

Union Calendar No. 363

103D CONGRESS
2D SESSION

H. R. 4088

[Report No. 103-668]

A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

AUGUST 4, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 363103^D CONGRESS
2^D SESSION**H. R. 4088****[Report No. 103-668]**

To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. SLATTERY introduced the following bill; which was referred to the
Committee on Veterans' Affairs

AUGUST 4, 1994

Additional sponsors: Mr. KING, Mr. BISHOP, Mr. HEFNER, Mr. RICHARDSON,
Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, Mr. BILIRAKIS,
Mr. EVANS, Mr. CRAMER, Mr. MONTGOMERY, and Mr. STUMP

AUGUST 4, 1994

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 17, 1994]

A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and

the rates of dependency and indemnity compensation for survivors of such veterans.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
 4 **UNITED STATES CODE.**

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

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

13 **TITLE I—COST-OF-LIVING AD-**
 14 **JUSTMENT IN RATES OF COM-**
 15 **PENSATION AND DEPEND-**
 16 **ENCY AND INDEMNITY COM-**
 17 **PENSATION**

18 **SEC. 101. DISABILITY COMPENSATION.**

19 *Section 1114 is amended—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 1115(1) is amended—

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

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

16 (3) by striking out “\$72” and “\$55” in subpara-
17 graph (C) and inserting in lieu thereof “\$74” and
18 “\$56”, respectively;

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

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

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

1 **SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**
 2 **VETERANS.**

3 *Section 1162 is amended by striking out “\$478” and*
 4 *inserting in lieu thereof “\$492”.*

5 **SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION**
 6 **FOR SURVIVING SPOUSES.**

7 *Section 1311 is amended—*

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

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

12 *(3) in subsection (a)(3), by striking out the table*
 13 *therein and inserting in lieu thereof the following:*

<i>“Pay grade</i>	<i>Monthly</i>	<i>Pay grade</i>	<i>Monthly</i>
	<i>rate</i>		<i>rate</i>
<i>E-7</i>	<i>\$817</i>	<i>O-3</i>	<i>\$923</i>
<i>E-8</i>	<i>863</i>	<i>O-4</i>	<i>976</i>
<i>E-9</i>	<i>¹901</i>	<i>O-5</i>	<i>1,075</i>
<i>W-1</i>	<i>836</i>	<i>O-6</i>	<i>1,212</i>
<i>W-2</i>	<i>869</i>	<i>O-7</i>	<i>1,309</i>
<i>W-3</i>	<i>895</i>	<i>O-8</i>	<i>1,433</i>
<i>W-4</i>	<i>947</i>	<i>O-9</i>	<i>1,536</i>
<i>O-1</i>	<i>836</i>	<i>O-10</i>	<i>²1,685</i>
<i>O-2</i>	<i>863</i>		

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

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

14 *(4) in subsection (c), by striking out “\$195” and*
 15 *inserting in lieu thereof “\$200”; and*

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

3 **SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION**
4 **FOR CHILDREN.**

5 (a) *DIC FOR ORPHAN CHILDREN.*—Section 1313(a) is
6 amended—

7 (1) by striking out “\$327” in paragraph (1) and
8 inserting in lieu thereof “\$336”;

9 (2) by striking out “\$471” in paragraph (2) and
10 inserting in lieu thereof “\$485”;

11 (3) by striking out “\$610” in paragraph (3) and
12 inserting in lieu thereof “\$628”; and

13 (4) by striking out “\$610” and “\$120” in para-
14 graph (4) and inserting in lieu thereof “\$628” and
15 “\$123”, respectively.

