

# Calendar No. 316

108TH CONGRESS  
1ST SESSION

# S. 1132

[Report No. 108-169]

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

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IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mr. SPECTER (for himself, Mr. BUNNING, and Mr. GRAHAM of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 21, 2003

Reported by Mr. SPECTER, with an amendment

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

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## A BILL

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.**

4 This Act may be cited as the “Veterans’ Survivors  
5 Benefits Enhancements Act of 2003”.

1 **SEC. 2. INCREASE IN RATES OF SURVIVORS' AND DEPEND-**  
2 **ENTS' EDUCATIONAL ASSISTANCE.**

3 (a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL  
4 ASSISTANCE.—Section 3532 of title 38, United States  
5 Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “at the  
8 monthly rate of” and all that follows and in-  
9 serting “at the monthly rate of \$985 for full-  
10 time, \$740 for three-quarter-time, or \$492 for  
11 half-time pursuit.”; and

12 (B) in paragraph (2), by striking “at the  
13 rate of” and all that follows and inserting “at  
14 the rate of the lesser of—

15 “(A) the established charges for tuition and  
16 fees that the educational institution involved re-  
17 quires similarly circumstanced nonveterans enrolled  
18 in the same program to pay; or

19 “(B) \$985 per month for a full-time course.”;

20 (2) in subsection (b), by striking “\$670” and  
21 inserting “\$985”; and

22 (3) in subsection (c)(2), by striking “shall be”  
23 and all that follows and inserting “shall be \$795 for  
24 full-time, \$596 for three-quarter-time, or \$398 for  
25 half-time pursuit.”.

1 (b) CORRESPONDENCE COURSES.—Section 3534(b)  
 2 of that title is amended by striking “\$670” and inserting  
 3 “\$985”.

4 (c) SPECIAL RESTORATIVE TRAINING.—Section  
 5 3542(a) of that title is amended—

6 (1) by striking “\$670” and inserting “\$985”;  
 7 and

8 (2) by striking “\$210” each place it appears  
 9 and inserting “\$307”.

10 (d) APPRENTICESHIP TRAINING.—Section  
 11 3687(b)(2) of that title is amended by striking “shall be  
 12 \$488 for the first six months” and all that follows and  
 13 inserting “shall be \$717 for the first six months, \$536  
 14 for the second six months, \$356 for the third six months,  
 15 and \$179 for the fourth and any succeeding six-month pe-  
 16 riod of training.”.

17 (e) EFFECTIVE DATE.—(1) The amendments made  
 18 by this section shall take effect on October 1, 2003, and  
 19 shall apply with respect to educational assistance allow-  
 20 ances payable under chapter 35 and section 3687(b)(2)  
 21 of title 38, United States Code, for months beginning on  
 22 or after that date.

23 (2) No adjustment in rates of monthly training allow-  
 24 ances shall be made under section 3687(d) of title 38,  
 25 United States Code, for fiscal year 2004.

1 **SEC. 3. MODIFICATION OF DURATION OF EDUCATIONAL AS-**  
 2 **SISTANCE.**

3 Section 3511(a)(1) of title 38, United States Code,  
 4 is amended by striking “45 months” and all that follows  
 5 and inserting “45 months, or 36 months in the case of  
 6 a person who first files a claim for educational assistance  
 7 under this chapter after the date of the enactment of the  
 8 Veterans’ Survivors Benefits Enhancements Act of 2003,  
 9 or the equivalent thereof in part-time training.”.

10 **SEC. 4. ADDITIONAL DEPENDENCY AND INDEMNITY COM-**  
 11 **PENSATION FOR SURVIVING SPOUSES WITH**  
 12 **DEPENDENT CHILDREN.**

13 (a) **ADDITIONAL DEPENDENCY AND INDEMNITY**  
 14 **COMPENSATION.**—Section 1311 of title 38, United States  
 15 Code, is amended by adding at the end the following new  
 16 subsection:

17 “(e)(1) Subject to paragraphs (2) and (3), if there  
 18 is a surviving spouse with one or more children below the  
 19 age of eighteen, the dependency and indemnity compensa-  
 20 tion paid monthly to the surviving spouse shall be in-  
 21 creased by \$250, regardless of the number of such chil-  
 22 dren.

23 “(2) Dependency and indemnity compensation shall  
 24 be increased for a month under this subsection only for  
 25 months occurring during the five-year period beginning on

1 the date of death of the veteran on which such dependency  
2 and indemnity compensation is based.

3 “(3) The increase in dependency and indemnity com-  
4 pensation of a surviving spouse under this subsection shall  
5 cease beginning with the first month commencing after the  
6 month in which all children of the surviving spouse have  
7 attained the age of eighteen.

8 “(4) Dependency and indemnity compensation under  
9 this subsection is in addition to any other dependency and  
10 indemnity compensation payable by law.”

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect on the date of the enact-  
13 ment of this Act.

14 **SEC. 5. ELIGIBILITY OF SURVIVING SPOUSES WHO RE-**  
15 **MARRY FOR BURIAL IN NATIONAL CEME-**  
16 **TERIES.**

17 (a) IN GENERAL.—Section 2402(5) of title 38,  
18 United States Code, is amended by striking “(which for  
19 purposes of this chapter includes an unmarried surviving  
20 spouse who had a subsequent remarriage which was termi-  
21 nated by death or divorce)” and inserting “(which for pur-  
22 poses of this chapter includes a surviving spouse who had  
23 a subsequent remarriage)”.

1       (b) **EFFECTIVE DATE.**—The amendment made by  
 2 subsection (a) shall apply with respect to deaths occurring  
 3 on or after January 1, 2000.

