

108TH CONGRESS  
1ST SESSION

# H. R. 2297

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IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 2003

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Veterans Benefits Act of 2003”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Expansion of Montgomery GI Bill education benefits for certain self-employment training.
- Sec. 3. Extension in period of eligibility for survivors’ and dependents’ education benefits for individuals who are involuntarily ordered to full-time National Guard duty.
- Sec. 4. Extension of Veterans’ Advisory Committee on Education.
- Sec. 5. Repeal of provisions relating to obsolete education loan program.
- Sec. 6. Retention of Dependency and Indemnity Compensation for surviving spouses remarrying after age 55.
- Sec. 7. Eligibility of surviving spouses who remarry for burial in national cemeteries.
- Sec. 8. Permanent authority for State cemetery grants.
- Sec. 9. Reinstatement of veterans vocational training program for certain pension recipients.
- Sec. 10. Increase in amounts for certain adaptive benefits for disabled veterans.
- Sec. 11. Presumptions of service-connection relating to diseases and disabilities of former prisoners of war.
- Sec. 12. Extension of spina bifida benefits for children of Vietnam-era veterans.
- Sec. 13. Permanent authority for housing loans for members of the Selected Reserve.
- Sec. 14. Adjustment to home loan fees and uniformity of fees for qualifying Reserve members with fees for active duty veterans.
- Sec. 15. Reinstatement of minimum requirements for sale of vendee loans.
- Sec. 16. Rate of payment of benefits for certain Filipino veterans and their survivors residing in the United States.
- Sec. 17. Burial benefits for new Philippine scouts residing in the United States.
- Sec. 18. Extension of authority to maintain regional office in the Republic of the Philippines.
- Sec. 19. Outstationing of transition assistance program personnel.
- Sec. 20. Forfeiture of benefits for subversive activities.
- Sec. 21. Technical amendments related to Jobs for Veterans Act.
- Sec. 22. Technical and conforming relating to establishment of Social Security Administration as an independent agency.

6 **SEC. 2. EXPANSION OF MONTGOMERY GI BILL EDUCATION**  
7 **BENEFITS FOR CERTAIN SELF-EMPLOYMENT**  
8 **TRAINING.**

9 (a) **DEFINITION OF TRAINING ESTABLISHMENT.**—  
10 Section 3452(e) of title 38, United States Code, is amend-

1 ed by striking “means any” and all that follows and insert-  
2 ing “means any of the following:

3 “(1) An establishment providing apprentice or  
4 other training on the job, including those under the  
5 supervision of a college or university or any State  
6 department of education.

7 “(2) An establishment providing self-employ-  
8 ment on-job training consisting of full-time training  
9 for a period of less than six months that is needed  
10 or accepted for purposes of obtaining licensure to  
11 engage in a self-employment occupation or required  
12 for ownership and operation of a franchise that is  
13 the objective of the training.

14 “(3) A State board of vocational education.

15 “(4) A Federal or State apprenticeship registra-  
16 tion agency.

17 “(5) A joint apprenticeship committee estab-  
18 lished pursuant to the Act of August 16, 1937, pop-  
19 ularly known as the ‘National Apprenticeship Act’  
20 (29 U.S.C. 50 et seq.).

21 “(6) An agency of the Federal Government au-  
22 thorized to supervise such training.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall take effect on the date that is six  
25 months after the date of the enactment of this Act and

1 shall apply to self-employment on-job training approved  
2 and pursued on or after that date.

3 **SEC. 3. EXTENSION IN PERIOD OF ELIGIBILITY FOR SUR-**  
4 **VIVORS' AND DEPENDENTS' EDUCATION BEN-**  
5 **EFITS FOR INDIVIDUALS WHO ARE INVOLUN-**  
6 **TARILY ORDERED TO FULL-TIME NATIONAL**  
7 **GUARD DUTY.**

8 (a) **IN GENERAL.**—Section 3512(h) of title 38,  
9 United States Code, is amended by inserting “or is invol-  
10 untarily ordered to full-time National Guard duty under  
11 section 502(f) of title 32,” after “title 10,”.

