance that occurs during a period for which an accelerated payment is made under this subsection, the Secretary shall pay—

"(i) on an accelerated basis the amount of the allowance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(ii) on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(3) For each accelerated payment made to an individual under this subsection, the individual's entitlement under this subchapter shall be charged at the same rate at which the entitlement would be charged if the individual had received a monthly educational assistance allowance for the period of educational pursuit covered by the accelerated payment.

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

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply with respect to courses of education beginning on or after that date.

**SEC. 103. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual’s entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance al-

lowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

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

“(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3014(c) or 3680(d) of this title for the same enrollment period.

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

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

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

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

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

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

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

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

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect eight months after the date of the enactment of this Act, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

**SEC. 104. ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM ERA VETERANS.**

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

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

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

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

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

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

“(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

“(iii) after July 1, 1985, either—

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

“(II) is discharged or released from active duty (aa) for a service-connected disability, for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;”.

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

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

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

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

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

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

“(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

“(iii) after July 1, 1985—

“(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

“(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;”.

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

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”; and

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

“(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the date of the enactment of this paragraph;”.

(2) in subsection (e)(1), by striking “section 3011(a)(1)(B) or 3012(a)(1)(B)” and inserting “section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C)”.

**SEC. 105. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.**

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: “Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement

with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).”

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

## TITLE II—COMPENSATION AND PENSION MATTERS

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

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

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

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

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

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

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

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

**“§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure”.**

(B) The table of section at the beginning of chapter 11 is amended by striking the item relating to section 1116 and inserting the following new item:

“1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure.”

(b) **EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.**—(1) Subsection (e) of section 1116 is amended by striking “10 years” and inserting “20 years”.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking “10 years” and inserting “20 years”.

### SEC. 202. COMPENSATION FOR DISABILITIES OF PERSIAN GULF WAR VETERANS.

(a) **PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILLNESSES.**—Section 1117 is amended—

(1) in subsection (a)(2), by striking “within the presumptive period prescribed under subsection (b)” and inserting “before December 31, 2011, or such later date as the Secretary may prescribe by regulation”;

(2) by striking subsection (b); and

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

(b) **ILLNESSES THAT CANNOT BE CLEARLY DEFINED.**—Subsection (a) of that section is further amended by inserting “or any poorly defined chronic multisymptom illness of unknown etiology, regardless of diagnosis, characterized by two or more of the signs or symptoms listed in subsection (f)” after “illnesses”.

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

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

“(1) Fatigue.

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

“(3) Headache.

“(4) Muscle pain.

“(5) Joint pain.

“(6) Neurologic signs or symptoms.

“(7) Neuropsychological signs or symptoms.

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

“(9) Sleep disturbances.

“(10) Gastrointestinal signs or symptoms.

“(11) Cardiovascular signs or symptoms.

“(12) Abnormal weight loss.

“(13) Menstrual disorders.”

(d) **PRESUMPTION OF SERVICE CONNECTION PROGRAM.**—Section 1118(a) is amended by adding at the end the following new paragraph:

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

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2002.

### SEC. 203. EXCLUSION OF CERTAIN ADDITIONAL INCOME FROM DETERMINATIONS OF ANNUAL INCOME FOR PENSION PURPOSES.

(a) **LIFE INSURANCE PROCEEDS.**—Subsection (a) of section 1503 is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph (11):

“(11) proceeds (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) of any life insurance policy of a veteran; and”.

(b) **OTHER NON-RECURRING INCOME.**—That subsection is further amended by inserting after paragraph (11), as added by subsection (a)(3) of this section, the following new paragraph (12):

“(12) any other non-recurring income (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) from any source.”

(c) **EXCLUDABLE AMOUNTS OF LIFE INSURANCE PROCEEDS AND OTHER NON-RECURRING INCOME.**—That section is further amended by adding at the end the following new subsection:

“(c) In prescribing amounts for purposes of paragraph (11) or (12) of subsection (a), the Secretary shall take into consideration the amount of income from insurance proceeds or other non-recurring income, as the case may be, that is reasonable for individuals eligible for pension to consume for their maintenance.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2002, and shall apply with respect to determinations of annual income under section 1503 of title 38, United States Code, as so amended, on or after that date.