16 (b) *SUPPLEMENTAL DIC FOR DISABLED ADULT CHIL-*
17 *DREN.*—Section 1314 is amended—

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

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

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

1 **SEC. 106. EFFECTIVE DATE.**

2 *The amendments made by this title shall take effect*
3 *on December 1, 1994.*

4 **TITLE II—DISABILITIES RESULT-**
5 **ING FROM HERBICIDE EXPO-**
6 **SURE**

7 **SEC. 201. CODIFICATION OF PRESUMPTIONS ESTABLISHED**
8 **ADMINISTRATIVELY.**

9 *Section 1116(a)(2) is amended by adding at the end*
10 *the following new subparagraphs:*

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

13 *“(E) Porphyria cutanea tarda becoming mani-*
14 *fest to a degree of disability of 10 percent or more*
15 *within a year after the last date on which the veteran*
16 *performed active military, naval, or air service in the*
17 *Republic of Vietnam during the Vietnam era.*

18 *“(F) Respiratory cancers (cancer of the lung,*
19 *bronchus, larynx, or trachea) becoming manifest to a*
20 *degree of 10 percent or more within 30 years after the*
21 *last date on which the veteran performed active mili-*
22 *tary, naval, or air service in the Republic of Vietnam*
23 *during the Vietnam era.*

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

1 **TITLE III—BOARD OF VETERANS’**
2 **APPEALS ADMINISTRATION**

3 **SEC. 301. APPOINTMENT, PAY COMPARABILITY, AND PER-**
4 **FORMANCE REVIEWS FOR MEMBERS OF THE**
5 **BOARD OF VETERANS’ APPEALS.**

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

8 **“§ 7101A. Members of Board: appointment; pay; per-**
9 **formance review**

10 “(a) *The members of the Board of Veterans’ Appeals*
11 *other than the Chairman (and including the Vice Chair-*
12 *man) shall be appointed by the Secretary, with the approval*
13 *of the President, based upon recommendations of the Chair-*
14 *man.*

15 “(b) *Members of the Board (other than the Chairman*
16 *and any member of the Board who is a member of the Sen-*
17 *ior Executive Service) shall, in accordance with regulations*
18 *prescribed by the Secretary, be paid basic pay at rates*
19 *equivalent to the rates payable under section 5372 of title*
20 *5.*

21 “(c)(1) *Not less than one year after the job performance*
22 *standards under subsection (f) are initially established, and*
23 *not less often than once every three years thereafter, the*
24 *Chairman shall determine, with respect to each member of*
25 *the Board (other than a member who is a member of the*

1 *Senior Executive Service*), whether that member's job per-
2 formance as a member of the Board meets the performance
3 standards for a member of the Board established under sub-
4 section (f). Each such determination shall be in writing.

5 “(2) If the determination of the Chairman in any case
6 is that the member's job performance as a member of the
7 Board meets the performance standards for a member of
8 the Board established under subsection (f), the member's ap-
9 pointment as a member of the Board shall be recertified.

10 “(3) If the determination of the Chairman in any case
11 is that the member's job performance does not meet the per-
12 formance standards for a member of the Board established
13 under subsection (f), the Chairman shall, based upon the
14 individual circumstances, either—

15 “(A) grant the member a conditional
16 recertification; or

17 “(B) recommend to the Secretary that the mem-
18 ber be noncertified.

19 “(4) In the case of a member of the Board who is
20 granted a conditional recertification under paragraph (3)
21 or (5)(C), the Chairman shall review the member's job per-
22 formance record and make a further determination under
23 paragraph (1) concerning that member not later than one
24 year after the date of the conditional recertification. If the
25 determination of the Chairman at that time is that the

1 *member's job performance as a member of the Board still*
2 *does not meet the performance standards for a member of*
3 *the Board established under subsection (f), the Chairman*
4 *shall recommend to the Secretary that the member be*
5 *noncertified.*

6 “(5)(A) *In a case in which the Chairman recommends*
7 *to the Secretary under paragraph (3) or (4) that a member*
8 *be noncertified, the Secretary shall establish a panel to re-*
9 *view that recommendation. The panel shall be established*
10 *from among employees of the Department other than mem-*
11 *bers of the Board or of the Board's staff and may include*
12 *Federal employees from outside the Department with appro-*
13 *priate expertise.*

14 “(B) *The panel shall review the matter and recommend*
15 *to the Secretary whether the Board member should be*
16 *noncertified or should be granted a conditional*
17 *recertification.*