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

14 **SEC. 4. EXTENSION OF VETERANS' ADVISORY COMMITTEE**  
15 **ON EDUCATION.**

16 (a) **EXTENSION.**—Subsection (c) of section 3692 of  
17 title 38, United States Code, is amended by striking “De-  
18 cember 31, 2003” and inserting “December 31, 2009”.

19 (b) **MODIFICATION OF MEMBERSHIP REQUIRE-**  
20 **MENTS.**—The second sentence of subsection (a) of such  
21 section is amended by striking “World War II, the Korean  
22 conflict era, the post-Korean conflict era,”.

23 (c) **TECHNICAL AMENDMENT.**—Such section is fur-  
24 ther amended by striking “chapter 106” each place it ap-  
25 pears and inserting “chapter 1606”.

1 **SEC. 5. REPEAL OF PROVISIONS RELATING TO OBSOLETE**  
2 **EDUCATION LOAN PROGRAM.**

3 (a) **TERMINATION OF PROGRAM.**—Subchapter III of  
4 chapter 36 of title 38, United States Code, is repealed.

5 (b) **TRANSFER OF LOAN FUND BALANCE.**—Any bal-  
6 ance as of the date of the enactment of this Act in the  
7 Department of Veterans Affairs Education Loan Fund  
8 shall be transferred to the Department of Veterans Affairs  
9 Readjustment Benefits Account.

10 (c) **DISCHARGE OF LIABILITY.**—The Secretary of  
11 Veterans Affairs shall discharge any outstanding liability  
12 of a veteran under such subchapter. Any overpayment de-  
13 clared under section 3698(e)(1) of that subchapter shall  
14 be waived without further process on the date on which  
15 funds are transferred under subsection (b).

16 (d) **CLERICAL AMENDMENT.**—The table of sections  
17 at the beginning of chapter 36 of such title is amended  
18 by striking the items relating to subchapter III and sec-  
19 tions 3698 and 3699.

20 (e) **CONFORMING AMENDMENTS.**—(1) Section  
21 3462(a) of such title is amended by striking paragraph  
22 (2).

23 (2) Section 3485(e)(1) of such title by striking  
24 “(other than an education loan under subchapter III)”.

25 (3) Section 3512 of such title is amended by striking  
26 subsection (f).

1 **SEC. 6. RETENTION OF DEPENDENCY AND INDEMNITY**  
2 **COMPENSATION FOR SURVIVING SPOUSES**  
3 **REMARRYING AFTER AGE 55.**

4 (a) EXCEPTION TO TERMINATION OF BENEFITS  
5 UPON REMARRIAGE.—Section 103(d)(2)(B) of title 38,  
6 United States Code, is amended by inserting “1311 or”  
7 after “under section”.

8 (b) COORDINATION OF BENEFITS.—Section 1311 of  
9 such title is amended by adding at the end the following  
10 new subsection:

11 “(e) In the case of an individual who is eligible for  
12 dependency and indemnity compensation under this sec-  
13 tion by reason of section 103(d)(2)(B) of this title who  
14 is also eligible for benefits under another provision of law  
15 by reason of such individual’s status as the surviving  
16 spouse of a veteran, then, notwithstanding any other pro-  
17 vision of law (other than section 5304(b)3 of this title),  
18 no reduction in benefits under such other provision of law  
19 shall be made by reason of such individual’s eligibility for  
20 benefits under this section.”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 subsections (a) and (b) shall take effect on—

23 (1) the first day of the first month that begins  
24 after the date of the enactment of this Act; or

1           (2) the first day of the fiscal year that begins  
2           in the calendar year in which this Act is enacted, if  
3           later than the date specified in paragraph (1).

4           (d) RETROACTIVE BENEFITS PROHIBITED.—No ben-  
5           efit may be paid to any person by reason of the amend-  
6           ment made by subsections (a) and (b) for any period be-  
7           fore the effective date specified in subsection (c).

8           (e) APPLICATION FOR BENEFITS.—In the case of an  
9           individual who but for having remarried would be eligible  
10          for dependency and indemnity compensation under section  
11          1311 of title 38, United States Code, and whose remar-  
12          riage was before the date of the enactment of this Act  
13          and after the individual had attained age 55, the indi-  
14          vidual shall be eligible for such compensation by reason  
15          of the amendment made by subsection (a) only if the indi-  
16          vidual submits an application for such compensation to the  
17          Secretary of Veterans Affairs not later than the end of  
18          the one-year period beginning on the date of the enact-  
19          ment of this Act.