### SEC. 204. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 5102 is amended by adding at the end the following new subsection:

“(c) **TIME LIMITATION.**—(1) If information that a claimant and the claimant’s representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant’s application.

“(2) This subsection shall not apply to any application or claim for Government life insurance benefits.”

(b) **REPEAL OF SUPERSEDED PROVISIONS.**—Section 5103 is amended—

(1) by striking “(a) REQUIRED INFORMATION AND EVIDENCE.—”; and

(2) by striking subsection (b).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106-475; 114 Stat. 2096).

### SEC. 205. EFFECTIVE DATE OF CHANGE IN RECURRING INCOME FOR PENSION PURPOSES.

Section 5112(b)(4) is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) change in recurring income will be the last day of the calendar year in which the change occurred (with the pension rate for the following calendar year based on all anticipated countable income); and”.

### SEC. 206. PROHIBITION ON PROVISION OF CERTAIN BENEFITS WITH RESPECT TO VETERANS WHO ARE FUGITIVE FELONS.

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

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

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

“(b)(1) A veteran described in this subsection is a veteran who is a fugitive by reason of—

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

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

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

“(c) A benefit described in this subsection is any benefit under the following:

“(1) Chapter 11 of this title.

“(2) Chapter 13 of this title.

“(3) Chapter 15 of this title.

“(4) Chapter 17 of this title.

“(5) Chapter 19 of this title.

“(6) Chapters 30, 31, 32, 34, and 35 of this title.

“(7) Chapter 37 of this title.

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

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

“(B) identifies the veteran as being a fugitive described in subsection (b); and

“(C) certifies to the Secretary that the location and apprehension of the veteran is within the official duties of such official.

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

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

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

(b) **SENSE OF CONGRESS ON ENTRY INTO MEMORANDA OF UNDERSTANDING AND AGREEMENTS.**—It is the sense of Congress that the memoranda of understanding and agreements referred to in

section 5313B(d)(2) of title 38, United States Code (as added by subsection (a)), should be entered into as soon as practicable after the date of the enactment of this Act, but not later than six months after that date.

**SEC. 207. LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED FOR FELONIES COMMITTED BEFORE OCTOBER 7, 1980.**

(a) **LIMITATION.**—Notwithstanding any other provision of law, the payment of compensation to or with respect to a veteran described in subsection (b) shall, for the remainder of the period of incarceration of the veteran described in that subsection, be subject to the provisions of section 5313 of title 38, United States Code, other than subsection (d) of that section.

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

(1) was incarcerated on October 7, 1980, for a felony committed before that date; and

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

(c) **EFFECTIVE DATE.**—This section shall take effect 90 days after the date of the enactment of this Act, and shall apply with respect to the payment of compensation for months beginning on or after that date.

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

**SEC. 208. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.**

(a) **REPEAL.**—Section 5503 is amended—  
(1) by striking subsections (b) and (c); and  
(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

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

(2) Section 5112 is amended by striking subsection (c).

**SEC. 209. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.**

(a) **INCOME VERIFICATION AUTHORITY.**—Section 5317(g) is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

(b) **LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.**—Paragraph (7) of subsection (d) of section 5503, as redesignated by section 208(a)(2) of this Act, is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

**TITLE III—HOUSING MATTERS**

**SEC. 301. INCREASE IN HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES.**

Section 3703(a)(1) is amended by striking “\$50,750” each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting “\$63,175”.

**SEC. 302. FOUR-YEAR EXTENSION OF NATIVE AMERICAN VETERANS HOUSING LOAN PROGRAM.**

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

(b) **ANNUAL REPORTS.**—Section 3762(j) is amended by striking “2002” and inserting “2006”.

**SEC. 303. EXTENSION OF OTHER EXPIRING AUTHORITIES.**

(a) **HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.**—Section 3702(a)(2)(E) is amended by striking “September 30, 2007” and inserting “September 30, 2011”.