4 **SEC. 6. BENEFIT FOR CHILDREN WITH SPINA BIFIDA OF**  
 5 **VETERANS OF CERTAIN SERVICE IN KOREA.**

6       (a) **IN GENERAL.**—Chapter 18 of title 38, United  
 7 States Code, is amended—

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

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

14 “**SUBCHAPTER III—CHILDREN OF CERTAIN**  
 15 **KOREA SERVICE VETERANS BORN WITH**  
 16 **SPINA BIFIDA**

17 “**§ 1821. Benefits for children of certain Korea service**  
 18 **veterans born with spina bifida**

19       “(a) **BENEFITS AUTHORIZED.**—The Secretary may  
 20 provide to any child of a veteran of covered service in  
 21 Korea who is suffering from spina bifida the health care,  
 22 vocational training and rehabilitation, and monetary al-  
 23 lowance required to be paid to a child of a Vietnam vet-  
 24 eran who is suffering from spina bifida under subchapter  
 25 I of this chapter as if such child of a veteran of covered

1 service in Korea were a child of a Vietnam veteran who  
 2 is suffering from spina bifida under such subchapter I:

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

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

10           “(1) served in the active military, naval, or air  
 11 service in or near the Korean demilitarized zone  
 12 (DMZ), as determined by the Secretary in consulta-  
 13 tion with the Secretary of Defense, during the period  
 14 beginning on January 1, 1967, and ending on De-  
 15 cember 31, 1969; and

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

20       “(d) HERBICIDE AGENT.—For purposes of this sec-  
 21 tion, the term ‘herbicide agent’ means a chemical in a her-  
 22 bicide used in support of United States and allied military  
 23 operations in or near the Korean demilitarized zone, as  
 24 determined by the Secretary in consultation with the Sec-

1 retary of Defense, during the period beginning on January  
2 1, 1967, and ending on December 31, 1969.”.

3 (b) CHILD DEFINED.—Section 1831 of that title, as  
4 redesignated by subsection (a), is further amended by  
5 striking paragraph (1) and inserting the following new  
6 paragraph (1):

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

8 “(A) For purposes of subchapters I and II  
9 of this chapter, an individual, regardless of age  
10 or marital status, who—

11 “(i) is the natural child of a Vietnam  
12 veteran; and

13 “(ii) was conceived after the date on  
14 which that veteran first entered the Repub-  
15 lic of Vietnam during the Vietnam era.

16 “(B) For purposes of subchapter III of  
17 this chapter, an individual, regardless of age or  
18 marital status, who—

19 “(i) is the natural child of a veteran  
20 of covered service in Korea (as determined  
21 for purposes of section 1821 of this title);  
22 and

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



1 (e) NONDUPLICATION OF BENEFITS.—Section  
 2 1834(a) of that title, as redesignated by subsection (a),  
 3 is further amended by adding at the end the following new  
 4 sentence: “In the case of a child eligible for benefits under  
 5 subchapter I or II of this chapter who is also eligible for  
 6 benefits under subchapter III of this chapter, a monetary  
 7 allowance shall be paid under the subchapter of this chap-  
 8 ter elected by the child.”.

9 (d) CONFORMING AMENDMENT.—(1) Section  
 10 1811(1)(A) of that title is amended by striking “section  
 11 1821(1)” and inserting “section 1831(1)”.

12 (2) The heading for chapter 18 of that title is amend-  
 13 ed to read as follows:

14 **“CHAPTER 18—BENEFITS FOR CHILDREN**  
 15 **OF VIETNAM VETERANS AND CERTAIN**  
 16 **OTHER VETERANS”.**

17 (e) CLERICAL AMENDMENTS.—(1) The table of sec-  
 18 tions at the beginning of chapter 18 of that title is amend-  
 19 ed by striking the items relating to subchapter III and  
 20 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.”.

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

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

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

6       (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*  
 7 *erans’ Benefits Enhancements Act of 2003”.*

8       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 9 *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 of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

1     **TITLE I—SURVIVOR BENEFITS**

2     **SEC. 101. BENEFITS FOR CHILDREN WITH SPINA BIFIDA OF**  
 3                     **VETERANS OF CERTAIN SERVICE IN KOREA.**

4             (a) *IN GENERAL.*—Chapter 18 is amended—

5                     (1) *by redesignating subchapter III, and sections*  
 6                     *1821, 1822, 1823, and 1824, as subchapter IV, and*  
 7                     *sections 1831, 1832, 1833, and 1834, respectively; and*

8                     (2) *by inserting after subchapter II the following*  
 9                     *new subchapter III:*

10     “*SUBCHAPTER III—CHILDREN OF CERTAIN*  
 11         *KOREA SERVICE VETERANS BORN WITH*  
 12         *SPINA BIFIDA*

13     “**§ 1821. Benefits for children of certain Korea service**  
 14                     **veterans born with spina bifida**

15             “(a) *BENEFITS AUTHORIZED.*—*The Secretary may*  
 16     *provide to any child of a veteran of covered service in Korea*  
 17     *who is suffering from spina bifida the health care, voca-*  
 18     *tional training and rehabilitation, and monetary allowance*  
 19     *required to be paid to a child of a Vietnam veteran who*  
 20     *is suffering from spina bifida under subchapter I of this*  
 21     *chapter as if such child of a veteran of covered service in*  
 22     *Korea were a child of a Vietnam veteran who is suffering*  
 23     *from spina bifida under such subchapter.*

1       “(b) *SPINA BIFIDA CONDITIONS COVERED.*—*This sec-*  
2 *tion applies with respect to all forms and manifestations*  
3 *of spina bifida, except spina bifida occulta.*

4       “(c) *VETERAN OF COVERED SERVICE IN KOREA.*—*For*  
5 *purposes of this section, a veteran of covered service in*  
6 *Korea is any individual, without regard to the character-*  
7 *ization of that individual’s service, who—*

8               “(1) *served in the active military, naval, or air*  
9 *service in or near the Korean demilitarized zone*  
10 *(DMZ), as determined by the Secretary in consulta-*  
11 *tion with the Secretary of Defense, during the period*  
12 *beginning on January 1, 1967, and ending on De-*  
13 *cember 31, 1969; and*

14               “(2) *is determined by the Secretary, in consulta-*  
15 *tion with the Secretary of Defense, to have been ex-*  
16 *posed to a herbicide agent during such service in or*  
17 *near the Korean demilitarized zone.*

18       “(d) *HERBICIDE AGENT.*—*For purposes of this section,*  
19 *the term ‘herbicide agent’ means a chemical in a herbicide*  
20 *used in support of United States and allied military oper-*  
21 *ations in or near the Korean demilitarized zone, as deter-*  
22 *mined by the Secretary in consultation with the Secretary*  
23 *of Defense, during the period beginning on January 1,*  
24 *1967, and ending on December 31, 1969.”.*

1       (b) *CHILD DEFINED.*—Section 1831, as redesignated  
2 by subsection (a) of this section, is further amended by  
3 striking paragraph (1) and inserting the following new  
4 paragraph (1):

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

6               “(A) For purposes of subchapters I and II  
7 of this chapter, an individual, regardless of age  
8 or marital status, who—

9                   “(i) is the natural child of a Vietnam  
10 veteran; and

11                   “(ii) was conceived after the date on  
12 which that veteran first entered the Repub-  
13 lic of Vietnam during the Vietnam era.