20          (f) TECHNICAL CORRECTION.—Section 101(b) of the  
21          Veterans Benefits Act of 2002 (Public Law 107–330; 116  
22          Stat. 2821; 38 U.S.C. 103 note) is amended by striking  
23          “during the 1–year period” and all that follows through  
24          “(c)” and inserting “before the end of the one-year period

1 beginning on the date of the enactment of the Veterans  
2 Benefits Act of 2003”.

3 **SEC. 7. ELIGIBILITY OF SURVIVING SPOUSES WHO RE-**  
4 **MARRY FOR BURIAL IN NATIONAL CEME-**  
5 **TERIES.**

6 (a) **ELIGIBILITY.**—Section 2402(5) of title 38,  
7 United States Code, is amended by striking “(which for  
8 purposes of this chapter includes an unremarried surviving  
9 spouse who had a subsequent remarriage which was termi-  
10 nated by death or divorce)” and inserting “(which for pur-  
11 poses of this chapter includes a surviving spouse who had  
12 a subsequent remarriage)”.

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

16 **SEC. 8. PERMANENT AUTHORITY FOR STATE CEMETERY**  
17 **GRANTS.**

18 Paragraph (2) of section 2408(a) of title 38, United  
19 States Code, is amended—

20 (1) by striking “for fiscal year 1999 and for  
21 each succeeding fiscal year through fiscal year  
22 2004”; and

23 (2) by adding at the end the following new sen-  
24 tence: “Funds appropriated under the preceding sen-  
25 tence shall remain available until expended.”.

1 **SEC. 9. REINSTATEMENT OF VETERANS VOCATIONAL**  
2 **TRAINING PROGRAM FOR CERTAIN PENSION**  
3 **RECIPIENTS.**

4 (a) ESTABLISHMENT OF NEW PROGRAM PERIOD.—  
5 Subsection (a)(3) of section 1524 of title 38, United  
6 States Code, is amended by striking “the period beginning  
7 on February 1, 1985, and ending on December 31, 1995”  
8 and inserting “the five-year period beginning on the date  
9 of the enactment of the Veterans Benefits Act of 2003”.

10 (b) CONFORMING AMENDMENT.—Subsection (b)(4)  
11 of such section is amended by striking “December 31,  
12 1995” and inserting “the end of the program period”.

13 (c) OUTREACH.—Such section is further amended by  
14 adding at the end the following new subsection:

15 “(f) The Secretary shall ensure that the availability  
16 of vocational training under this section is made known  
17 through a variety of means, including the Internet and an-  
18 nouncements in Department publications and other vet-  
19 erans’ publications.”.

20 (d) REPORTS.—Such section, as amended by sub-  
21 section (c), is further amended by adding at the end the  
22 following new subsection:

23 “(g) Not later than two years after the date of the  
24 enactment of the Veterans Benefits Act of 2003, and each  
25 year thereafter, the Secretary shall submit to the Commit-  
26 tees on Veterans’ Affairs of the Senate and House of Rep-

1 representatives a report on the operation of this section. The  
2 report shall set forth an evaluation of the vocational train-  
3 ing provided under this section for the period involved, and  
4 shall include an analysis of the cost-effectiveness of the  
5 vocational training provided under this section as well as  
6 data on the entered-employment rate of veterans pursuing  
7 such vocational training.”.

8 (e) **STYLISTIC AMENDMENTS.**—Such section is fur-  
9 ther amended—

10 (1) by striking “of Veterans Affairs” in sub-  
11 section (a)(1); and

12 (2) by striking “of this section” in subsections  
13 (a)(2), (b)(1), (b)(4) (both places it appears), (c),  
14 (d), and (e).

15 **SEC. 10. INCREASE IN AMOUNTS FOR CERTAIN ADAPTIVE**  
16 **BENEFITS FOR DISABLED VETERANS.**

17 (a) **INCREASE IN ASSISTANCE AMOUNT FOR SPE-**  
18 **CIALY ADAPTED HOUSING.**—Section 2102 of title 38,  
19 United States Code, is amended—

20 (1) in the matter preceding paragraph (1) of  
21 subsection (a), by striking “\$48,000” and inserting  
22 “\$50,000”; and

23 (2) in subsection (b)(2), by striking “\$9,250”  
24 and inserting “\$10,000”.