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

(c) **HOME LOAN FEE AUTHORITIES.**—The table in section 3729(b)(2) is amended by striking “Oc-

tober 1, 2008” each place it appears and inserting “October 1, 2011”.

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

**TITLE IV—BURIAL MATTERS**

**SEC. 401. INCREASE IN BURIAL AND FUNERAL EXPENSE BENEFIT FOR VETERANS WHO DIE OF SERVICE-CONNECTED DISABILITIES.**

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

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to deaths occurring on or after the date of the enactment of this Act.

**SEC. 402. AUTHORITY TO PROVIDE BRONZE GRAVE MARKERS FOR PRIVATELY MARKED GRAVES.**

(a) **AUTHORITY.**—Section 2306 is amended by adding at the end the following new subsection:

“(f) In the case of the grave of an individual described in subsection (a) that has been marked by a privately-furnished headstone or marker, the Secretary may furnish, when requested, a bronze marker to commemorate the individual’s military service. The bronze marker may be placed at the gravesite or at another location designated by the cemetery concerned as a location for the commemoration of the individual’s military service.”

(b) **APPLICABILITY.**—Subsection (f) of section 2306 of title 38, United States Code, as added by subsection (a) of this section, shall apply with respect to deaths as follows:

(1) Any death occurring on or after the date of the enactment of this Act.

(2) Any death occurring before that date, but after on or after November 1, 1990, if request is made to the Secretary of Veterans Affairs with respect to such death under such subsection (f) not later than four years after the date of the enactment of this Act.

(c) **STYLISTIC AMENDMENT.**—Subsection (c) of section 2306 is amended by striking “of this section”.

**TITLE V—OTHER BENEFITS MATTERS**

**SEC. 501. REPEAL OF FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) **REPEAL OF LIMITATION.**—Section 3120(e) is amended by striking “Programs” and all that follows through “such programs” and inserting “First priority in the provision of programs of independent living services and assistance under this section”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on September 30, 2001.

**TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

**SEC. 601. TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS TO FACILITATE STAGGERED TERMS OF JUDGES.**

(a) **IN GENERAL.**—(1) Section 7253 is amended by adding at the end the following new subsection:

“(h) **TEMPORARY EXPANSION OF COURT.**—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court from the date of the enactment of this subsection until August 15, 2005, is nine judges.

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

“(A) only one judge may be appointed pursuant to a nomination made in 2001 or 2002;

“(B) only one judge may be appointed pursuant to a nomination made in 2003; and

“(C) if no judge is appointed pursuant to a nomination covered by subparagraph (A), a nomination covered by subparagraph (B), or

neither a nomination covered by subparagraph (A) nor a nomination covered by subparagraph (B), the number of judges authorized by this subsection but not appointed as described in subparagraph (A), (B), or both, as the case may be, may be appointed pursuant to a nomination or nominations made in 2004, but only if such nomination or nominations, as the case may be, are made before September 30, 2004.

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

“(4) A judge of the Court as of the date of the enactment of this subsection who was appointed before 1991 may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section.”

(2) No appointment may be made under section 7253 of title 38, United States Code, as amended by paragraph (1), if the appointment would provide for a number of judges in excess of seven judges (other than judges serving in recall status under section 7257 of title 38, United States Code) who were appointed to the United States Court of Appeals for Veterans Claims after January 1, 1997.

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

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

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

(3) in subsection (f), by striking “(f)(1)” and inserting “(f) REMOVAL.—(1)”;

(4) in subsection (g), by inserting “RULES.—” before “The Court”.

**SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

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

**SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

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

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

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

(d) **APPLICABILITY.**—The repeals made by subsections (a) and (b) shall apply to—

(1) any appeal filed with the United States Court of Appeals for Veterans Claims on or after the date of the enactment of this Act; and

(2) any appeal pending before the Court on that date, other than an appeal in which the Court has made a final disposition under section 7267 of title 38, United States Code, even though such appeal is not yet final under section 7291(a) of title 38, United States Code.