14               “(B) For purposes of subchapter III of this  
15 chapter, an individual, regardless of age or mar-  
16 ital status, who—

17                   “(i) is the natural child of a veteran of  
18 covered service in Korea (as determined for  
19 purposes of section 1821 of this title); and

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

23       (c) *NONDUPLICATION OF BENEFITS.*—Section 1834(a),  
24 as redesignated by subsection (a) of this section, is further  
25 amended by adding at the end the following new sentence:

1 *“In the case of a child eligible for benefits under subchapter*  
 2 *I or II of this chapter who is also eligible for benefits under*  
 3 *subchapter III of this chapter, a monetary allowance shall*  
 4 *be paid under the subchapter of this chapter elected by the*  
 5 *child.”.*

6 (d) *CONFORMING AMENDMENTS.—(1) Section*  
 7 *1811(1)(A) is amended by striking “section 1821(1)” and*  
 8 *inserting “section 1831(1)”.*

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

11 ***“CHAPTER 18—BENEFITS FOR CHILDREN***  
 12 ***OF VIETNAM VETERANS AND CERTAIN***  
 13 ***OTHER VETERANS”.***

14 (e) *CLERICAL AMENDMENTS.—(1) The table of sections*  
 15 *at the beginning of chapter 18 is amended by striking the*  
 16 *items relating to subchapter III and inserting the following*  
 17 *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.”.*

18 (2) *The table of chapters at the beginning of title 38,*  
 19 *United States Code, and at the beginning of part II, are*

1 *each amended by striking the item relating to chapter 18*  
 2 *and inserting the following new item:*

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

3 **SEC. 102. ALTERNATIVE BENEFICIARIES FOR NATIONAL**  
 4 **SERVICE LIFE INSURANCE AND UNITED**  
 5 **STATES GOVERNMENT LIFE INSURANCE.**

6 (a) *NATIONAL SERVICE LIFE INSURANCE.—Section*  
 7 *1917 is amended by adding at the end the following new*  
 8 *subsection:*

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

11 “(A) *if the first beneficiary otherwise entitled to*  
 12 *payment of the insurance does not make a claim for*  
 13 *such payment within two years after the death of the*  
 14 *insured, payment may be made to another beneficiary*  
 15 *designated by the insured, in the order of precedence*  
 16 *as designated by the insured, as if the first bene-*  
 17 *ficiary had predeceased the insured; and*

18 “(B) *if, within four years after the death of the*  
 19 *insured, no claim has been filed by a person des-*  
 20 *ignated by the insured as a beneficiary and the Sec-*  
 21 *retary has not received any notice in writing that*  
 22 *any such claim will be made, payment may (notwith-*  
 23 *standing any other provision of law) be made to such*



1        *person as may in the judgment of the Secretary be eq-*  
2        *uitably entitled thereto.*

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

5        *(b) UNITED STATES GOVERNMENT LIFE INSUR-*  
6        *ANCE.—Section 1952 is amended by adding at the end the*  
7        *following new subsection:*

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

10        *“(A) if the first beneficiary otherwise entitled to*  
11        *payment of the insurance does not make a claim for*  
12        *such payment within two years after the death of the*  
13        *insured, payment may be made to another beneficiary*  
14        *designated by the insured, in the order of precedence*  
15        *as designated by the insured, as if the first bene-*  
16        *ficiary had predeceased the insured; and*

17        *“(B) if, within four years after the death of the*  
18        *insured, no claim has been filed by a person des-*  
19        *ignated by the insured as a beneficiary and the Sec-*  
20        *retary has not received any notice in writing that*  
21        *any such claim will be made, payment may (notwith-*  
22        *standing any other provision of law) be made to such*  
23        *person as may in the judgment of the Secretary be eq-*  
24        *uitably entitled thereto.*

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

3       (c) *EFFECTIVE DATE.*—*The amendments made by sub-*  
4 *sections (a) and (b) shall take effect on October 1, 2004.*

5       (d) *TRANSITION PROVISION.*—*In the case of a person*  
6 *insured under subchapter I or II of chapter 19 of title 38,*  
7 *United States Code, who dies before the effective date of the*  
8 *amendments made by subsections (a) and (b), as specified*  
9 *by subsection (c), the two-year and four-year periods speci-*  
10 *fied in subsection (f)(1) of section 1917 of title 38, United*  
11 *States Code, as added by subsection (a), and subsection*  
12 *(c)(1) of section 1952 of such title, as added by subsection*  
13 *(b), as applicable, shall for purposes of the applicable sub-*  
14 *section be treated as being the two-year and four-year peri-*  
15 *ods, respectively, beginning on the effective date of such*  
16 *amendments, as so specified.*

17 **SEC. 103. APPLICABILITY TO CERTAIN MEMBERS OF THE**  
18 **NATIONAL GUARD OF AUTHORITY FOR EX-**  
19 **TENSION OF ELIGIBILITY FOR SURVIVORS’**  
20 **AND DEPENDENTS’ EDUCATIONAL ASSIST-**  
21 **ANCE.**

22       (a) *IN GENERAL.*—*Section 3512(h) is amended by in-*  
23 *serting “or is involuntarily ordered to full-time National*  
24 *Guard duty under section 502(f) of title 32,” after “title*  
25 *10,”.*

1           (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 2 *section (a) shall take effect as of September 11, 2001.*

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

5           (a) *SURVIVORS' AND DEPENDENTS' EDUCATIONAL AS-*  
 6 *SISTANCE.*—*Section 3532 is amended—*

7                   (1) *in subsection (a)—*

8                           (A) *in paragraph (1), by striking “at the*  
 9 *monthly rate of” and all that follows and insert-*  
 10 *ing “at the monthly rate of \$788 for full-time,*  
 11 *\$592 for three-quarter-time, or \$394 for half-time*  
 12 *pursuit.”; and*