1 (b) INCREASE IN AMOUNT OF ASSISTANCE FOR  
2 AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN  
3 DISABLED VETERANS.—Section 3902(a) of such title is  
4 amended by striking “\$9,000” and inserting “\$11,000”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 subsections (a) and (b) shall apply with respect to assist-  
7 ance furnished on or after the date of the enactment of  
8 this Act.

9 **SEC. 11. PRESUMPTIONS OF SERVICE-CONNECTION RELAT-**  
10 **ING TO DISEASES AND DISABILITIES OF**  
11 **FORMER PRISONERS OF WAR.**

12 Subsection (b) of section 1112 of title 38, United  
13 States Code, is amended to read as 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) shall  
18 be considered to have been incurred in or aggravated  
19 by such service, notwithstanding that there is no  
20 record of such disease during the period of service;  
21 and

22 “(B) if the veteran was detained or interned as  
23 a prisoner of war for not less than thirty days, a dis-  
24 ease specified in paragraph (3) which became mani-  
25 fest to a degree of 10 percent or more after active

1 military, naval, or air service shall be considered to  
2 have been incurred in or aggravated by such service,  
3 notwithstanding that there is no record of such dis-  
4 ease during the period of service.

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

7 “(A) Psychosis.

8 “(B) Any of the anxiety states.

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

11 “(D) Organic residuals of frostbite, if the Sec-  
12 retary determines that the veteran was interned in  
13 climatic conditions consistent with the occurrence of  
14 frostbite.

15 “(E) Post-traumatic osteoarthritis.

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

18 “(A) Avitaminosis.

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

20 “(C) Chronic dysentery.

21 “(D) Helminthiasis.

22 “(E) Malnutrition (including optic atrophy as-  
23 sociated with malnutrition).

24 “(F) Pellagra.

25 “(G) Any other nutritional deficiency.

1           “(H) Cirrhosis of the liver.

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

4           “(J) Irritable bowel syndrome.

5           “(K) Peptic ulcer disease.”.

6   **SEC. 12. EXTENSION OF SPINA BIFIDA BENEFITS FOR CHIL-**  
7                           **DREN OF VIETNAM-ERA VETERANS.**

8           (a) **ELIGIBLE CHILDREN.**—Subchapter I of chapter  
9   18 of title 38, United States Code, is amended by inserting  
10 before section 1802 the following new section:

11   **“§ 1801. Persons eligible for benefits**

12           “An individual is an eligible child for purposes of this  
13 subchapter if the individual is suffering from spina bifida  
14 and is—

15           “(1) a child as defined in section 1821(1) of  
16 this title; or

17           “(2) the natural child, regardless of age or mar-  
18 ital status, of a parent who during the period begin-  
19 ning on October 1 1967, and ending on May 7 1975,  
20 performed active military, naval, or air service in the  
21 Republic of Korea in the area between the south line  
22 of the Demilitarized Zone and a line five miles south  
23 of the Civilian Control Line established with respect  
24 to the Demilitarized Zone, but only if the individual

1 was conceived after the parent performed such serv-  
2 ice.”.

3 (b) HEALTH CARE.—Section 1803(a) of such title is  
4 amended by striking “a child of a Vietnam veteran who  
5 is suffering from spina bifida” and inserting “an eligible  
6 child”.

7 (c) VOCATIONAL TRAINING AND REHABILITATION.—  
8 Section 1804(a) of such title is amended by striking “a  
9 child of a Vietnam veteran who is suffering from spina  
10 bifida” and inserting “an eligible child”.

11 (d) MONETARY ALLOWANCE.—Section 1805(a) of  
12 such title is amended by striking “any child of a Vietnam  
13 veteran” and inserting “any eligible child”.

