

108TH CONGRESS
1ST SESSION

S. 1132

AN ACT

To amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Benefits Enhancements Act of 2003”.

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

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

TITLE I—SURVIVOR BENEFITS

- Sec. 101. Benefits for children with spina bifida of veterans of certain service in Korea.
 Sec. 102. Alternative beneficiaries for National Service Life Insurance and United States Government Life Insurance.
 Sec. 103. Applicability to certain members of the National Guard of authority for extension of eligibility for survivors' and dependents' educational assistance.
 Sec. 104. Increase in rates of survivors' and dependents' educational assistance.
 Sec. 105. Repeal of two-year limitation on payment of accrued benefits at death.

TITLE II—BURIAL BENEFITS

- Sec. 201. Burial plot allowance.
 Sec. 202. Eligibility of surviving spouses who remarry for burial in national cemeteries.
 Sec. 203. Permanent authority for State cemetery grants program.
 Sec. 204. Provision of markers for privately marked graves.

TITLE III—OTHER MATTERS

Subtitle A—Miscellaneous Benefits Matters

- Sec. 301. Two-year extension of round-down requirement for compensation cost-of-living adjustments.
 Sec. 302. Presumptions of service-connection relating to diseases and disabilities of former prisoners of war.
 Sec. 303. Repeal of requirement for minimum period of internment of prisoners of war for dental care.
 Sec. 304. Rounding down of certain cost-of-living adjustments on education assistance.
 Sec. 305. Termination of education loan program.
 Sec. 306. Termination of authority to guarantee loans to purchase manufactured homes and lots.
 Sec. 307. Increase in loan fee for subsequent loans closed before October 1, 2011.
 Sec. 308. Reinstatement of minimum requirements for sale of vendee loans.
 Sec. 309. Operation of Native American Veteran Housing Loan Program.
 Sec. 310. Time limitations on receipt of claim information pursuant to requests of Department of Veterans Affairs.
 Sec. 311. Clarification of applicability of prohibition on assignment of veterans benefits to agreements requiring payment of future receipt of benefits.
 Sec. 312. Three-year extension of income verification authority.
 Sec. 313. Forfeiture of benefits for subversive activities.
 Sec. 314. Clarification of notice of disagreement for appellate review of Department of Veterans Affairs activities.

Subtitle B—Benefits for Philippine Veterans

- Sec. 321. Rate of payment of benefits for certain Filipino veterans and their survivors residing in the United States.
- Sec. 322. Burial benefits for new Philippine Scouts residing in the United States.
- Sec. 323. Extension of authority to operate regional office in the Philippines.

Subtitle C—Exposure to Hazardous Substances

- Sec. 331. Radiation Dose Reconstruction Program of Department of Defense.
- Sec. 332. Study on disposition of Air Force Health Study.
- Sec. 333. Funding of Medical Follow-Up Agency of Institute of Medicine of National Academy of Sciences for epidemiological research on members of the Armed Forces and veterans.

Subtitle D—Other Matters

- Sec. 341. Four-year extension of Advisory Committee on Minority Veterans.
- Sec. 342. Veterans' Advisory Committee on Education.
- Sec. 343. Temporary authority for performance of medical disabilities examinations by contract physicians.
- Sec. 344. Technical amendment.

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

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

7 TITLE I—SURVIVOR BENEFITS

8 SEC. 101. BENEFITS FOR CHILDREN WITH SPINA BIFIDA OF
9 VETERANS OF CERTAIN SERVICE IN KOREA.

10 (a) IN GENERAL.—Chapter 18 is amended—

11 (1) by redesignating subchapter III, and sec-
12 tions 1821, 1822, 1823, and 1824, as subchapter
13 IV, and sections 1831, 1832, 1833, and 1834, re-
14 spectively; and

1 (2) by inserting after subchapter II the fol-
 2 lowing new subchapter III:

3 “SUBCHAPTER III—CHILDREN OF CERTAIN
 4 KOREA SERVICE VETERANS BORN WITH
 5 SPINA BIFIDA

6 “§ 1821. **Benefits for children of certain Korea service**
 7 **veterans born with spina bifida**

8 “(a) BENEFITS AUTHORIZED.—The Secretary may
 9 provide to any child of a veteran of covered service in
 10 Korea who is suffering from spina bifida the health care,
 11 vocational training and rehabilitation, and monetary al-
 12 lowance required to be paid to a child of a Vietnam vet-
 13 eran who is suffering from spina bifida under subchapter
 14 I of this chapter as if such child of a veteran of covered
 15 service in Korea were a child of a Vietnam veteran who
 16 is suffering from spina bifida under such subchapter.

17 “(b) SPINA BIFIDA CONDITIONS COVERED.—This
 18 section applies with respect to all forms and manifesta-
 19 tions of spina bifida, except spina bifida occulta.

20 “(c) VETERAN OF COVERED SERVICE IN KOREA.—
 21 For purposes of this section, a veteran of covered service
 22 in Korea is any individual, without regard to the charac-
 23 terization of that individual’s service, who—

24 “(1) served in the active military, naval, or air
 25 service in or near the Korean demilitarized zone

1 (DMZ), as determined by the Secretary in consulta-
 2 tion with the Secretary of Defense, during the period
 3 beginning on January 1, 1967, and ending on De-
 4 cember 31, 1969; and

5 “(2) is determined by the Secretary, in con-
 6 sultation with the Secretary of Defense, to have been
 7 exposed to a herbicide agent during such service in
 8 or near the Korean demilitarized zone.

9 “(d) HERBICIDE AGENT.—For purposes of this sec-
 10 tion, the term ‘herbicide agent’ means a chemical in a her-
 11 bicide used in support of United States and allied military
 12 operations in or near the Korean demilitarized zone, as
 13 determined by the Secretary in consultation with the Sec-
 14 retary of Defense, during the period beginning on January
 15 1, 1967, and ending on December 31, 1969.”.