**SEC. 604. REGISTRATION FEES.**

(a) **REGISTRATION FEES FOR PARTICIPATION IN OTHER COURT-SPONSORED ACTIVITIES.**—Subsection (a) of section 7285 is amended to read as follows:

“(a) The Court of Appeals for Veterans Claims may impose registration fees as follows:

“(1) Periodic registration fees on persons admitted to practice before the Court, in such frequency and amount (not to exceed \$30 per year) as the Court may provide.

“(2) Registration fees on persons (other than judges of the Court) participating at judicial conferences convened pursuant to section 7286 of this title, and at other Court-sponsored activities.”.

(b) AVAILABILITY OF REGISTRATION FEES.—Subsection (b) of that section is amended—

(1) in paragraph (1), by striking “employing independent counsel” and inserting “conducting investigations and proceedings, including the employment of independent counsel,”; and

(2) in paragraph (2), by striking “administrative costs for the implementation of the standards of proficiency prescribed for practice before the Court” and inserting “the expenses of judicial conferences convened pursuant to section 7286 of this title, and of other Court-sponsored activities covered by paragraph (2) of that subsection, and the expenses of other activities and programs of the Court intended to support and foster communications and relationships between the Court and persons practicing before the Court, or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 7285 is amended to read as follows:

“§7285. Registration fees”.

(2) The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7285 and inserting the following new item:

“7285. Registration fees.”.

#### SEC. 605. ADMINISTRATIVE AUTHORITIES.

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

#### “§7287. Administration

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7286 the following new item:

“7287. Administration.”.

Amend the title so as to read: “A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.”.

AMENDMENT NO. 2462

Mr. REID. Senators ROCKEFELLER and SPECTER have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 2462.

(The text of the amendment is printed in today’s RECORD under “Amendments submitted.”)

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Vet-

erans’ Affairs, I urge the Senate to pass S. 1088, the proposed “Veterans Benefits Improvement Act of 2001,” as it will be modified by a manager’s amendment which I developed with the Committee’s Ranking Member, Senator SPECTER. I will describe provisions of the amendment in a moment.

The pending measure is an omnibus bill that improves many veterans benefits, such as the amount and flexibility of the Montgomery GI Bill, and enhances compensation to Gulf War veterans, as well as to Vietnam veterans with Agent Orange-related conditions.

Although the Budget Resolution assumed some significant spending on veterans benefits, our Committee nonetheless had to make some difficult decisions to assist the most veterans within the resources available to our Committee. I thank Ranking Member Specter and the minority staff for their significant efforts toward attaining that goal.

S. 1088, as reported, which I will refer to as the “Committee bill,” makes significant enhancements to educational benefits for veterans and their families. The original GI Bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today’s Montgomery GI Bill (MGIB), modeled after the original GI Bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

I am very pleased that section 101 of the Committee bill would increase the MGIB basic monthly benefit by \$50 per month this year, \$100 in 2002, and \$150 in 2003. I am even more proud that S. 1088 also takes the next evolutionary step to keep pace with the careers and education that today’s veterans require. As our colleagues know, many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. Section 103 of the Committee bill would allow veterans to use their Montgomery GI Bill educational benefits to pay for short-term, high technology courses that would allow veterans to earn the credentials they need to gain entry to lucrative civilian-sector careers.

Currently, the MGIB provides a basic monthly benefit of \$672 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today’s fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, such as short-term courses that lead to certification in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses, such as Microsoft or Cisco systems training, may be offered through training centers, private contractors to community colleges, or the companies themselves. They often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay less than \$1,400 for a two-month course that could cost as much as \$10,000.

The percentage of veterans who actually use the MGIB benefits they have earned and paid for is startlingly low—45% of eligible veterans, according to VA’s Program Evaluation of the Montgomery GI Bill published in April 2000—despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose whatever kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, section 103 would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA’s MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran’s remaining entitlement. This provision would also allow courses offered by these providers to be covered by MGIB.

Another provision of the Committee bill would correct an unintended exclusion of certain Gulf War veterans from eligibility for service-connected benefits. Our efforts to explain symptoms reported by many troops returning from the 1991 Gulf War have been frustrated by inconclusive scientific data and by poor military recordkeeping during the conflict. In 1994, Congress passed the Persian Gulf War Veterans’ Benefits Act to provide compensation to certain Gulf War veterans disabled by “undiagnosed illnesses” for which no other causes could be identified.