14 (e) CONFORMING AMENDMENTS.—Chapter 18 of  
15 such title is amended as follows:

16 (1) The heading of the chapter is amended to  
17 read as follows:

18 **“CHAPTER 18—DISABILITY BENEFITS FOR**  
19 **CHILDREN OF VIETNAM VETERANS**  
20 **AND OTHER VETERANS EXPOSED TO**  
21 **HERBICIDE AGENTS”.**

22 (2) The heading of subchapter I is amended to  
23 read as follows:

1 “SUBCHAPTER I—CHILDREN BORN WITH SPINA  
2 BIFIDA”.

3 (3) The table of sections at the beginning of the  
4 chapter is amended—

5 (A) by striking the item relating to sub-  
6 chapter I and inserting the following:

“SUBCHAPTER I—CHILDREN BORN WITH SPINA BIFIDA”;

7 and

8 (B) by inserting before the item relating to  
9 section 1802 the following new item:

“1801. Persons eligible for benefits.”.

10 (f) TABLES OF CHAPTERS.—The items relating to  
11 chapter 18 in the tables of chapters at the beginning of  
12 title 38, United States Code, and at the beginning of part  
13 II of such title, are amended to read as follows:

“18. Disability Benefits for Children of Vietnam Veterans and Other  
Veterans Exposed to Herbicide Agents ..... 1801”.

14 **SEC. 13. PERMANENT AUTHORITY FOR HOUSING LOANS**  
15 **FOR MEMBERS OF THE SELECTED RESERVE.**

16 Section 3702(a)(2)(E) of title 38, United States  
17 Code, is amended by striking “For the period” and all  
18 that follows through “each” and inserting “Each”.

1 **SEC. 14. ADJUSTMENT TO HOME LOAN FEES AND UNI-**  
 2 **FORMITY OF FEES FOR QUALIFYING RE-**  
 3 **SERVE MEMBERS WITH FEES FOR ACTIVE**  
 4 **DUTY VETERANS.**

5 (a) REVISED LOAD FEE TABLE.—Paragraph (2) of  
 6 section 3729(b) of title 38, United States Code, is amend-  
 7 ed to read as follows:

8 “(2) The loan fee table referred to in paragraph (1)  
 9 is as follows:

“LOAN FEE TABLE

| Type of loan   | Veteran | Other obligor |
|--|---------|---------------|
| (A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2003) .....                                   | 2.00    | NA            |
| (A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2003, and before October 1, 2011) ..... | 2.15    | NA            |
| (A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011) .....                            | 1.40    | NA            |
| (B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2011) .....   | 3.30    | NA            |
| (B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2011 and before October 1, 2013) .....                              | 2.15    | NA            |
| (B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2013) .....  | 1.25    | NA            |
| (C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2011) .....   | 1.50    | NA            |
| (C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011) .....   | 0.75    | NA            |
| (D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2011) .....  | 1.25    | NA            |

“LOAN FEE TABLE—Continued

| Type of loan  | Veteran | Other obligor |
|---|---------|---------------|
| (D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011) ..... | 0.50    | NA            |
| (E) Interest rate reduction refinancing loan .....  | 0.50    | NA            |
| (F) Direct loan under section 3711 .....  | 1.00    | NA            |
| (G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan) .....                                  | 1.00    | NA            |
| (H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan) .....                         | 1.25    | NA            |
| (I) Loan assumption under section 3714 .....  | 0.50    | 0.50          |
| (J) Loan under section 3733(a) .....  | 2.25    | 2.25          |
| (K) Hybrid loan under section 3707A .....   | 1.25    | NA”.          |

1 (b) CONFORMING AMENDMENTS.—(1) Subparagraph  
 2 (A) of paragraph (4) of such section is amended to read  
 3 as follows:

4 “(A) The term ‘veteran’ means any veteran eli-  
 5 gible for the benefits of this chapter.”.

6 (2) Such paragraph is further amended by striking  
 7 subparagraph (B) and redesignating subparagraphs (C),  
 8 (D), (E), (F), (G), (H), and (I) as subparagraphs (B),  
 9 (C), (D), (E), (F), (G), and (H), respectively.

10 **SEC. 15. REINSTATEMENT OF MINIMUM REQUIREMENTS**  
 11 **FOR SALE OF VENDEE LOANS.**

12 (a) REINSTATEMENT.—Subsection (a) of section  
 13 3733 of title 38, United States Code, is amended by strik-  
 14 ing paragraph (2).

