

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3927

To amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer those programs.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2002

Mr. SMITH of New Jersey (for himself and Mr. EVANS) (both by request) introduced the following bill; which was referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer those programs.

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. TABLE OF CONTENTS.**

4 The table of contents of this Act is as follows:

Sec. 1. Table of contents.

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

### TITLE I—VETERANS HEALTH CARE IMPROVEMENTS

Sec. 101. Care for newborn children of enrolled women veterans.

Sec. 102. Outpatient dental care for all former prisoners of war.

Sec. 103. Pay comparability for Director of Nursing Service.

### TITLE II—VETERANS' BENEFIT PROGRAMS

- Sec. 201. Limitation on provision of certain benefits.  
 Sec. 202. Clarification of procedures regarding disqualification of certain individuals for memorialization in veterans cemeteries.  
 Sec. 203. Clarification of the period for appealing rulings of the Board of Veterans Appeals.

#### TITLE III—PROGRAM ADMINISTRATION IMPROVEMENTS

- Sec. 301. Repeal of cap on number of noncareer members of Senior Executive Service serving in Department of Veterans Affairs.  
 Sec. 302. Repeal of preceding-service requirement for Deputy Assistant Secretaries.  
 Sec. 303. Revolving supply fund amendments.  
 Sec. 304. Redefinition of “minority group member” for purposes of Advisory Committee on Minority Veterans.

### 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—VETERANS HEALTH** 8       **CARE IMPROVEMENTS**

### 9 **SEC. 101. CARE FOR NEWBORN CHILDREN OF ENROLLED** 10 **WOMEN VETERANS.**

11       Section 1701 is amended—

12               (1) in paragraph (6)—

13                       (A) by striking “and” at the end of sub-  
 14                       paragraph (A);

15                       (B) by adding “and” at the end of sub-  
 16                       paragraph (B); and

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

1 “(C) care for newborn children.”; and

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

4 “(11) The term ‘care for newborn children’  
5 means care provided to an infant of a woman vet-  
6 eran enrolled in the Department health care system.  
7 Such care may be provided until the mother is dis-  
8 charged from the hospital after delivery of the child  
9 or for 14 days after the date of birth of the child,  
10 whichever period is shorter, and only if the Depart-  
11 ment contracted for the delivery of the child.”.

12 **SEC. 102. OUTPATIENT DENTAL CARE FOR ALL FORMER**  
13 **PRISONERS OF WAR.**

14 Section 1712(a)(1)(F) is amended by striking “for a  
15 period of not less than 90 days”.

16 **SEC. 103. PAY COMPARABILITY FOR DIRECTOR OF NURS-**  
17 **ING SERVICE.**

18 Section 7306(a)(5) is amended by adding at the end  
19 the following new sentence: “The position shall be exempt  
20 from the provisions of section 7451 of this title and shall  
21 be paid at the maximum rate payable to a Senior Execu-  
22 tive Service employee under sections 5304(g) and 5382 of  
23 title 5.”.

1 Section 7404(d) is amended by striking “section” the  
2 first place it appears and inserting “sections 7306(a)(5)  
3 and”.

4 **TITLE II—VETERANS’ BENEFIT**  
5 **PROGRAMS**

6 **SEC. 201. LIMITATION ON PROVISION OF CERTAIN BENE-**  
7 **FITS.**

8 (a) PROHIBITIONS.—(1) Section 112 is amended by  
9 adding at the end the following new subsection:

10 “(c) A certificate shall not be furnished under this  
11 program on behalf of a deceased veteran described in sec-  
12 tion 2411(b) of this title.”.

13 (2) Section 2301 is amended by adding at the end  
14 the following new subsection:

15 “(f) A flag shall not be furnished under this section  
16 on behalf of a deceased veteran described in section  
17 2411(b) of this title.”.

18 (3) Section 2306 is amended by adding at the end  
19 the following new subsection:

20 “(f)(1) A headstone or marker shall not be furnished  
21 under subsection (a) for the unmarked grave of an indi-  
22 vidual described in section 2411(b) of this title.

23 “(2) A memorial headstone or marker shall not be  
24 furnished under subsection (b) for the purpose of com-

1 memorating an individual described in section 2411(b) of  
2 this title.”.

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

6 **SEC. 202. CLARIFICATION OF PROCEDURES REGARDING**  
7 **DISQUALIFICATION OF CERTAIN INDIVID-**  
8 **UALS FOR MEMORIALIZATION IN VETERANS**  
9 **CEMETERIES.**

10 Section 2411(a)(2) is amended—

11 (1) by striking “The prohibition” and inserting  
12 “In the case of a person described in subsection  
13 (b)(1) or (b)(2), the prohibition”; and

14 (2) by striking “or finding under subsection  
15 (b)” and inserting “referred to in subsection (b)(1)  
16 or (b)(2), respectively.”.

17 **SEC. 203. CLARIFICATION OF THE PERIOD FOR APPEALING**  
18 **RULINGS OF THE BOARD OF VETERANS AP-**  
19 **PEALS.**

20 (a) CLARIFICATION.—Paragraph (1) of section  
21 7266(a) is amended by striking “notice of the decision is  
22 mailed pursuant to section 7104(e) of this title” and in-  
23 serting “a copy of the decision, pursuant to section  
24 7104(e) of this title, is mailed or sent to the claimant’s

1 representative or, if the claimant is not represented,  
2 mailed to the claimant”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall apply to decisions of the Board of Vet-  
5 erans’ Appeals that are made on or after the date of the  
6 enactment of this Act.

7 **TITLE III—PROGRAM ADMINIS-**  
8 **TRATION IMPROVEMENTS**

9 **SEC. 301. REPEAL OF CAP ON NUMBER OF NONCAREER**  
10 **MEMBERS OF SENIOR EXECUTIVE SERVICE**  
11 **SERVING IN DEPARTMENT OF VETERANS AF-**  
12 **FAIRS.**

13 Section 709 is amended—

14 (1) by striking subsection (a); and

15 (2) by redesignating subsections (b) and (c) as  
16 subsections (a) and (b), respectively.

17 **SEC. 302. REPEAL OF PRECEDING-SERVICE REQUIREMENT**  
18 **FOR DEPUTY ASSISTANT SECRETARIES.**

19 Section 308(d) is amended—

20 (1) by striking “(1)” after “(d)”; and

21 (2) by striking paragraph (2).

22 **SEC. 303. REVOLVING SUPPLY FUND AMENDMENTS.**

23 Section 8121(a) is amended—

1           (1) by inserting “and for medical supplies,  
2           equipment, and services for the Department of De-  
3           fense” after “Department”;

4           (2) in paragraph (2), by inserting “of the De-  
5           partment and the Department of Defense” after  
6           “appropriations”; and

7           (3) in paragraph (3), by inserting “of the De-  
8           partment and the Department of Defense” after  
9           “appropriations”.

10 **SEC. 304. REDEFINITION OF “MINORITY GROUP MEMBER”**

11                           **FOR PURPOSES OF ADVISORY COMMITTEE**

12                           **ON MINORITY VETERANS.**

13           Section 544(d) is amended to read as follows:

14           “(d) In this section, the term “minority group mem-  
15           ber” means an individual who is any of the following:

16                   “(1) American Indian or Alaska Native.

17                   “(2) Asian.

18                   “(3) African American.

19                   “(4) Native Hawaiian or other Pacific Islander.

20                   “(5) Hispanic, Spanish, or Latino.”.

○