18 “(C) *The Secretary, after considering the recommenda-*
19 *tion of the panel, may either—*

20 “(i) *grant the member a conditional*
21 *recertification; or*

22 “(ii) *determine that the member should be*
23 *noncertified.*

24 “(d)(1) *If the Secretary, based upon the recommenda-*
25 *tion of the Chairman and after considering the rec-*

1 *ommendation of the panel under subsection (c)(5), deter-*
2 *mines that a member of the Board should be noncertified,*
3 *that member's appointment as a member of the Board shall*
4 *be terminated and that member shall be removed from the*
5 *Board.*

6 “(2) *An individual so removed from the Board shall*
7 *have the right to be employed by the Board in an attorney-*
8 *advisor position.*

9 “(e)(1) *A member of the Board (other than the Chair-*
10 *man or a member of the Senior Executive Service) may*
11 *be removed as a member of the Board by reason of job per-*
12 *formance only as provided in subsections (c) and (d). Such*
13 *a member may be removed by the Secretary, upon the rec-*
14 *ommendation of the Chairman, for any other reason as de-*
15 *termined by the Secretary.*

16 “(2) *In the case of a removal of a member under this*
17 *section for a reason other than job performance that would*
18 *be covered by section 7521 of title 5 in the case of an admin-*
19 *istrative law judge, the removal of the member of the Board*
20 *shall be carried out subject to the same requirements as*
21 *apply to removal of an administrative law judge under that*
22 *section. Section 554(a)(2) of title 5 shall not apply to a*
23 *removal action under this subsection. In such a removal ac-*
24 *tion, a member shall have the rights set out in section*
25 *7513(b) of that title.*

1 “(f) The Chairman, subject to the approval of the Sec-
2 retary, shall establish standards for the performance of the
3 job of a member of the Board (other than a member of the
4 Senior Executive Service). Those standards shall establish
5 objective and fair criteria for evaluation of the job perform-
6 ance of a member of the Board.

7 “(g) The Secretary shall prescribe procedures for the
8 administration of this section, including deadlines and time
9 schedules for different actions under this section.”.

10 (2) The table of sections at the beginning of such chap-
11 ter is amended by inserting after the item relating to section
12 7101 the following new item:

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

13 (b) *SAVE PAY PROVISION.*—The rate of basic pay pay-
14 able to an individual who is a member of the Board of Vet-
15 erans’ Appeals on the date of the enactment of this Act may
16 not be reduced by reason of the amendments made by this
17 section to a rate below the rate payable to such individual
18 on the day before such date.

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

23 **SEC. 302. CONFORMING AMENDMENTS.**

24 Section 7101(b) is amended—

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

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

4 (3) by striking out “Members (including the
5 Chairman)” in paragraph (3) and inserting in lieu
6 thereof “The Chairman”.

7 **SEC. 303. DEADLINE FOR ESTABLISHMENT OF PERFORM-**
8 **ANCE EVALUATION CRITERIA FOR BOARD**
9 **MEMBERS.**

10 (a) *DEADLINE.*—The job performance standards re-
11 quired to be established by section 7101A(d) of title 38,
12 United States Code, as added by subsection (a), shall be
13 established not later than 90 days after the date of the en-
14 actment of this Act.

15 (b) *SUBMISSION TO CONGRESSIONAL COMMITTEE.*—
16 Not later than the date on which the standards referred to
17 in subsection (a) take effect, the Secretary of Veterans Af-
18 airs shall submit to the Committees on Veterans’ Affairs
19 of the Senate and House of Representatives a report con-
20 taining the Secretary’s proposal for the establishment of
21 those standards.