15 (b) INCREASE IN MAXIMUM PERCENTAGE.—Para-  
 16 graph (1) of such subsection is amended—

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

3 (2) by striking “may be financed” and inserting  
4 “shall be financed”; and

5 (3) by striking the second sentence.

6 (c) **STYLISTIC AMENDMENTS.**—Such section is fur-  
7 ther amended—

8 (1) by striking “of this subsection” after—

9 (A) “paragraph (1)” in subsections  
10 (a)(4)(A), (a)(5), (a)(6), and (c)(2); and

11 (B) “paragraph (5)” in subsection  
12 (a)(4)(B)(i); and

13 (2) by striking “of this paragraph” each place  
14 it appears in subsection (a)(4).

15 **SEC. 16. RATE OF PAYMENT OF BENEFITS FOR CERTAIN**  
16 **FILIPINO VETERANS AND THEIR SURVIVORS**  
17 **RESIDING IN THE UNITED STATES.**

18 (a) **RATE OF PAYMENT.**—Section 107 of title 38,  
19 United States Code, is amended—

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

23 (2) in subsection (c)—

1 (A) by inserting “and subchapter II of  
2 chapter 13 (except section 1312(a)) of this  
3 title” 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  
9 subsection (a) shall apply to benefits paid for months be-  
10 ginning after the date of the enactment of this Act.

11 **SEC. 17. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS**

12 **RESIDING IN THE UNITED STATES.**

13 (a) **BENEFIT ELIGIBILITY.**—Section 107 of title 38,  
14 United States Code, as amended by section 16, is further  
15 amended—

16 (1) in subsection (b)(2)—

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

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

22 (2) in the second sentence of subsection (b), as  
23 amended by section 16(a)(1), by inserting “or (d)”  
24 after “subsection (c)”;



1 **“§ 4113. Outstationing of Transition Assistance Pro-**  
2 **gram personnel**

3 “(a) STATIONING OF TAP PERSONNEL AT OVERSEAS  
4 MILITARY INSTALLATIONS.—(1) The Secretary—

5 “(A) shall station employees of the Veterans’  
6 Employment and Training Service, or contractors  
7 under subsection (c), at each veterans assistance of-  
8 fice described in paragraph (2); and

9 “(B) may station such employees or contractors  
10 at such other military installations outside the  
11 United States as the Secretary, after consultation  
12 with the Secretary of Defense, determines to be ap-  
13 propriate or desirable to carry out the purposes of  
14 this chapter.

15 “(2) Veterans assistance offices referred to in para-  
16 graph (1)(A) are those offices that are established by the  
17 Secretary of Veterans Affairs on military installations pur-  
18 suant to the second sentence of section 7723(a) of this  
19 title.

20 “(b) FUNCTIONS.—Employees (or contractors) sta-  
21 tioned at military installations pursuant to subsection (a)  
22 shall provide, in person, counseling, assistance in identi-  
23 fying employment and training opportunities, help in ob-  
24 taining such employment and training, and other related  
25 information and services to members of the Armed Forces  
26 who are being separated from active duty, and the spouses

1 of such members, under the Transition Assistance Pro-  
2 gram and Disabled Transition Assistance Program estab-  
3 lished in section 1144 of title 10.

4 “(c) **AUTHORITY TO CONTRACT WITH PRIVATE EN-**  
5 **TITIES.**—The Secretary, consistent with such section  
6 1144, may enter into contracts with public or private enti-  
7 ties to provide, in person, some or all of the counseling,  
8 assistance, information and services under the Transition  
9 Assistance Program required under subsection (a).”.

10 (2) The table of sections at the beginning of such  
11 chapter is amended by adding at the end the following  
12 new item:

“4113. Outstationing of Transition Assistance Program personnel.”.

13 (b) **DEADLINE FOR IMPLEMENTATION.**—Not later  
14 than the date that is 90 days after the date of the enact-  
15 ment of this Act, the Secretary of Labor shall implement  
16 section 4113 of title 38, United States Code, as added by  
17 subsection (a), and shall have employees of the Veterans’  
18 Employment and Training Service, or contractors, to  
19 carry out that section at the military installations involved  
20 by such date.