13                           (B) *in paragraph (2), by striking “at the*  
 14 *rate of” and all that follows and inserting “at*  
 15 *the rate of the lesser of—*

16                                   *“(A) the established charges for tuition and fees*  
 17 *that the educational institution involved requires*  
 18 *similarly circumstanced nonveterans enrolled in the*  
 19 *same program to pay; or*

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

21                           (2) *in subsection (b), by striking “\$670” and in-*  
 22 *serting “\$788”; and*

23                           (3) *in subsection (c)(2), by striking “shall be”*  
 24 *and all that follows and inserting “shall be \$636 for*

1       *full-time, \$477 for three-quarter-time, or \$319 for*  
 2       *half-time pursuit.”.*

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

5       **(c) SPECIAL RESTORATIVE TRAINING.**—*Section*  
 6       *3542(a) is amended—*

7               *(1) by striking “\$670” and inserting “\$788”;*  
 8       *and*

9               *(2) by striking “\$210” each place it appears and*  
 10       *inserting “\$247”.*

11       **(d) APPRENTICESHIP TRAINING.**—*Section 3687(b)(2)*  
 12       *is amended by striking “shall be \$488 for the first six*  
 13       *months” and all that follows and inserting “shall be \$574*  
 14       *for the first six months, \$429 for the second six months,*  
 15       *\$285 for the third six months, and \$144 for the fourth and*  
 16       *any succeeding six-month period of training.”.*

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

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

24       **(a) REPEAL.**—*Section 5121(a) is amended—*

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

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

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

7           (4) *by inserting after paragraph (4) the fol-*  
8 *lowing new paragraph (5):*

9           “(5) *Upon the death of a child claiming benefits*  
10 *under chapter 18 of this title, to the surviving par-*  
11 *ents; and”.*

12           (b) *TECHNICAL AMENDMENT.—That section is further*  
13 *amended in the matter preceding paragraph (1) by striking*  
14 *“or decisions,” and inserting “or decisions”.*

## 15           **TITLE II—BURIAL BENEFITS**

### 16           **SEC. 201. BURIAL PLOT ALLOWANCE.**

17           (a) *IN GENERAL.—Section 2303(b) is amended—*

18           (1) *in the matter preceding paragraph (1), by*  
19 *striking “a burial allowance under such section 2302,*  
20 *or under such subsection, who was discharged from*  
21 *the active military, naval, or air service for a dis-*  
22 *ability incurred or aggravated in line of duty, or who*  
23 *is a veteran of any war” and inserting “burial in a*  
24 *national cemetery under section 2402 of this title”;*  
25 *and*

1           (2) *in paragraph (2), by striking “(other than a*  
 2           *veteran whose eligibility for benefits under this sub-*  
 3           *section is based on being a veteran of any war)” and*  
 4           *inserting “is eligible for a burial allowance under sec-*  
 5           *tion 2302 of this title or under subsection (a) of this*  
 6           *section, or was discharged from the active military,*  
 7           *naval, or air service for a disability incurred or ag-*  
 8           *gravated in line of duty, and such veteran”.*

9           (b) *CONFORMING AMENDMENT.—Section 2307 is*  
 10          *amended in the last sentence by striking “and (b)” and in-*  
 11          *serting “and (b)(2)”.*

12       **SEC. 202. ELIGIBILITY OF SURVIVING SPOUSES WHO RE-**  
 13                               **MARRY FOR BURIAL IN NATIONAL CEME-**  
 14                               **TERIES.**

15          (a) *IN GENERAL.—Section 2402(5) is amended by*  
 16          *striking “(which for purposes of this chapter includes an*  
 17          *unremarried surviving spouse who had a subsequent remar-*  
 18          *riage which was terminated by death or divorce)” and in-*  
 19          *serting “(which for purposes of this chapter includes a sur-*  
 20          *living spouse who had a subsequent remarriage)”.*

21          (b) *EFFECTIVE DATE.—The amendment made by sub-*  
 22          *section (a) shall apply with respect to deaths occurring on*  
 23          *or after the date of the enactment of this Act.*

1 **SEC. 203. PERMANENT AUTHORITY FOR STATE CEMETERY**  
2 **GRANTS PROGRAM.**

3 (a) *PERMANENT AUTHORITY.*—Subsection (a) of sec-  
4 tion 2408 is amended—

5 (1) by striking “(1)”; and

6 (2) by striking paragraph (2).

7 (b) *CONFORMING AMENDMENT.*—Subsection (e) of such  
8 section is amended by striking “Sums appropriated under  
9 subsection (a) of this section” and inserting “Amounts ap-  
10 propriated to carry out this section”.

11 **SEC. 204. PROVISION OF MARKERS FOR PRIVATELY**  
12 **MARKED GRAVES.**

13 (a) *IN GENERAL.*—Section 502(d) of the Veterans Edu-  
14 cation and Benefits Expansion Act of 2001 (Public Law  
15 107–103; 38 U.S.C. 2306 note) is amended by striking  
16 “September 11, 2001” and inserting “November 1, 1990”.

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
18 section (a) shall take effect as if included in the enactment  
19 of section 502 of the Veterans Education and Benefits Ex-  
20 pansion Act of 2001.

1           **TITLE III—OTHER MATTERS**  
2           **Subtitle A—Miscellaneous Benefits**  
3                           **Matters**

4   **SEC. 301. TWO-YEAR EXTENSION OF ROUND-DOWN RE-**  
5                           **QUIREMENT FOR COMPENSATION COST-OF-**  
6                           **LIVING ADJUSTMENTS.**

7           *Sections 1104(a) and 1303(a) are each amended by*  
8   *striking “2011” and inserting “2013”.*

9   **SEC. 302. PRESUMPTIONS OF SERVICE-CONNECTION RE-**  
10                           **LATING TO DISEASES AND DISABILITIES OF**  
11                           **FORMER PRISONERS OF WAR.**

12           *Subsection (b) of section 1112 is amended to read as*  
13   *follows:*

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

17                   *“(A) a disease specified in paragraph (2) which*  
18           *became manifest to a degree of 10 percent or more*  
19           *after active military, naval, or air service shall be*  
20           *considered to have been incurred in or aggravated by*  
21           *such service, notwithstanding that there is no record*  
22           *of such disease during the period of service; and*