16 (b) CHILD DEFINED.—Section 1831, as redesignated
 17 by subsection (a) of this section, is further amended by
 18 striking paragraph (1) and inserting the following new
 19 paragraph (1):

20 “(1) The term ‘child’ means the following:

21 “(A) For purposes of subchapters I and II
 22 of this chapter, an individual, regardless of age
 23 or marital status, who—

24 “(i) is the natural child of a Vietnam
 25 veteran; and

1 “(ii) was conceived after the date on
 2 which that veteran first entered the Repub-
 3 lic of Vietnam during the Vietnam era.

4 “(B) For purposes of subchapter III of
 5 this chapter, an individual, regardless of age or
 6 marital status, who—

7 “(i) is the natural child of a veteran
 8 of covered service in Korea (as determined
 9 for purposes of section 1821 of this title);
 10 and

11 “(ii) was conceived after the date on
 12 which that veteran first entered service de-
 13 scribed in subsection (c) of that section.”.

14 (c) NONDUPLICATION OF BENEFITS.—Section
 15 1834(a), as redesignated by subsection (a) of this section,
 16 is further amended by adding at the end the following new
 17 sentence: “In the case of a child eligible for benefits under
 18 subchapter I or II of this chapter who is also eligible for
 19 benefits under subchapter III of this chapter, a monetary
 20 allowance shall be paid under the subchapter of this chap-
 21 ter elected by the child.”.

22 (d) CONFORMING AMENDMENTS.—(1) Section
 23 1811(1)(A) is amended by striking “section 1821(1)” and
 24 inserting “section 1831(1)”.

(2) The heading for chapter 18 is amended to read as follows:

“CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS”.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 is amended by striking the items relating to subchapter III and inserting the following new items:

“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

“1821. Benefits for children of certain Korea service veterans born with spina bifida.

“SUBCHAPTER IV—GENERAL PROVISIONS

“1831. Definitions.

“1832. Applicability of certain administrative provisions.

“1833. Treatment of receipt of monetary allowance and other benefits.

“1834. Nonduplication of benefits.”.

(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

“18. Chapter 18—Benefits for Children of Vietnam Veterans and Certain Other Veterans 1802”.

SEC. 102. ALTERNATIVE BENEFICIARIES FOR NATIONAL SERVICE LIFE INSURANCE AND UNITED STATES GOVERNMENT LIFE INSURANCE.

(a) NATIONAL SERVICE LIFE INSURANCE.—Section 1917 is amended by adding at the end the following new subsection:

1 “(f)(1) Following the death of the insured and in a
2 case not covered by subsection (d)—

3 “(A) if the first beneficiary otherwise entitled to
4 payment of the insurance does not make a claim for
5 such payment within two years after the death of
6 the insured, payment may be made to another bene-
7 ficiary designated by the insured, in the order of
8 precedence as designated by the insured, as if the
9 first beneficiary had predeceased the insured; and

10 “(B) if, within four years after the death of the
11 insured, no claim has been filed by a person des-
12 ignated by the insured as a beneficiary and the Sec-
13 retary has not received any notice in writing that
14 any such claim will be made, payment may (notwith-
15 standing any other provision of law) be made to
16 such person as may in the judgment of the Secretary
17 be equitably entitled thereto.

18 “(2) Payment of insurance under paragraph (1) shall
19 be a bar to recovery by any other person.”.

20 (b) UNITED STATES GOVERNMENT LIFE INSUR-
21 ANCE.—Section 1952 is amended by adding at the end
22 the following new subsection:

23 “(c)(1) Following the death of the insured and in a
24 case not covered by section 1950 of this title—

1 “(A) if the first beneficiary otherwise entitled to
 2 payment of the insurance does not make a claim for
 3 such payment within two years after the death of
 4 the insured, payment may be made to another bene-
 5 ficiary designated by the insured, in the order of
 6 precedence as designated by the insured, as if the
 7 first beneficiary had predeceased the insured; and

8 “(B) if, within four years after the death of the
 9 insured, no claim has been filed by a person des-
 10 ignated by the insured as a beneficiary and the Sec-
 11 retary has not received any notice in writing that
 12 any such claim will be made, payment may (notwith-
 13 standing any other provision of law) be made to
 14 such person as may in the judgment of the Secretary
 15 be equitably entitled thereto.

16 “(2) Payment of insurance under paragraph (1) shall
 17 be a bar to recovery by any other person.”.

18 (c) EFFECTIVE DATE.—The amendments made by
 19 subsections (a) and (b) shall take effect on October 1,
 20 2004.

21 (d) TRANSITION PROVISION.—In the case of a person
 22 insured under subchapter I or II of chapter 19 of title
 23 38, United States Code, who dies before the effective date
 24 of the amendments made by subsections (a) and (b), as
 25 specified by subsection (c), the two-year and four-year pe-

riods specified in subsection (f)(1) of section 1917 of title 38, United States Code, as added by subsection (a), and subsection (c)(1) of section 1952 of such title, as added by subsection (b), as applicable, shall for purposes of the applicable subsection be treated as being the two-year and four-year periods, respectively, beginning on the effective date of such amendments, as so specified.

**SEC. 103. APPLICABILITY TO CERTAIN MEMBERS OF THE
NATIONAL GUARD OF AUTHORITY FOR EX-
TENSION OF ELIGIBILITY FOR SURVIVORS'
AND DEPENDENTS' EDUCATIONAL ASSIST-
ANCE.**

(a) IN GENERAL.—Section 3512(h) is amended by inserting “or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32,” after “title 10,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001.