21 **SEC. 20. FORFEITURE OF BENEFITS FOR SUBVERSIVE AC-**  
22 **TIVITIES.**

23 (a) **ADDITION OF CERTAIN OFFENSES.**—Paragraph  
24 (2) of section 6105(b) of title 38, United States Code, is  
25 amended—

1 (1) by inserting “175, 229,” after “sections”;

2 and

3 (2) by inserting “831, 1091, 2332a, 2332b,”

4 after “798,”.

5 (b) EFFECTIVE DATE.—The amendments made by  
6 subsection (a) shall apply to claims filed after the date  
7 of the enactment of this Act.

8 **SEC. 21. TECHNICAL AMENDMENTS RELATED TO JOBS FOR**  
9 **VETERANS ACT.**

10 (a) JOB TRAINING AND PLACEMENT FUNCTIONS OF  
11 THE DEPARTMENT OF LABOR.—(1) Subsection  
12 (c)(2)(B)(ii) of section 4102A of such title is amended by  
13 striking “October 1, 2002” and inserting “October 1,  
14 2003”.

15 (2) The amendment made by paragraph (1) shall  
16 take effect as if included in the enactment of section 4(a)  
17 of the Jobs for Veterans Act (Public Law 107–288; 116  
18 Stat. 2038).

19 (b) OTHER TECHNICAL AMENDMENTS.—(1) Such  
20 subsection is further amended by striking “, as amended  
21 by the Jobs for Veterans Act”.

22 (2) Subsection (f)(1) of such section is amended by  
23 striking “6 months after the date of the enactment of this  
24 section,” and inserting “May 7, 2003,”.

1 **SEC. 22. TECHNICAL AND CONFORMING RELATING TO ES-**  
2 **TABLISHMENT OF SOCIAL SECURITY ADMIN-**  
3 **ISTRATION AS AN INDEPENDENT AGENCY.**

4 Title 38, United States Code, is amended as follows:

5 (1) Section 1322 is amended—

6 (A) in subsection (a), by striking “Sec-  
7 retary of Health and Human Services” and all  
8 that follows through the period and inserting  
9 “Commissioner of Social Security, and shall be  
10 certified by the Commissioner to the Secretary  
11 upon request of the Secretary.”; and

12 (B) in subsection (b)—

13 (i) by striking “Secretary of Health  
14 and Human Services” in the first sentence  
15 and inserting “Commissioner of Social Se-  
16 curity”;

17 (ii) by striking “the two Secretaries”  
18 and inserting “the Secretary and the Com-  
19 missioner”; and

20 (iii) by striking “Secretary of Health  
21 and Human Services” in the second sen-  
22 tence and inserting “Commissioner”.

23 (2) Section 5101(a) is amended by striking  
24 “Secretary of Health and Human Services” and in-  
25 serting “Commissioner of Social Security”.

1           (3) Section 5317 is amended by striking “Sec-  
2           retary of Health and Human Services” in sub-  
3           sections (a), (b), and (g) and inserting “Commis-  
4           sioner of Social Security”.

5           (4)(A) Section 5318 is amended—

6           (i) in subsection (a), by striking “Depart-  
7           ment of Health and Human Services” and in-  
8           serting “Social Security Administration”; and

9           (ii) in subsection (b)—

10           (I) by striking “Department of Health  
11           and Human Services” and inserting “So-  
12           cial Security Administration”;

13           (II) by striking “Secretary of Health  
14           and Human Services” the first place it ap-  
15           pears and inserting “Commissioner of So-  
16           cial Security”;

17           (III) by striking “Secretary of Health  
18           and Human Services” the second place it  
19           appears and inserting “Commissioner”;  
20           and

21           (IV) by striking “such Secretaries”  
22           and inserting “the Secretary and the Com-  
23           missioner”.

24           (B)(i) The heading of such section is amended  
25           to read as follows:

1 **“§ 5318. Review of Social Security Administration**  
2 **death information”.**

3 (ii) The item relating to that section in the  
4 table of sections at the beginning at chapter 53 is  
5 amended to read as follows:

“5318. Review of Social Security Administration death information.”.

Passed the House of Representatives October 8,  
2003.

Attest:

JEFF TRANDAHL,  
*Clerk.*