Since then, changes in medical terminology have led many Gulf War veterans to receive diagnoses for chronic conditions without known cause—such as chronic fatigue syndrome and fibromyalgia—which VA has interpreted as precluding them from eligibility for benefits. Section 202 of the Committee bill would correct this unintended exclusion by expanding service connection to “poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis,” characterized by the symptoms already listed in VA regulations.

Because scientific research has still determined neither the cause of veterans’ symptoms nor the long-term health consequences of Gulf War-era exposures, and because the Department of Defense recently expanded its estimates of who might have been exposed

to nerve agents, this section also extends the presumptive period for benefits for Gulf War veterans for 10 more years. I thank the Committee's newest member, Senator HUTCHISON, for her leadership on this issue.

For many years there has been a prohibition on paying compensation and pension benefits to an incompetent veteran who has no dependents and who has assets of \$1,500 or more, if the veteran is being provided institutional health care by the government. This reduction of benefits to this population of veterans dates back to 1933, when incompetent individuals might be institutionalized for years. At that time, it was believed that a large estate based on the veteran's benefits should not be allowed to build up just to pass to the state upon the veteran's death. Now, however, treatment modalities have changed and veterans do not generally remain hospitalized for years at a time. Instead, they are more likely to cycle in and out of treatment, which results in virtually constant suspension and reinstatement of their benefits.

Last year, in Public Law 106-419, Congress addressed this anomaly in law. Although we had hoped to fully eliminate the disparate and discriminatory treatment of incompetent veterans, due to cost restraints we were only able to raise the dollar amount of the cutoff from \$1,500 to five times the 100 percent compensation rate, which is \$10,535 in the current year. The current monthly VA disability compensation rate for a veteran rated 100 percent disabled is \$2,107.

Section 209 would fully repeal the limitation on payment of benefits to incompetent institutionalized veterans who have no dependents and thereby end decades of prejudice and discrimination against these veterans.

The Committee bill also enhances and extends home loan programs. As most of our colleagues appreciate, VA does not provide a direct home loan for servicemembers and veterans. Instead, it provides a guaranty to mortgage lenders should the borrower veteran be unable to meet the payments and go into foreclosure. A VA guaranty allows a veteran to buy a home valued at up to four times the guaranty amount. The price of homes in major metropolitan areas has increased significantly in the last several years, yet the VA guaranty amount has not been increased since 1994. VA estimates that during fiscal year 2001, VA will have guaranteed 250,000 loans for veterans.

Section 301 would increase the home loan guaranty amount to \$63,175 from the current \$50,750 to keep pace with FHA loan guaranties, thereby supporting a loan of up to \$252,700.

Section 302 would extend the Native American veterans housing loan program, set to expire in 2002, by 4 years. Special authority to provide these loans is necessary, in addition to the general VA home loan guaranty, because these homes sit on tribal land. This makes traditional foreclosure and

resale by the mortgage holders impossible.

Section 303 would extend for 4 years the authority for housing loan guaranties for members of the Selected Reserve, currently set to expire in 2007. Reservists must serve 6 years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be used as a recruiting incentive now, the benefit must be authorized beyond 6 years. Senator AKAKA, my good friend and colleague on the Committee, has again championed the loan programs for Native Americans and reservists in the Senate.

I now turn to the provisions contained in the manager's amendment. They include further enhancements to educational benefits, pension simplification, and eliminating an arbitrary bar to benefits for Vietnam veterans suffering from Agent Orange-related respiratory cancers.

First, new section 105 would protect educational benefits for those that must leave their course of study to serve on active duty in support of the National Emergency declared in response to the events of September 11, 2001. This provision would restore educational entitlements for recipients of the Montgomery GI Bill, Veterans Educational Assistance Program, VEAP, and Dependent's Educational Allowance, DEA, for regular servicemembers and reservists who are called up for active duty and who are forced to relocate or take on extra work because of their participation in support of the National Emergency. This provision would be an amendment to a provision that restores such entitlements for servicemembers and reservists called to active duty for the Persian Gulf War. In 1997, Congress similarly expanded educational benefits restoration for the Selected Reserve Program.