**SEC. 104. INCREASE IN RATES OF SURVIVORS' AND DE-
PENDENTS' EDUCATIONAL ASSISTANCE.**

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “at the monthly rate of” and all that follows and in-

1 serting “at the monthly rate of \$788 for full-
 2 time, \$592 for three-quarter-time, or \$394 for
 3 half-time pursuit.”; and

4 (B) in paragraph (2), by striking “at the
 5 rate of” and all that follows and inserting “at
 6 the rate of the lesser of—

7 “(A) the established charges for tuition and
 8 fees that the educational institution involved re-
 9 quires similarly circumstanced nonveterans enrolled
 10 in the same program to pay; or

11 “(B) \$788 per month for a full-time course.”;

12 (2) in subsection (b), by striking “\$670” and
 13 inserting “\$788”; and

14 (3) in subsection (c)(2), by striking “shall be”
 15 and all that follows and inserting “shall be \$636 for
 16 full-time, \$477 for three-quarter-time, or \$319 for
 17 half-time pursuit.”.

18 (b) CORRESPONDENCE COURSES.—Section 3534(b)
 19 is amended by striking “\$670” and inserting “\$788”.

20 (c) SPECIAL RESTORATIVE TRAINING.—Section
 21 3542(a) is amended—

22 (1) by striking “\$670” and inserting “\$788”;
 23 and

24 (2) by striking “\$210” each place it appears
 25 and inserting “\$247”.

1 (d) APPRENTICESHIP TRAINING.—Section
 2 3687(b)(2) is amended by striking “shall be \$488 for the
 3 first six months” and all that follows and inserting “shall
 4 be \$574 for the first six months, \$429 for the second six
 5 months, \$285 for the third six months, and \$144 for the
 6 fourth and any succeeding six-month period of training.”.

7 (e) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect on July 1, 2004, and shall
 9 apply with respect to educational assistance allowances
 10 payable under chapter 35 and section 3687(b)(2) of title
 11 38, United States Code, for months beginning on or after
 12 that date.

13 **SEC. 105. REPEAL OF TWO-YEAR LIMITATION ON PAYMENT**
 14 **OF ACCRUED BENEFITS AT DEATH.**

15 (a) REPEAL.—Section 5121(a) is amended—

16 (1) in the matter preceding paragraph (1), by
 17 striking “for a period not to exceed two years”;

18 (2) in paragraph (4), by striking “and” at the
 19 end;

20 (3) by redesignating paragraph (5) as para-
 21 graph (6); and

22 (4) by inserting after paragraph (4) the fol-
 23 lowing new paragraph (5):

1 “(5) Upon the death of a child claiming bene-
 2 fits under chapter 18 of this title, to the surviving
 3 parents; and”.

4 (b) TECHNICAL AMENDMENT.—That section is fur-
 5 ther amended in the matter preceding paragraph (1) by
 6 striking “or decisions,” and inserting “or decisions”.

7 **TITLE II—BURIAL BENEFITS**

8 **SEC. 201. BURIAL PLOT ALLOWANCE.**

9 (a) IN GENERAL.—Section 2303(b) is amended—
 10 (1) in the matter preceding paragraph (1), by
 11 striking “a burial allowance under such section
 12 2302, or under such subsection, who was discharged
 13 from the active military, naval, or air service for a
 14 disability incurred or aggravated in line of duty, or
 15 who is a veteran of any war” and inserting “burial
 16 in a national cemetery under section 2402 of this
 17 title”; and

18 (2) in paragraph (2), by striking “(other than
 19 a veteran whose eligibility for benefits under this
 20 subsection is based on being a veteran of any war)”
 21 and inserting “is eligible for a burial allowance
 22 under section 2302 of this title or under subsection
 23 (a) of this section, or was discharged from the active
 24 military, naval, or air service for a disability in-

1 curred or aggravated in line of duty, and such vet-
 2 eran”.

3 (b) CONFORMING AMENDMENT.—Section 2307 is
 4 amended in the last sentence by striking “and (b)” and
 5 inserting “and (b)(2)”.

6 **SEC. 202. ELIGIBILITY OF SURVIVING SPOUSES WHO RE-**
 7 **MARRY FOR BURIAL IN NATIONAL CEME-**
 8 **TERIES.**

9 (a) IN GENERAL.—Section 2402(5) is amended by
 10 striking “(which for purposes of this chapter includes an
 11 unremarried surviving spouse who had a subsequent re-
 12 marriage which was terminated by death or divorce)” and
 13 inserting “(which for purposes of this chapter includes a
 14 surviving spouse who had a subsequent remarriage)”.

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

18 **SEC. 203. PERMANENT AUTHORITY FOR STATE CEMETERY**
 19 **GRANTS PROGRAM.**

20 (a) PERMANENT AUTHORITY.—Subsection (a) of sec-
 21 tion 2408 is amended—

22 (1) by striking “(1)”; and

23 (2) by striking paragraph (2).

24 (b) CONFORMING AMENDMENT.—Subsection (e) of
 25 such section is amended by striking “Sums appropriated

1 under subsection (a) of this section” and inserting
 2 “Amounts appropriated to carry out this section”.

3 **SEC. 204. PROVISION OF MARKERS FOR PRIVATELY**
 4 **MARKED GRAVES.**

5 (a) IN GENERAL.—Section 502(d) of the Veterans
 6 Education and Benefits Expansion Act of 2001 (Public
 7 Law 107–103; 38 U.S.C. 2306 note) is amended by strik-
 8 ing “September 11, 2001” and inserting “November 1,
 9 1990”.

10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) shall take effect as if included in the enact-
 12 ment of section 502 of the Veterans Education and Bene-
 13 fits Expansion Act of 2001.