1 **TITLE IV—ADJUDICATION**
2 **IMPROVEMENTS**

3 **SEC. 401. SHORT TITLE.**

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

6 **SEC. 402. REPORT ON FEASIBILITY OF REORGANIZATION OF**
7 **ADJUDICATION DIVISIONS IN VBA REGIONAL**
8 **OFFICES.**

9 *Not later than 180 days after the date of the enactment*
10 *of this Act, the Secretary of Veterans Affairs shall submit*
11 *to the Committees on Veterans’ Affairs of the Senate and*
12 *House of Representatives a report addressing the feasibility*
13 *and impact of a reorganization of the adjudication divi-*
14 *sions located within the regional offices of the Veterans Ben-*
15 *efits Administration to a number of such divisions that*
16 *would result in improved efficiency in the processing of*
17 *claims filed by veterans, their survivors, or other eligible*
18 *persons, for benefits administered by the Secretary.*

19 **SEC. 403. MASTER VETERAN RECORD.**

20 *(a) REQUIREMENT.—The Secretary of Veterans Affairs*
21 *shall implement a recordkeeping system whereby each vet-*
22 *eran and other person eligible for benefits under laws ad-*
23 *ministered by the Secretary shall be identified by a single*
24 *identification number and through which information re-*
25 *lating to that person, including that person’s current eligi-*

1 *bility or entitlement status with respect to each benefit or*
2 *service administered by the Secretary, shall be available*
3 *through electronic means to employees of the Department*
4 *located in each regional office of the Veterans Benefits Ad-*
5 *ministration or medical center of the Veterans Health Ad-*
6 *ministration.*

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

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

12 (a) *IN GENERAL.*—*Not later than 180 days after the*
13 *date of the enactment of this Act, the Secretary of Veterans*
14 *Affairs shall submit to the Committees on Veterans' Affairs*
15 *of the Senate and House of Representatives a report enu-*
16 *merating and describing each pilot program and major ini-*
17 *tiative being tested in the regional offices of the Veterans*
18 *Benefits Administration that affect the adjudication of*
19 *claims for benefits administered by the Secretary.*

20 (b) *CONTENTS.*—*The report shall include the Sec-*
21 *retary's recommendations regarding the need, if any, for*
22 *legislation to implement any of such pilot programs the*
23 *Secretary may recommend. If the Secretary indicates that*
24 *legislation is not required to implement one or more of such*
25 *programs, the Secretary shall advise the Committees as to*

1 *whether any such pilot program will be implemented and*
2 *provide a timetable for such implementation.*

3 **SEC. 405. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR**
4 **CLAIMS PURPOSES.**

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

8 **“§5124. Acceptance of claimant’s statement as proof**
9 **of relationship**

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

15 *“(b) Subsection (a) applies to proof of the existence of*
16 *any of the following relationships between a claimant and*
17 *another person:*

18 *“(1) Marriage.*

19 *“(2) Dissolution of a marriage.*

20 *“(3) Birth of a child.*

21 *“(4) Death of any family member.*

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

24 *“(1) if the claimant does not reside within a*
25 *State; or*

1 *the Veterans Benefits Administration, of any claim that has*
2 *been remanded by the Board of Veterans' Appeals or by the*
3 *United States Court of Veterans Appeals for additional de-*
4 *velopment or other appropriate action.*

5 **SEC. 407. SCREENING OF APPEALS.**

6 *Section 7107 of title 38, United States Code, is amend-*
7 *ed—*

8 *(1) in subsection (a)(1), by striking out "Each*
9 *case" and inserting in lieu thereof "Except as pro-*
10 *vided in subsection (f), each case"; and*

11 *(2) by adding at the end the following new sub-*
12 *section:*

13 *"(f) Nothing in this section shall preclude the screening*
14 *of cases for purposes of—*

15 *"(1) determining the adequacy of the record for*
16 *decisional purposes; or*

17 *"(2) the development, or attempted development,*
18 *of a record found to be inadequate for decisional pur-*
19 *poses."*

20 **SEC. 408. REVISION OF DECISIONS BASED ON CLEAR AND**
21 **UNMISTAKABLE ERROR.**

22 *(a) ORIGINAL DECISIONS.—(1) Chapter 51 is amended*
23 *by inserting after section 5109 the following new section:*

1 **“§ 5109A. Revision of decisions on grounds of clear**
2 **and unmistakable error**

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

7 “(b) For the purposes of authorizing benefits, a rating
8 or other adjudicative decision that constitutes a reversal or
9 revision of a prior decision on the grounds of clear and
10 unmistakable error has the same effect as if the decision
11 had been made on the date of the prior decision.