23                   *“(B) if the veteran was detained or interned as*  
24           *a prisoner of war for not less than thirty days, a dis-*  
25           *ease specified in paragraph (3) which became mani-*



1       *fest to a degree of 10 percent or more after active*  
2       *military, naval, or air service shall be considered to*  
3       *have been incurred in or aggravated by such service,*  
4       *notwithstanding that there is no record of such dis-*  
5       *ease during the period of service.*

6       “(2) *The diseases specified in this paragraph are the*  
7       *following:*

8               “(A) *Psychosis.*

9               “(B) *Any of the anxiety states.*

10              “(C) *Dysthymic disorder (or depressive neu-*  
11       *rosis).*

12              “(D) *Organic residuals of frostbite, if the Sec-*  
13       *retary determines that the veteran was detained or*  
14       *interned in climatic conditions consistent with the oc-*  
15       *currence of frostbite.*

16              “(E) *Post-traumatic osteoarthritis.*

17       “(3) *The diseases specified in this paragraph are the*  
18       *following:*

19              “(A) *Avitaminosis.*

20              “(B) *Beriberi (including beriberi heart disease).*

21              “(C) *Chronic dysentery.*

22              “(D) *Helminthiasis.*

23              “(E) *Malnutrition (including optic atrophy asso-*  
24       *ciated with malnutrition).*

25              “(F) *Pellagra.*

1           “(G) Any other nutritional deficiency.

2           “(H) Cirrhosis of the liver.

3           “(I) Peripheral neuropathy except where directly  
4 related to infectious causes.

5           “(J) Irritable bowel syndrome.

6           “(K) Peptic ulcer disease.”.

7 **SEC. 303. REPEAL OF REQUIREMENT FOR MINIMUM PERIOD**  
8                           **OF INTERNMENT OF PRISONERS OF WAR FOR**  
9                           **DENTAL CARE.**

10          Section 1712(a)(1)(F) is amended by striking “and  
11 who was detained or interned for a period of not less than  
12 90 days”.

13 **SEC. 304. ROUNDING DOWN OF CERTAIN COST-OF-LIVING**  
14                           **ADJUSTMENTS ON EDUCATION ASSISTANCE.**

15          (a) **BASIC EDUCATIONAL ASSISTANCE UNDER MONT-**  
16 **GOMERY GI BILL.**—Section 3015(h) is amended by insert-  
17 ing “down” after “rounded”.

18          (b) **SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL AS-**  
19 **SISTANCE.**—Section 3564 is amended by inserting “down”  
20 after “rounded”.

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

22          (a) **TERMINATION OF EDUCATION LOAN PROGRAM.**—  
23 No loans shall be made under subchapter III of chapter 36  
24 of title 38, United States Code, after the date of the enact-  
25 ment of this Act.

1       (b) *DISCHARGE OF LIABILITIES.*—Effective as of the  
2 date of the transfer of funds under subsection (c)—

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

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

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

19           (2) Any monies transferred to the Department of Vet-  
20 erans Affairs Readjustment Benefits Account under para-  
21 graph (1) shall be merged with amounts in that account,  
22 and shall be available for the same purposes, and subject  
23 to the same conditions and limitations, as amounts in that  
24 account.

1       (d) *USE OF ENTITLEMENT TO VETERANS EDU-*  
2 *CATIONAL ASSISTANCE FOR EDUCATION LOAN PROGRAM.—*

3 *Section 3462(a) is amended—*

4           (1) *by striking paragraph (2); and*

5           (2) *by redesignating paragraph (4) as para-*  
6 *graph (2).*

7       (e) *REPEAL OF EDUCATION LOAN PROGRAM.—Sub-*  
8 *chapter III of chapter 36 is repealed.*

9       (f) *CONFORMING AMENDMENTS.—(1) Section*  
10 *3485(e)(1) is amended by striking “(other than an edu-*  
11 *cation loan under subchapter III)”.*

12           (2) *Section 3512 is amended by striking subsection (f).*

13       (g) *CLERICAL AMENDMENT.—The table of sections at*  
14 *the beginning of chapter 36 is amended by striking the*  
15 *items relating to subchapter III.*

16       (h) *EFFECTIVE DATES.—(1) The amendments made*  
17 *by subsection (d) shall take effect on the date of the enact-*  
18 *ment of this Act.*

19           (2) *The amendments made by subsections (e), (f), and*  
20 *(g) shall take effect 90 days after the date of the enactment*  
21 *of this Act.*

1 **SEC. 306. TERMINATION OF AUTHORITY TO GUARANTEE**  
 2 **LOANS TO PURCHASE MANUFACTURED**  
 3 **HOMES AND LOTS.**

4 *Section 3712 is amended by adding at the end the fol-*  
 5 *lowing new subsection:*

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

8 **SEC. 307. INCREASE IN LOAN FEE FOR SUBSEQUENT LOANS**  
 9 **CLOSED BEFORE OCTOBER 1, 2011.**

10 *(a) INCREASE IN LOAN FEE.—The loan fee table in*  
 11 *section 3729(b)(2) is amended in subparagraph (B)(i), re-*  
 12 *lating to subsequent loans described in section 3701(a) of*  
 13 *title 38, United States Code, to purchase or construct a*  
 14 *dwelling with 0–down, or any other subsequent loan de-*  
 15 *scribed in such section (closed on or before October 1, 2011),*  
 16 *by striking “3.00” both places it appears and inserting*  
 17 *“3.50”.*

18 *(b) EFFECTIVE DATE.—The amendments made by sub-*  
 19 *section (a) shall take effect on October 1, 2004.*

20 **SEC. 308. REINSTATEMENT OF MINIMUM REQUIREMENTS**  
 21 **FOR SALE OF VENDEE LOANS.**

22 *(a) IN GENERAL.—Section 3733(a) is amended—*

23 *(1) by striking paragraph (2) and redesignating*  
 24 *paragraphs (3), (4), (5), and (6) as paragraphs (2),*  
 25 *(3), (4), and (5), respectively; and*

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

4           (b) *INCREASE IN MAXIMUM PERCENTAGE.—Section*  
 5           *3733(a)(1) is amended—*