14 **TITLE III—OTHER MATTERS**
 15 **Subtitle A—Miscellaneous Benefits**
 16 **Matters**

17 **SEC. 301. TWO-YEAR EXTENSION OF ROUND-DOWN RE-**
 18 **QUIREMENT FOR COMPENSATION COST-OF-**
 19 **LIVING ADJUSTMENTS.**

20 Sections 1104(a) and 1303(a) are each amended by
 21 striking “2011” and inserting “2013”.

1 **SEC. 302. PRESUMPTIONS OF SERVICE-CONNECTION RE-**
 2 **LATING TO DISEASES AND DISABILITIES OF**
 3 **FORMER PRISONERS OF WAR.**

4 Subsection (b) of section 1112 is amended to read
 5 as follows:

6 “(b)(1) For the purposes of section 1110 of this title
 7 and subject to the provisions of section 1113 of this title,
 8 in the case of a veteran who is a former prisoner of war—

9 “(A) a disease specified in paragraph (2) which
 10 became manifest to a degree of 10 percent or more
 11 after active military, naval, or air service shall be
 12 considered to have been incurred in or aggravated by
 13 such service, notwithstanding that there is no record
 14 of such disease during the period of service; and

15 “(B) if the veteran was detained or interned as
 16 a prisoner of war for not less than thirty days, a dis-
 17 ease specified in paragraph (3) which became mani-
 18 fest to a degree of 10 percent or more after active
 19 military, naval, or air service shall be considered to
 20 have been incurred in or aggravated by such service,
 21 notwithstanding that there is no record of such dis-
 22 ease during the period of service.

23 “(2) The diseases specified in this paragraph are the
 24 following:

25 “(A) Psychosis.

26 “(B) Any of the anxiety states.

1 “(C) Dysthymic disorder (or depressive neu-
2 rosis).

3 “(D) Organic residuals of frostbite, if the Sec-
4 retary determines that the veteran was detained or
5 interned in climatic conditions consistent with the
6 occurrence of frostbite.

7 “(E) Post-traumatic osteoarthritis.

8 “(3) The diseases specified in this paragraph are the
9 following:

10 “(A) Avitaminosis.

11 “(B) Beriberi (including beriberi heart disease).

12 “(C) Chronic dysentery.

13 “(D) Helminthiasis.

14 “(E) Malnutrition (including optic atrophy as-
15 sociated with malnutrition).

16 “(F) Pellagra.

17 “(G) Any other nutritional deficiency.

18 “(H) Cirrhosis of the liver.

19 “(I) Peripheral neuropathy except where di-
20 rectly related to infectious causes.

21 “(J) Irritable bowel syndrome.

22 “(K) Peptic ulcer disease.”.

1 **SEC. 303. REPEAL OF REQUIREMENT FOR MINIMUM PE-**
 2 **RIOD OF INTERNMENT OF PRISONERS OF**
 3 **WAR FOR DENTAL CARE.**

4 Section 1712(a)(1)(F) is amended by striking “and
 5 who was detained or interned for a period of not less than
 6 90 days”.

7 **SEC. 304. ROUNDING DOWN OF CERTAIN COST-OF-LIVING**
 8 **ADJUSTMENTS ON EDUCATION ASSISTANCE.**

9 (a) BASIC EDUCATIONAL ASSISTANCE UNDER MONT-
 10 GOMERY GI BILL.—Section 3015(h) is amended by insert-
 11 ing “down” after “rounded”.

12 (b) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL
 13 ASSISTANCE.—Section 3564 is amended by inserting
 14 “down” after “rounded”.

15 **SEC. 305. TERMINATION OF EDUCATION LOAN PROGRAM.**

16 (a) TERMINATION OF EDUCATION LOAN PRO-
 17 GRAM.—No loans shall be made under subchapter III of
 18 chapter 36 of title 38, United States Code, after the date
 19 of the enactment of this Act.

20 (b) DISCHARGE OF LIABILITIES.—Effective as of the
 21 date of the transfer of funds under subsection (c)—

22 (1) any liability on an education loan under
 23 subchapter III of chapter 36 of title 38, United
 24 States Code, that is outstanding as of such date
 25 shall be deemed discharged; and

1 (2) the right of the United States to recover an
 2 overpayment declared under section 3698(e)(1) of
 3 such title that is outstanding as of such date shall
 4 be deemed waived.

5 (c) TERMINATION OF LOAN FUND.—(1) Effective as
 6 of the day before the date of the repeal under this section
 7 of subchapter III of chapter 36 of title 38, United States
 8 Code, all monies in the revolving fund of the Treasury
 9 known as the “Department of Veterans Affairs Education
 10 Loan Fund” shall be transferred to the Department of
 11 Veterans Affairs Readjustment Benefits Account, and the
 12 revolving fund shall be closed.

13 (2) Any monies transferred to the Department of
 14 Veterans Affairs Readjustment Benefits Account under
 15 paragraph (1) shall be merged with amounts in that ac-
 16 count, and shall be available for the same purposes, and
 17 subject to the same conditions and limitations, as amounts
 18 in that account.

19 (d) USE OF ENTITLEMENT TO VETERANS EDU-
 20 CATIONAL ASSISTANCE FOR EDUCATION LOAN PRO-
 21 GRAM.—Section 3462(a) is amended—

22 (1) by striking paragraph (2); and

23 (2) by redesignating paragraph (4) as para-
 24 graph (2).

1 (e) REPEAL OF EDUCATION LOAN PROGRAM.—Sub-
2 chapter III of chapter 36 is repealed.

3 (f) CONFORMING AMENDMENTS.—(1) Section
4 3485(e)(1) is amended by striking “(other than an edu-
5 cation loan under subchapter III)”.

6 (2) Section 3512 is amended by striking subsection
7 (f).

8 (g) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 36 is amended by striking the
10 items relating to subchapter III.

11 (h) EFFECTIVE DATES.—(1) The amendments made
12 by subsection (d) shall take effect on the date of the enact-
13 ment of this Act.

14 (2) The amendments made by subsections (e), (f),
15 and (g) shall take effect 90 days after the date of the en-
16 actment of this Act.