New section 106 would increase the Dependent's Educational Allowance (DEA) for dependents and eligible spouses of veterans. Congress created this educational program in 1968 to provide educational opportunities to children whose education would be impeded or interrupted because of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces. In addition, unremarried surviving spouses of veterans are generally eligible for the educational allowance in order to assist them in preparing to support themselves and their families at the standard-of-living level that the veteran could have been expected to provide for his or her family but for the service-connected disability or death. Children and surviving spouses of servicemembers who are missing in action for 90 days, captured in the line of duty by a hostile force, or detained or interned by a foreign government, are also eligible for the educational allowance.

DEA is available for full-time, three-quarter time or half-time attendance at an institution of higher learning, for

students taking correspondence courses, pursuing special restorative training, or apprenticeship training. The increase in DEA for full-time students would be to \$690 from \$608 on November 1, 2002, with no cost-of-living adjustment that year. The allowance for a three-quarter time student would increase to \$517 from \$456, and the allowance for half-time pursuit would increase to \$345 from \$304.

In addition, new section 107 would address statutory gaps that led to a court decision, *Ozer v. Principi*, 14 Vet.App. 257 (2001), that eliminated the delimiting date for use of DEA benefits by surviving spouses. Under the new provision, subject to the Secretary's approval, the surviving spouse would be allowed to change the beginning date of the 10-year period during which he or she is eligible for benefits. This provision would allow the surviving spouse to select the beginning date of eligibility from any date between the effective rating of the veteran's total and permanent service-connected disability and the date on which the Secretary determines that the veteran died of a service-connected disability. The amendment would restore the delimiting date provision, making the DEA program more uniform with other VA educational programs.

New section 201 would remove the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. Currently, title 38, United States Code, only provides a presumption in Vietnam veterans for respiratory cancer if the disease manifested within 30 years of their service in Vietnam. The most recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time. This provision would eliminate the 30-year limit and allow future claims for Vietnam veterans' respiratory cancers, irrespective of the date of manifestation of the disease.

Finally, new section 203 would restore the presumption of disability for pension purposes by allowing VA to accept certain types of evidence, beyond just medical evidence, to establish permanent and total disability. VA non-service-connected pension is a needs-based monthly benefit paid to certain disabled wartime veterans.

Currently, the VA must determine if medical evidence demonstrates that the veteran can be rated as permanently and totally disabled. This can be a very time-consuming process that creates hardships for pension claimants. This provision would allow VA to consider a veteran to be permanently and totally disabled for pension purposes if the veteran is a patient in a nursing home, the Social Security Administration has determined that the veteran is disabled for their benefit programs, or the veteran is age 65 or over. This provision should streamline the processing of pension claims and

provide faster service for disabled and elderly veterans.

In conclusion, I urge my colleagues to support these vital enhancements to veterans benefits. As has been the case in previous years and is particularly important in light of our country's current military actions, this truly represents a bipartisan commitment to our Nation's veterans.

I ask unanimous consent that a summary of S. 1088 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 1088, AS AMENDED BY  
MANAGER'S AMENDMENT  
EDUCATION:

Increase the rate of the basic benefit of the Montgomery G.I. Bill (MGIB) from the current \$650 per month to \$700 per month beginning in October 1, 2001; \$800 per month in October 1, 2002; and \$950 per month in October 1, 2003.

Allows MGIB participants to receive their otherwise monthly payment as an accelerated lump-sum payment for the month in which the course begins.

Currently, MGIB benefits are paid in monthly installments. S. 1088 would create flexibility in the payment method for MGIB to partially pay for short-term/high tech courses. It would accelerate payment of up to 60 percent of the cost of an approved program that leads to employment in a high technology industry.

Preserves educational benefits for those that must leave their course of study to serve on active duty in support of the National Emergency declared in response to the events of September 11, 2001.