6           (1) *by striking “65 percent” in the first sentence*  
 7           *and inserting “85 percent”; and*

8           (2) *by striking the second sentence.*

9           (c) *STYLISTIC AMENDMENTS.—Section 3733 is further*  
 10          *amended by striking “paragraph (1) of this subsection”*  
 11          *each place it appears and inserting “paragraph (1)”.*

12          **SEC. 309. OPERATION OF NATIVE AMERICAN VETERAN**  
 13                                       **HOUSING LOAN PROGRAM.**

14          (a) *RESTORATION FOR FISCAL YEAR 2003 TO FISCAL*  
 15          *YEAR 2002 LEVEL.—In carrying out the pilot program*  
 16          *provided by subchapter V of chapter 37 of title 38, United*  
 17          *States Code, under which the Secretary of Veterans Affairs*  
 18          *is authorized to make direct housing loans to Native Amer-*  
 19          *ican veterans, the Secretary shall during fiscal year 2003*  
 20          *carry out that program without regard to the proviso under*  
 21          *the heading “Native American Veteran Housing Loan Pro-*  
 22          *gram Account” in title I of the Departments of Veterans*  
 23          *Affairs and Housing and Urban Development, and Inde-*  
 24          *pendent Agencies Appropriations Act, 2003 (division K of*

1 *Public Law 108–7; 117 Stat. 476), and such proviso shall*  
 2 *be treated as being of no force or effect.*

3       **(b) SAVINGS PROVISION.**—*Any action taken by the*  
 4 *Secretary of Veterans Affairs before the enactment of this*  
 5 *Act that is inconsistent with the proviso referred to in sub-*  
 6 *section (a) is hereby ratified with respect to such inconsist-*  
 7 *ency.*

8 **SEC. 310. TIME LIMITATIONS ON RECEIPT OF CLAIM INFOR-**  
 9 **MATION PURSUANT TO REQUESTS OF DE-**  
 10 **PARTMENT OF VETERANS AFFAIRS.**

11       **(a) INFORMATION TO COMPLETE CLAIMS APPLICA-**  
 12 **TIONS.**—*Section 5102 is amended by adding at the end the*  
 13 *following new subsection:*

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

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

22       **(b) CONSTRUCTION OF LIMITATION ON INFORMATION**  
 23 **TO SUBSTANTIATE CLAIMS.**—*Section 5103(b) is amended*  
 24 *by adding at the end the following new paragraph:*

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

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

9       **SEC. 311. CLARIFICATION OF APPLICABILITY OF PROHIBI-**  
 10                                   **TION ON ASSIGNMENT OF VETERANS BENE-**  
 11                                   **FITS TO AGREEMENTS REQUIRING PAYMENT**  
 12                                   **OF FUTURE RECEIPT OF BENEFITS.**

13       (a) *IN GENERAL.*—*Section 5301(a) is amended—*

14                   (1) *by inserting “(1)” after “(a)”;*

15                   (2) *by designating the last sentence as paragraph*  
 16 *(2) and indenting such paragraph, as so designated,*  
 17 *two ems from the left margin; and*

18                   (3) *by adding at the end the following new para-*  
 19 *graph:*

20       “(3)(A) *This subsection is intended to clarify that, in*  
 21 *any case where a beneficiary entitled to compensation, pen-*  
 22 *sion, or dependency and indemnity compensation enters*  
 23 *into an agreement with another person under which agree-*  
 24 *ment such other person acquires for consideration the right*  
 25 *to receive payment of such compensation, pension, or de-*



1 *pendency and indemnity compensation, as the case may be,*  
2 *whether by payment from the beneficiary to such other per-*  
3 *son, deposit into an account from which such other person*  
4 *may make withdrawals, or otherwise, such agreement shall*  
5 *be deemed to be an assignment and is prohibited.*

6       “(B) Notwithstanding subparagraph (A), nothing in  
7 this subsection is intended to prohibit a loan to a bene-  
8 ficiary under the terms of which the beneficiary may use  
9 some of the benefits to repay the loan, so long as each of  
10 the periodic payments made to repay the loan is separately  
11 and voluntarily executed by the beneficiary at the time such  
12 periodic payment is made.

13       “(C) Any agreement or arrangement for collateral for  
14 security for an agreement that is prohibited under subpara-  
15 graph (A) is also prohibited and is void ab initio.”.

16       (b) *EFFECTIVE DATE.*—Paragraph (3) of section  
17 5301(a) of title 38, United States Code (as added by sub-  
18 section (a) of this section), shall apply with respect to any  
19 agreement or arrangement described in that paragraph that  
20 is entered into on or after the date of the enactment of this  
21 Act.

1 **SEC. 312. THREE-YEAR EXTENSION OF INCOME**  
 2 **VERIFICATION AUTHORITY.**

3 (a) *IN GENERAL.*—Section 5317(g) is amended by  
 4 striking “September 30, 2008” and inserting “September  
 5 30, 2011”.

6 (b) *CONFORMING AMENDMENT.*—Section  
 7 6103(l)(7)(D) of the Internal Revenue Code of 1986 is  
 8 amended by striking “September 30, 2008” and inserting  
 9 “September 30, 2011”.

10 **SEC. 313. FORFEITURE OF BENEFITS FOR SUBVERSIVE AC-**  
 11 **TIVITIES.**

12 (a) *ADDITION OF CERTAIN OFFENSES.*—Section  
 13 6105(b)(2) is amended by striking “sections 792, 793, 794,  
 14 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390,  
 15 and chapter 105 of title 18” and inserting “sections 175,  
 16 229, 792, 793, 794, 798, 831, 1091, 2332a, 2332b, 2381,  
 17 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chap-  
 18 ter 105 of title 18”.

19 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 20 section (a) shall apply to claims filed after the date of the  
 21 enactment of this Act.

22 **SEC. 314. CLARIFICATION OF NOTICE OF DISAGREEMENT**  
 23 **FOR APPELLATE REVIEW OF DEPARTMENT OF**  
 24 **VETERANS AFFAIRS ACTIVITIES.**

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

1       “(3) *A document that meets the requirements of the*  
2 *second sentence of paragraph (1) and the first sentence of*  
3 *paragraph (2) shall be recognized as a notice of disagree-*  
4 *ment for purposes of this section unless the Secretary finds*  
5 *that the claimant has disavowed a desire for appellate re-*  
6 *view.*”.