17 **SEC. 306. TERMINATION OF AUTHORITY TO GUARANTEE**
18 **LOANS TO PURCHASE MANUFACTURED**
19 **HOMES AND LOTS.**

20 Section 3712 is amended by adding at the end the
21 following new subsection:

22 “(m) The authority of the Secretary to guarantee
23 loans under this section shall expire on December 31,
24 2003.”.

1 **SEC. 307. INCREASE IN LOAN FEE FOR SUBSEQUENT LOANS**

2 **CLOSED BEFORE OCTOBER 1, 2011.**

3 (a) INCREASE IN LOAN FEE.—The loan fee table in
 4 section 3729(b)(2) is amended in subparagraph (B)(i), re-
 5 lating to subsequent loans described in section 3701(a) of
 6 title 38, United States Code, to purchase or construct a
 7 dwelling with 0–down, or any other subsequent loan de-
 8 scribed in such section (closed on or before October 1,
 9 2011), by striking “3.00” both places it appears and in-
 10 serting “3.50”.

11 (b) EFFECTIVE DATE.—The amendments made by
 12 subsection (a) shall take effect on October 1, 2004.

13 **SEC. 308. REINSTATEMENT OF MINIMUM REQUIREMENTS**

14 **FOR SALE OF VENDEE LOANS.**

15 (a) IN GENERAL.—Section 3733(a) is amended—

16 (1) by striking paragraph (2) and redesignating
 17 paragraphs (3), (4), (5), and (6) as paragraphs (2),
 18 (3), (4), and (5), respectively; and

19 (2) in subparagraph (B)(i) of paragraph (3), as
 20 so redesignated, by striking “paragraph (5) of this
 21 subsection” and inserting “paragraph (4)”.

22 (b) INCREASE IN MAXIMUM PERCENTAGE.—Section
 23 3733(a)(1) is amended—

24 (1) by striking “65 percent” in the first sen-
 25 tence and inserting “85 percent”; and

26 (2) by striking the second sentence.

1 (c) **STYLISTIC AMENDMENTS.**—Section 3733 is fur-
 2 ther amended by striking “paragraph (1) of this sub-
 3 section” each place it appears and inserting “paragraph
 4 (1)”.

5 **SEC. 309. OPERATION OF NATIVE AMERICAN VETERAN**
 6 **HOUSING LOAN PROGRAM.**

7 (a) **RESTORATION FOR FISCAL YEAR 2003 TO FIS-**
 8 **CAL YEAR 2002 LEVEL.**—In carrying out the pilot pro-
 9 gram provided by subchapter V of chapter 37 of title 38,
 10 United States Code, under which the Secretary of Vet-
 11 erans Affairs is authorized to make direct housing loans
 12 to Native American veterans, the Secretary shall during
 13 fiscal year 2003 carry out that program without regard
 14 to the proviso under the heading “Native American Vet-
 15 eran Housing Loan Program Account” in title I of the
 16 Departments of Veterans Affairs and Housing and Urban
 17 Development, and Independent Agencies Appropriations
 18 Act, 2003 (division K of Public Law 108–7; 117 Stat.
 19 476), and such proviso shall be treated as being of no force
 20 or effect.

21 (b) **SAVINGS PROVISION.**—Any action taken by the
 22 Secretary of Veterans Affairs before the enactment of this
 23 Act that is inconsistent with the proviso referred to in sub-
 24 section (a) is hereby ratified with respect to such incon-
 25 sistency.

1 **SEC. 310. TIME LIMITATIONS ON RECEIPT OF CLAIM INFOR-**
2 **MATION PURSUANT TO REQUESTS OF DE-**
3 **PARTMENT OF VETERANS AFFAIRS.**

4 (a) INFORMATION TO COMPLETE CLAIMS APPLICA-
5 TIONS.—Section 5102 is amended by adding at the end
6 the following new subsection:

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

13 “(2) This subsection shall not apply to any applica-
14 tion or claim for Government life insurance benefits.”.

15 (b) CONSTRUCTION OF LIMITATION ON INFORMA-
16 TION TO SUBSTANTIATE CLAIMS.—Section 5103(b) is
17 amended by adding at the end the following new para-
18 graph:

19 “(3) The limitation in paragraph (1) shall not be con-
20 strued to prohibit the Secretary from making a decision
21 on a claim before the expiration of the period referred to
22 in that subsection.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect as if enacted on November
25 9, 2000, immediately after the enactment of the Veterans

1 Claims Assistance Act of 2000 (Public Law 106–475; 114
2 Stat. 2096).

3 **SEC. 311. CLARIFICATION OF APPLICABILITY OF PROHIBI-**
4 **TION ON ASSIGNMENT OF VETERANS BENE-**
5 **FITS TO AGREEMENTS REQUIRING PAYMENT**
6 **OF FUTURE RECEIPT OF BENEFITS.**

7 (a) IN GENERAL.—Section 5301(a) is amended—

8 (1) by inserting “(1)” after “(a)”;

9 (2) by designating the last sentence as para-
10 graph (2) and indenting such paragraph, as so des-
11 ignated, two ems from the left margin; and

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

14 “(3)(A) This subsection is intended to clarify that,
15 in any case where a beneficiary entitled to compensation,
16 pension, or dependency and indemnity compensation en-
17 ters into an agreement with another person under which
18 agreement such other person acquires for consideration
19 the right to receive payment of such compensation, pen-
20 sion, or dependency and indemnity compensation, as the
21 case may be, whether by payment from the beneficiary to
22 such other person, deposit into an account from which
23 such other person may make withdrawals, or otherwise,
24 such agreement shall be deemed to be an assignment and
25 is prohibited.

1 “(B) Notwithstanding subparagraph (A), nothing in
 2 this subsection is intended to prohibit a loan to a bene-
 3 ficiary under the terms of which the beneficiary may use
 4 some of the benefits to repay the loan, so long as each
 5 of the periodic payments made to repay the loan is sepa-
 6 rately and voluntarily executed by the beneficiary at the
 7 time such periodic payment is made.