Increase Dependent's Educational Allowance (DEA) for dependents and eligible spouses of veterans for full-time students is to \$690 from \$588 on November 1, 2002.

COMPENSATION AND PENSION

Removes the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. The most recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time.

Tasks the National Academy of Sciences (NAS) to continue reviewing scientific evidence on effects on dioxin or herbicide exposure for 10 more years (five reports); and extends authority of the VA Secretary to presume service connection for additional diseases as based on future NAS reports for 10 more years.

Expands the compensation definition of "undiagnosed illness" for Gulf War veterans by adding poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis. Congress provided compensation to these veterans disabled by "undiagnosed" illnesses. Since then many have received diagnoses for chronic conditions whose causes cannot be identified conclusively, but which preclude them from eligibility for benefits under the current law.

Streamlines VA pension eligibility and income reporting requirements.

HOUSING

Increases the home loan guaranty amount to \$63,175 from the current \$50,750, to keep pace with FHA loan guaranties supporting a loan of up to \$252,700. The VA guaranty amount has not been increased since 1994.

Extends the Native American veterans housing loan program, set to expire in 2002,

by four years. Special authority is necessary, in addition to the general VA home loan guaranty, because these homes sit on tribal land. This makes traditional foreclosure and resale by the mortgage holders impossible.

Extends the four years the authority for housing loan guaranties for members of the Selected Reserve (now set to expire in 2007). Reservists must serve six years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be advertised as a recruiting incentive now, the benefit must be authorized beyond six years

BURIAL MATTERS

Increases VA burial benefits for service-connected deaths of veterans from \$1,500 to \$2,000.

Authorize the Secretary of Veterans Affairs to furnish bronze markers for already marked graves in order to more permanently commemorate the veteran's military service. VA is currently restricted by statute from providing a headstone or marker for already marked graves.

Mr. REID. I ask unanimous consent the Rockefeller-Specter substitute amendment at the desk be agreed to; the committee-reported substitute amendment be agreed to, as amended; the bill be read the third time; that the Veterans' Affairs Committee be discharged from further consideration of H.R. 1291; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 1088, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; that the title amendment be agreed to, which I now send to the desk; that S. 1088 be returned to the calendar; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2462) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1291), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The amendment (No. 2463) was agreed to, as follows:

Amend the title so as the read: "A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes."

MEASURE READ FOR THE FIRST  
TIME—S. 1786

Mr. REID. I understand S. 1786 introduced earlier today by Senator DURBIN is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1786) to expand aviation capacity in the Chicago area.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

MEASURE READ THE FIRST  
TIME—S. 1789

Mr. REID. I understand S. 1789, introduced earlier today by Senator DODD, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1789) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

Mr. KENNEDY. Mr. President, I strongly support the Best Pharmaceuticals for Children Act, which reauthorizes the pediatric drug exclusivity provision enacted as part of the FDA Modernization Act in 1997. I commend Senator DODD and Senator DEWINE for their effective leadership on this provision as well as Senator CLINTON for her important contributions to this legislation, and I also commend their staffs for their long and skilled work on this bill.

Combined with FDA's Rule that requires pediatric testing for drugs and biological products, this legislation is intended to do more to see that medicines are adequately tested for safety and effectiveness in children.

The 1997 provision has been a major success in encouraging essential studies of pharmaceutical products in children. Dozens of such drugs have been studied in children, and many of the products have now been relabeled or even reformulated for use in children. But the 1997 provision has not been an unqualified success. Although many products have been studied, others have not. For every label changed, others remain incomplete.

This reauthorization provides that every pharmaceutical product that is needed to treat children will, in fact, be studied in children. In a few years, there will be far fewer of these products that lack adequate information about pediatric use. The Food and Drug Administration will be able to act more quickly and successfully to see that drug companies label their products for such use. The bill also gives needed new priority to the appropriate use of cancer drugs for children.

In addition to extending and improving this program which has been so important in improving therapies for children, the bill closes technical loopholes which might have improperly barred generic drugs from the market or limited the incentives for generic drug development.

This is a bill that will make a major contribution to the health of American children and I urge its prompt passage by the Senate and the House.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.