7       **(b) EFFECTIVE DATE.**—(1) *Except as specifically pro-*  
8 *vided otherwise, paragraph (3) of section 7105(b) of title*  
9 *38, United States Code (as added by subsection (a) of this*  
10 *section), shall apply to any document—*

11           (A) *filed under section 7105 of such title on or*  
12 *after the date of the enactment of this Act; or*

13           (B) *filed under section 7105 of such title before*  
14 *the date of the enactment of this Act and not treated*  
15 *by the Secretary of Veterans Affairs as a notice of dis-*  
16 *agreement pursuant to section 20.201 of title 38, Code*  
17 *of Federal Regulations, as of that date.*

18       (2) *In the case of a document described in paragraph*  
19 *(3) of this subsection, the Secretary shall, upon the request*  
20 *of the claimant or the Secretary’s own motion, order the*  
21 *document treated as a notice of disagreement under section*  
22 *7105 of such title as if the document had not been rejected*  
23 *by the Secretary as a notice of disagreement pursuant to*  
24 *section 20.201 of title 38, Code of Federal Regulations.*

1       (3) *A document described in this paragraph is a docu-*  
2 *ment that—*

3           (A) *was filed as a notice of disagreement under*  
4 *section 7105 of such title during the period beginning*  
5 *on March 15, 2002, and ending on the date of the en-*  
6 *actment of this Act; and*

7           (B) *was rejected by the Secretary as a notice of*  
8 *disagreement pursuant to section 20.201 of title 38,*  
9 *Code of Federal Regulations.*

10       (4) *A document may not be treated as a notice of dis-*  
11 *agreement under paragraph (2) unless a request for such*  
12 *treatment is filed by the claimant, or a motion is made*  
13 *by the Secretary, not later than one year after the date of*  
14 *the enactment of this Act.*

15       **Subtitle B—Benefits for Philippine**  
16           **Veterans**

17       **SEC. 321. RATE OF PAYMENT OF BENEFITS FOR CERTAIN**  
18           **FILIPINO VETERANS AND THEIR SURVIVORS**  
19           **RESIDING IN THE UNITED STATES.**

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

21           (1) *in the second sentence of subsection (b), by*  
22 *striking “Payments” and inserting “Except as pro-*  
23 *vided in subsection (c), payments”; and*

24           (2) *in subsection (c)—*

1           (A) by inserting “and subchapter II of  
2           chapter 13 (except section 1312(a)) of this title”  
3           after “chapter 11 of this title”;

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

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

8           (b) *EFFECTIVE DATE.*—The amendments made by sub-  
9           section (a) shall take effect on the date of the enactment  
10          of this Act and shall apply to benefits paid for months be-  
11          ginning after that date.

12       **SEC. 322. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS**  
13                               **RESIDING IN THE UNITED STATES.**

14          (a) *BENEFIT ELIGIBILITY.*—Section 107 is amended—

15               (1) in subsection (b)(2)—

16                       (A) by striking “and” and inserting a  
17                       comma; and

18                       (B) by inserting “, 23, and 24 (to the extent  
19                       provided for in section 2402(8))” after “(except  
20                       section 1312(a))”;

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

24               (3) in subsection (d)(1), by inserting “or (b), as  
25                       applicable,” after “subsection (a)”; and

1           (4) *in section (d)(2), by inserting “or whose serv-*  
 2           *ice is described in subsection (b) and who dies after*  
 3           *the date of enactment of the Veterans’ Benefits En-*  
 4           *hancements Act of 2003,” after “November 1, 2000.”.*

5           **(b) NATIONAL CEMETERY INTERMENT.**—*Section*  
 6           *2402(8) is amended by inserting “or (b)” after “section*  
 7           *107(a)”.*

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

11   **SEC. 323. EXTENSION OF AUTHORITY TO OPERATE RE-**  
 12                                   **REGIONAL OFFICE IN THE PHILIPPINES.**

13          *Section 315(b) is amended by striking “December 31,*  
 14          *2003” and inserting “December 31, 2008”.*

15   **Subtitle C—Exposure to Hazardous**  
 16                                   **Substances**

17   **SEC. 331. RADIATION DOSE RECONSTRUCTION PROGRAM**  
 18                                   **OF DEPARTMENT OF DEFENSE.**

19          **(a) REVIEW OF MISSION, PROCEDURES, AND ADMINIS-**  
 20          *TRATION.—(1) The Secretary of Veterans Affairs and the*  
 21          *Secretary of Defense shall jointly conduct a review of the*  
 22          *mission, procedures, and administration of the Radiation*  
 23          *Dose Reconstruction Program of the Department of Defense.*

24          **(2) In conducting the review under paragraph (1), the**  
 25          *Secretaries shall—*

1           (A) determine whether any additional actions  
2           are required to ensure that the quality assurance and  
3           quality control mechanisms of the Radiation Dose Re-  
4           construction Program are adequate and sufficient for  
5           purposes of the program; and

6           (B) determine the actions that are required to  
7           ensure that the mechanisms of the Radiation Dose Re-  
8           construction Program for communication and inter-  
9           action with veterans are adequate and sufficient for  
10          purposes of the program, including mechanisms to  
11          permit veterans to review the assumptions utilized in  
12          their dose reconstructions.

13          (3) Not later than 90 days after the date of the enact-  
14          ment of this Act, the Secretaries shall jointly submit to Con-  
15          gress a report on the review under paragraph (1). The re-  
16          port shall set forth—

17                (A) the results of the review;

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

20                (C) such other recommendations for the improve-  
21                ment of the mission, procedures, and administration  
22                of the Radiation Dose Reconstruction Program as the  
23                Secretaries jointly consider appropriate.