8 “(C) Any agreement or arrangement for collateral for
 9 security for an agreement that is prohibited under sub-
 10 paragraph (A) is also prohibited and is void ab initio.”.

11 (b) EFFECTIVE DATE.—Paragraph (3) of section
 12 5301(a) of title 38, United States Code (as added by sub-
 13 section (a) of this section), shall apply with respect to any
 14 agreement or arrangement described in that paragraph
 15 that is entered into on or after the date of the enactment
 16 of this Act.

17 **SEC. 312. THREE-YEAR EXTENSION OF INCOME**
 18 **VERIFICATION AUTHORITY.**

19 (a) IN GENERAL.—Section 5317(g) is amended by
 20 striking “September 30, 2008” and inserting “September
 21 30, 2011”.

22 (b) CONFORMING AMENDMENT.—Section
 23 6103(l)(7)(D) of the Internal Revenue Code of 1986 is
 24 amended by striking “September 30, 2008” and inserting
 25 “September 30, 2011”.

1 **SEC. 313. FORFEITURE OF BENEFITS FOR SUBVERSIVE AC-**
 2 **TIVITIES.**

3 (a) ADDITION OF CERTAIN OFFENSES.—Section
 4 6105(b)(2) is amended by striking “sections 792, 793,
 5 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388,
 6 2389, 2390, and chapter 105 of title 18” and inserting
 7 “sections 175, 229, 792, 793, 794, 798, 831, 1091,
 8 2332a, 2332b, 2381, 2382, 2383, 2384, 2385, 2387,
 9 2388, 2389, 2390, and chapter 105 of title 18”.

10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) shall apply to claims filed after the date
 12 of the enactment of this Act.

13 **SEC. 314. CLARIFICATION OF NOTICE OF DISAGREEMENT**
 14 **FOR APPELLATE REVIEW OF DEPARTMENT**
 15 **OF VETERANS AFFAIRS ACTIVITIES.**

16 (a) CLARIFICATION.—Section 7105(b) is amended by
 17 adding at the end the following new paragraph:

18 “(3) A document that meets the requirements of the
 19 second sentence of paragraph (1) and the first sentence
 20 of paragraph (2) shall be recognized as a notice of dis-
 21 agreement for purposes of this section unless the Sec-
 22 retary finds that the claimant has disavowed a desire for
 23 appellate review.”.

24 (b) EFFECTIVE DATE.—(1) Except as specifically
 25 provided otherwise, paragraph (3) of section 7105(b) of

1 title 38, United States Code (as added by subsection (a)
2 of this section), shall apply to any document—

3 (A) filed under section 7105 of such title on or
4 after the date of the enactment of this Act; or

5 (B) filed under section 7105 of such title before
6 the date of the enactment of this Act and not treat-
7 ed by the Secretary of Veterans Affairs as a notice
8 of disagreement pursuant to section 20.201 of title
9 38, Code of Federal Regulations, as of that date.

10 (2) In the case of a document described in paragraph
11 (3) of this subsection, the Secretary shall, upon the re-
12 quest of the claimant or the Secretary's own motion, order
13 the document treated as a notice of disagreement under
14 section 7105 of such title as if the document had not been
15 rejected by the Secretary as a notice of disagreement pur-
16 suant to section 20.201 of title 38, Code of Federal Regu-
17 lations.

18 (3) A document described in this paragraph is a doc-
19 ument that—

20 (A) was filed as a notice of disagreement under
21 section 7105 of such title during the period begin-
22 ning on March 15, 2002, and ending on the date of
23 the enactment of this Act; and

1 (B) was rejected by the Secretary as a notice of
 2 disagreement pursuant to section 20.201 of title 38,
 3 Code of Federal Regulations.

4 (4) A document may not be treated as a notice of
 5 disagreement under paragraph (2) unless a request for
 6 such treatment is filed by the claimant, or a motion is
 7 made by the Secretary, not later than one year after the
 8 date of the enactment of this Act.

9 **Subtitle B—Benefits for Philippine** 10 **Veterans**

11 **SEC. 321. RATE OF PAYMENT OF BENEFITS FOR CERTAIN** 12 **FILIPINO VETERANS AND THEIR SURVIVORS** 13 **RESIDING IN THE UNITED STATES.**

14 (a) RATE OF PAYMENT.—Section 107 is amended—

15 (1) in the second sentence of subsection (b), by
 16 striking “Payments” and inserting “Except as pro-
 17 vided in subsection (c), payments”; and

18 (2) in subsection (c)—

19 (A) by inserting “and subchapter II of
 20 chapter 13 (except section 1312(a)) of this
 21 title” after “chapter 11 of this title”;

22 (B) by striking “in subsection (a)” and in-
 23 serting “in subsection (a) or (b)”; and

24 (C) by striking “of subsection (a)” and in-
 25 serting “of the applicable subsection”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect on the date of the enact-
 3 ment of this Act and shall apply to benefits paid for
 4 months beginning after that date.

5 **SEC. 322. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS**
 6 **RESIDING IN THE UNITED STATES.**

7 (a) BENEFIT ELIGIBILITY.—Section 107 is
 8 amended—

9 (1) in subsection (b)(2)—

10 (A) by striking “and” and inserting a
 11 comma; and

12 (B) by inserting “, 23, and 24 (to the ex-
 13 tent provided for in section 2402(8))” after
 14 “(except section 1312(a))”;

15 (2) in the second sentence of subsection (b), as
 16 amended by section 321 of this Act, by inserting “or
 17 (d)” after “subsection (c)”;

18 (3) in subsection (d)(1), by inserting “or (b), as
 19 applicable,” after “subsection (a)”;

20 (4) in section (d)(2), by inserting “or whose
 21 service is described in subsection (b) and who dies
 22 after the date of enactment of the Veterans’ Benefits
 23 Enhancements Act of 2003,” after “November 1,
 24 2000,”.