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

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

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

22 (2) The table of sections at the beginning of such chap-
23 ter is amended by inserting after the item relating to section
24 5109 the following new item:

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

1 “(f) A claim filed with the Secretary that requests re-
2 versal or revision of a previous Board decision due to clear
3 and unmistakable error shall be considered to be a request
4 to the Board under this section, and the Secretary shall
5 promptly transmit any such request to the Board for its
6 consideration under this section.”.

7 (2) The table of sections at the beginning of such chap-
8 ter is amended by adding at the end the following new item:

 “7111. Revision of decisions on grounds of clear and unmistakable error.”.

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

13 (2) Notwithstanding section 402 of the Veterans Judi-
14 cial Review Act (38 U.S.C. 7251 note), chapter 72 of title
15 38, United States Code, shall apply with respect to any de-
16 cision of the Board of Veterans’ Appeals on a claim alleging
17 that a previous determination of the Board was the product
18 of clear and unmistakable error if that claim is filed after,
19 or was pending before the Department of Veterans Affairs,
20 the Court of Veterans Appeals, the Court of Appeals for the
21 Federal Circuit, or the Supreme Court on, the date of the
22 enactment of this Act.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CON-**
3 **CERNING COVERAGE OF RADIATION-EX-**
4 **POSED VETERANS COMPENSATION ACT OF**
5 **1988.**

6 (a) *RESTATEMENT OF ABSENCE OF STATUTORY LIM-*
7 *TATION TO UNITED STATES TESTS.—(1) Clause (i) of sec-*
8 *tion 1112(c)(3)(B) is amended by inserting “(without re-*
9 *gard to whether the nation conducting the test was the Unit-*
10 *ed States or another nation)” after “nuclear device”.*

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

13 (b) *PROOF OF SERVICE CONNECTION OF DISABILITIES*
14 *RELATING TO EXPOSURE TO IONIZING RADIATION.—(1)*
15 *Section 1113(b) is amended—*

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

18 (B) *by inserting “; or section 5 of Public Law*
19 *98–542 (38 U.S.C. 1154 note)” after “of this section”.*

20 (2) *The amendments made by paragraph (1) shall*
21 *apply with respect to applications for veterans benefits that*
22 *are submitted to the Secretary of Veterans Affairs after the*
23 *date of the enactment of this Act.*

1 **SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN RE-**
2 **REGIONAL OFFICE IN THE PHILIPPINES.**

3 *Section 315(b) is amended by striking out “December*
4 *31, 1994” and inserting in lieu thereof “December 31,*
5 *1999”.*

6 **SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.**

7 *Section 5306 is amended by adding at the end the fol-*
8 *lowing new subsection:*

9 *“(c) Notwithstanding subsection (b), if a new applica-*
10 *tion for pension under chapter 15 of this title or for depend-*
11 *ency and indemnity compensation for parents under section*
12 *1315 of this title is filed within one year after renouncement*
13 *of that benefit, such application shall not be treated as an*
14 *original application and benefits will be payable as if the*
15 *renouncement had not occurred.”.*

16 **SEC. 504. EFFECTIVE DATE OF DISCONTINUANCE OF COM-**
17 **PENSATION UPON DEATH OF CERTAIN VET-**
18 **ERANS.**

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

21 *“(d) In the case of a veteran who, at time of death,*
22 *was in receipt of compensation for a disability rated as*
23 *totally disabling with an additional amount being paid for*
24 *a spouse, if the Secretary determines that the surviving*
25 *spouse of such veteran is not eligible for dependency and*
26 *indemnity compensation, the effective date of the dis-*

1 *continuance of such compensation shall be the last day of*
2 *the month in which such death occurred.”.*

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

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