24          (b) *ON-GOING REVIEW AND OVERSIGHT.*—The Secre-  
25          taries shall jointly take appropriate actions to ensure the

1 *on-going independent review and oversight of the Radiation*  
2 *Dose Reconstruction Program, including the establishment*  
3 *of the advisory board required by subsection (c).*

4       *(c) ADVISORY BOARD.—(1) In taking actions under*  
5 *subsection (b), the Secretaries shall jointly appoint an advi-*  
6 *sory board to provide review and oversight of the Radiation*  
7 *Dose Reconstruction Program.*

8       *(2) The advisory board under paragraph (1) shall be*  
9 *composed of the following:*

10           *(A) At least one expert in historical dose recon-*  
11 *struction of the type conducted under the Radiation*  
12 *Dose Reconstruction Program.*

13           *(B) At least one expert in radiation health mat-*  
14 *ters.*

15           *(C) At least one expert in risk communications*  
16 *matters.*

17           *(D) A representative of the Department of Vet-*  
18 *erans Affairs.*

19           *(E) A representative of the Defense Threat Re-*  
20 *duction Agency.*

21           *(F) At least three veterans, including at least one*  
22 *veteran who is a member of an atomic veterans*  
23 *group.*

24       *(3) The advisory board under paragraph (1) shall—*



1           (A) conduct periodic, random audits of dose re-  
2           constructions under the Radiation Dose Reconstruc-  
3           tion Program and of decisions by the Department of  
4           Veterans Affairs on claims for service connection of  
5           radiogenic diseases;

6           (B) assist the Department of Veterans Affairs  
7           and the Defense Threat Reduction Agency in commu-  
8           nicating to veterans information on the mission, pro-  
9           cedures, and evidentiary requirements of the Radi-  
10          ation Dose Reconstruction Program; and

11          (C) carry out such other activities with respect  
12          to the review and oversight of the Radiation Dose Re-  
13          construction Program as the Secretaries shall jointly  
14          specify.

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

20   **SEC. 332. STUDY ON DISPOSITION OF AIR FORCE HEALTH**  
21                                   **STUDY.**

22          (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
23          shall, in accordance with this section, carry out a study  
24          to determine the appropriate disposition of the Air Force  
25          Health Study, an epidemiologic study of Air Force per-

1 *sonnel who were responsible for conducting aerial spray*  
2 *missions of herbicides during the Vietnam era.*

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

9       **(c) ELEMENTS.**—*Under the study under subsection*  
10 *(a), the National Academy of Sciences, or other appropriate*  
11 *scientific organization, shall address the following:*

12               **(1)** *The scientific merit of retaining and main-*  
13 *taining the medical records, other study data, and*  
14 *laboratory specimens collected in the course of the Air*  
15 *Force Health Study after the currently-scheduled ter-*  
16 *mination date of the study in 2006.*

17               **(2)** *Whether or not any obstacles exist to retain-*  
18 *ing and maintaining the medical records, other study*  
19 *data, and laboratory specimens referred to in para-*  
20 *graph (1), including privacy concerns.*

21               **(3)** *The advisability of providing independent*  
22 *oversight of the medical records, other study data, and*  
23 *laboratory specimens referred to in paragraph (1),*  
24 *and of any further study of such records, data, and*

1       specimens, and, if so, the mechanism for providing  
2       such oversight.

3               (4) *The advisability of extending the Air Force*  
4       *Health Study, including the potential value and rel-*  
5       *evance of extending the study, the potential cost of ex-*  
6       *tending the study, and the Federal or non-Federal en-*  
7       *tity best suited to continue the study if extended.*

8               (5) *The advisability of making the laboratory*  
9       *specimens of the Air Force Health Study available for*  
10       *independent research, including the potential value*  
11       *and relevance of such research, and the potential cost*  
12       *of such research.*

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

1 **SEC. 333. FUNDING OF MEDICAL FOLLOW-UP AGENCY OF IN-**  
2 **STITUTE OF MEDICINE OF NATIONAL ACAD-**  
3 **EMY OF SCIENCES FOR EPIDEMIOLOGICAL**  
4 **RESEARCH ON MEMBERS OF THE ARMED**  
5 **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 Acad-*  
11 *emy for purposes of epidemiological research on members*  
12 *of the Armed Forces and veterans.*

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

17 (b) *FUNDING BY DEPARTMENT OF DEFENSE.—(1) The*  
18 *Secretary of Defense shall make available to the National*  
19 *Academy of Sciences in each of fiscal years 2004 through*  
20 *2013, \$250,000 for the Medical Follow-Up Agency for pur-*  
21 *poses of epidemiological research on members of the Armed*  
22 *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 max-*  
 20 *imum extent practicable,” after “The committee shall also”.*

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

24       (c) *TECHNICAL AMENDMENTS.*—*That section is further*  
 25 *amended—*

1           (1) *in subsections (a) and (b), by striking “chap-*  
 2           *ter 106” each place it appears and inserting “chapter*  
 3           *1606”; and*

4           (2) *in subsection (b), by striking “chapter 30”*  
 5           *and inserting “chapters 30”.*

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

9           (a) *IN GENERAL.*—*Notwithstanding the limitation in*  
 10 *section 504(b) the Veterans’ Benefits Improvements Act of*  
 11 *1996 (Public Law 104–275; 110 Stat. 3341; 38 U.S.C. 5101*  
 12 *note) and using funds subject to appropriation (other than*  
 13 *funds available for compensation and pension), the Sec-*  
 14 *retary of Veterans Affairs may provide for the conduct of*  
 15 *examinations with respect to the medical disabilities of ap-*  
 16 *plicants for benefits under laws administered by the Sec-*  
 17 *retary by persons other than Department of Veterans Af-*  
 18 *fairs employees.*

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

23           (c) *EXPIRATION.*—*The authority in subsection (a)*  
 24 *shall expire on December 31, 2009. No examination may*

1 *be carried out under the authority in that subsection after*  
2 *that date.*

3       *(d) REPORT.—Not later than four years after the date*  
4 *of enactment of this Act, the Secretary shall submit to Con-*  
5 *gress a report on the utilization of the authority in sub-*  
6 *section (a), including an assessment of the effect of exami-*  
7 *nations under that authority on the cost, timeliness, and*  
8 *thoroughness of examinations with respect to the medical*  
9 *disabilities of applicants for benefits under laws adminis-*  
10 *tered by the Secretary.*

11 **SEC. 344. TECHNICAL AMENDMENT.**

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

**Calendar No. 316**

108TH CONGRESS  
1ST SESSION

**S. 1132**

**[Report No. 108-169]**

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**A BILL**

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

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OCTOBER 21, 2003

Reported with an amendment