1 (b) NATIONAL CEMETERY INTERMENT.—Section
 2 2402(8) is amended by inserting “or (b)” after “section
 3 107(a)”.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply with respect to deaths occurring
 6 on or after the date of the enactment of this Act.

7 **SEC. 323. EXTENSION OF AUTHORITY TO OPERATE RE-**
 8 **GIONAL OFFICE IN THE PHILIPPINES.**

9 Section 315(b) is amended by striking “December 31,
 10 2003” and inserting “December 31, 2008”.

11 **Subtitle C—Exposure to Hazardous**
 12 **Substances**

13 **SEC. 331. RADIATION DOSE RECONSTRUCTION PROGRAM**
 14 **OF DEPARTMENT OF DEFENSE.**

15 (a) REVIEW OF MISSION, PROCEDURES, AND ADMIN-
 16 ISTRATION.—(1) The Secretary of Veterans Affairs and
 17 the Secretary of Defense shall jointly conduct a review of
 18 the mission, procedures, and administration of the Radi-
 19 ation Dose Reconstruction Program of the Department of
 20 Defense.

21 (2) In conducting the review under paragraph (1),
 22 the Secretaries shall—

23 (A) determine whether any additional actions
 24 are required to ensure that the quality assurance
 25 and quality control mechanisms of the Radiation

1 Dose Reconstruction Program are adequate and suf-
2 ficient for purposes of the program; and

3 (B) determine the actions that are required to
4 ensure that the mechanisms of the Radiation Dose
5 Reconstruction Program for communication and
6 interaction with veterans are adequate and sufficient
7 for purposes of the program, including mechanisms
8 to permit veterans to review the assumptions utilized
9 in their dose reconstructions.

10 (3) Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretaries shall jointly submit to
12 Congress a report on the review under paragraph (1). The
13 report shall set forth—

14 (A) the results of the review;

15 (B) a plan for any actions determined to be re-
16 quired under paragraph (2); and

17 (C) such other recommendations for the im-
18 provement of the mission, procedures, and adminis-
19 tration of the Radiation Dose Reconstruction Pro-
20 gram as the Secretaries jointly consider appropriate.

21 (b) ON-GOING REVIEW AND OVERSIGHT.—The Sec-
22 retaries shall jointly take appropriate actions to ensure the
23 on-going independent review and oversight of the Radi-
24 ation Dose Reconstruction Program, including the estab-
25 lishment of the advisory board required by subsection (c).

1 (c) ADVISORY BOARD.—(1) In taking actions under
2 subsection (b), the Secretaries shall jointly appoint an ad-
3 visory board to provide review and oversight of the Radi-
4 ation Dose Reconstruction Program.

5 (2) The advisory board under paragraph (1) shall be
6 composed of the following:

7 (A) At least one expert in historical dose recon-
8 struction of the type conducted under the Radiation
9 Dose Reconstruction Program.

10 (B) At least one expert in radiation health mat-
11 ters.

12 (C) At least one expert in risk communications
13 matters.

14 (D) A representative of the Department of Vet-
15 erans Affairs.

16 (E) A representative of the Defense Threat Re-
17 duction Agency.

18 (F) At least three veterans, including at least
19 one veteran who is a member of an atomic veterans
20 group.

21 (3) The advisory board under paragraph (1) shall—

22 (A) conduct periodic, random audits of dose re-
23 constructions under the Radiation Dose Reconstruc-
24 tion Program and of decisions by the Department of

1 Veterans Affairs on claims for service connection of
2 radiogenic diseases;

3 (B) assist the Department of Veterans Affairs
4 and the Defense Threat Reduction Agency in com-
5 municating to veterans information on the mission,
6 procedures, and evidentiary requirements of the Ra-
7 diation Dose Reconstruction Program; and

8 (C) carry out such other activities with respect
9 to the review and oversight of the Radiation Dose
10 Reconstruction Program as the Secretaries shall
11 jointly specify.

12 (4) The advisory board under paragraph (1) may
13 make such recommendations on modifications in the mis-
14 sion or procedures of the Radiation Dose Reconstruction
15 Program as the advisory board considers appropriate as
16 a result of the audits conducted under paragraph (3)(A).

17 **SEC. 332. STUDY ON DISPOSITION OF AIR FORCE HEALTH**
18 **STUDY.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs
20 shall, in accordance with this section, carry out a study
21 to determine the appropriate disposition of the Air Force
22 Health Study, an epidemiologic study of Air Force per-
23 sonnel who were responsible for conducting aerial spray
24 missions of herbicides during the Vietnam era.

1 (b) STUDY THROUGH NATIONAL ACADEMY OF
2 SCIENCES.—Not later than sixty days after the date of
3 the enactment of this Act, the Secretary shall seek to enter
4 into an agreement with the National Academy of Sciences,
5 or another appropriate scientific organization, to carry out
6 the study required by subsection (a).

7 (c) ELEMENTS.—Under the study under subsection
8 (a), the National Academy of Sciences, or other appro-
9 priate scientific organization, shall address the following:

10 (1) The scientific merit of retaining and main-
11 taining the medical records, other study data, and
12 laboratory specimens collected in the course of the
13 Air Force Health Study after the currently-sched-
14 uled termination date of the study in 2006.

15 (2) Whether or not any obstacles exist to re-
16 taining and maintaining the medical records, other
17 study data, and laboratory specimens referred to in
18 paragraph (1), including privacy concerns.

19 (3) The advisability of providing independent
20 oversight of the medical records, other study data,
21 and laboratory specimens referred to in paragraph
22 (1), and of any further study of such records, data,
23 and specimens, and, if so, the mechanism for pro-
24 viding such oversight.

1 (4) The advisability of extending the Air Force
2 Health Study, including the potential value and rel-
3 evance of extending the study, the potential cost of
4 extending the study, and the Federal or non-Federal
5 entity best suited to continue the study if extended.

6 (5) The advisability of making the laboratory
7 specimens of the Air Force Health Study available
8 for independent research, including the potential
9 value and relevance of such research, and the poten-
10 tial cost of such research.

11 (d) REPORT.—Not later than 60 days after entering
12 into an agreement under subsection (b), the National
13 Academy of Sciences, or other appropriate scientific orga-
14 nization, shall submit to the Secretary and Congress a re-
15 port on the results of the study under subsection (a). The
16 report shall include the results of the study, including the
17 matters addressed under subsection (c), and such other
18 recommendations as the Academy, or other appropriate
19 scientific organization, considers appropriate as a result
20 of the study.

1 **SEC. 333. FUNDING OF MEDICAL FOLLOW-UP AGENCY OF**
 2 **INSTITUTE OF MEDICINE OF NATIONAL**
 3 **ACADEMY OF SCIENCES FOR EPIDEMIOLOG-**
 4 **ICAL RESEARCH ON MEMBERS OF THE**
 5 **ARMED FORCES AND VETERANS.**

6 (a) FUNDING BY DEPARTMENT OF VETERANS AF-
 7 FAIRS.—(1) The Secretary of Veterans Affairs shall make
 8 available to the National Academy of Sciences in each of
 9 fiscal years 2004 through 2013, \$250,000 for the Medical
 10 Follow-Up Agency of the Institute of Medicine of the
 11 Academy for purposes of epidemiological research on
 12 members of the Armed Forces and veterans.

13 (2) The Secretary of Veterans Affairs shall make
 14 available amounts under paragraph (1) for a fiscal year
 15 from amounts available for the Department of Veterans
 16 Affairs for that fiscal year.

17 (b) FUNDING BY DEPARTMENT OF DEFENSE.—(1)
 18 The Secretary of Defense shall make available to the Na-
 19 tional Academy of Sciences in each of fiscal years 2004
 20 through 2013, \$250,000 for the Medical Follow-Up Agen-
 21 cy for purposes of epidemiological research on members
 22 of the Armed Forces and veterans.

23 (2) The Secretary of Defense shall make available
 24 amounts under paragraph (1) for a fiscal year from
 25 amounts available for the Department of Defense for that
 26 fiscal year.

1 (c) USE OF FUNDS.—The Medical Follow-Up Agency
 2 shall use funds made available under subsections (a) and
 3 (b) for epidemiological research on members of the Armed
 4 Forces and veterans.

5 (d) SUPPLEMENT NOT SUPPLANT.—Amounts made
 6 available to the Medical Follow-Up Agency under this sec-
 7 tion for a fiscal year for the purposes referred to in sub-
 8 section (c) are in addition to any other amounts made
 9 available to the Agency for that fiscal year for those pur-
 10 poses.

11 **Subtitle D—Other Matters**

12 **SEC. 341. FOUR-YEAR EXTENSION OF ADVISORY COM-** 13 **MITTEE ON MINORITY VETERANS.**

14 Section 544(e) is amended by striking “December 31,
 15 2003” and inserting “December 31, 2007”.

16 **SEC. 342. VETERANS’ ADVISORY COMMITTEE ON EDU-** 17 **CATION.**

18 (a) MEMBERSHIP.—Subsection (a) of section 3692 is
 19 amended in the second sentence by inserting “, to the
 20 maximum extent practicable,” after “The committee shall
 21 also”.

22 (b) EXTENSION.—Subsection (c) of that section is
 23 amended by striking “December 31, 2003” and inserting
 24 “December 31, 2013”.

1 (c) TECHNICAL AMENDMENTS.—That section is fur-
 2 ther amended—

3 (1) in subsections (a) and (b), by striking
 4 “chapter 106” each place it appears and inserting
 5 “chapter 1606”; and

6 (2) in subsection (b), by striking “chapter 30”
 7 and inserting “chapters 30”.

8 **SEC. 343. TEMPORARY AUTHORITY FOR PERFORMANCE OF**
 9 **MEDICAL DISABILITIES EXAMINATIONS BY**
 10 **CONTRACT PHYSICIANS.**

11 (a) IN GENERAL.—Notwithstanding the limitation in
 12 section 504(b) the Veterans’ Benefits Improvements Act
 13 of 1996 (Public Law 104–275; 110 Stat. 3341; 38 U.S.C.
 14 5101 note) and using funds subject to appropriation
 15 (other than funds available for compensation and pen-
 16 sion), the Secretary of Veterans Affairs may provide for
 17 the conduct of examinations with respect to the medical
 18 disabilities of applicants for benefits under laws adminis-
 19 tered by the Secretary by persons other than Department
 20 of Veterans Affairs employees.

21 (b) PERFORMANCE BY CONTRACT.—Examinations
 22 under the authority in subsection (a) shall be conducted
 23 pursuant to contracts entered into and administered by
 24 the Under Secretary for Benefits.

1 (c) EXPIRATION.—The authority in subsection (a)
 2 shall expire on December 31, 2009. No examination may
 3 be carried out under the authority in that subsection after
 4 that date.

5 (d) REPORT.—Not later than four years after the
 6 date of enactment of this Act, the Secretary shall submit
 7 to Congress a report on the utilization of the authority
 8 in subsection (a), including an assessment of the effect
 9 of examinations under that authority on the cost, timeli-
 10 ness, and thoroughness of examinations with respect to
 11 the medical disabilities of applicants for benefits under
 12 laws administered by the Secretary.

13 **SEC. 344. TECHNICAL AMENDMENT.**

14 Section 1974(a)(5) is amended by striking “Secretary
 15 of Transportation” and inserting “Secretary of Homeland
 16 Security”.

Passed the Senate October 31, 2003.

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

S. 1132

AN ACT

To amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.