

107TH CONGRESS
2D SESSION

S. 1905

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

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2002

Mr. ROCKEFELLER (by request) introduced the following bill; which was read twice and 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 them.

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 (a) TABLE OF CONTENTS.—The table of contents of
5 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, 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—VA PROGRAM ADMINISTRATION IMPROVEMENTS

Sec. 301. Repeal of cap on number of non-career members of senior executive service serving in VA.

Sec. 302. Repeal of preceding-service requirement for VA Deputy Assistant Secretaries.

Sec. 303. Revolving supply fund amendments.

Sec. 304. Redefinition of “minority group member” in 38 U.S.C. § 544(d).

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

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment is expressed in terms of an amend-
4 ment to a section or other provision, the reference shall
5 be considered to be made to a section or other provision
6 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 subsection (6),

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

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

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

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

1 (2) by adding at the end the following new sub-
 2 section:

3 “(11) The term “care for newborn chil-
 4 dren” means care provided to an infant of a
 5 woman veteran enrolled in the VA health care
 6 system. Such care may be provided until the
 7 mother is discharged from the hospital after de-
 8 livery of the child or for 14 days after the date
 9 of birth of the child, whichever period is short-
 10 er, and only if the Department contracted for
 11 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 out
 15 “for a period of not less than 90 days”.

16 **SEC. 103. PAY COMPARABILITY FOR DIRECTOR, NURSING**
 17 **SERVICE.**

18 (a) Section 7306(a)(5) is amended by adding at the
 19 end thereof, “The position shall be exempt from the provi-
 20 sions of section 7451 of this title and shall be paid at the
 21 maximum rate payable to a Senior Executive Service em-
 22 ployee under 5 U.S.C. §§ 5304(g) and 5382.”.

23 (b) Section 7404 (d) is amended by deleting “sec-
 24 tion” the first time it appears and inserting in its place
 25 “sections 7306(a)(5) and”.

1 **TITLE II—VETERANS’ BENEFIT**
2 **PROGRAMS**

3 **SEC. 201. LIMITATION ON PROVISION OF CERTAIN BENE-**
4 **FITS.**

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

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

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

12 “(f) A flag shall not be furnished under this section
13 on behalf of a deceased veteran described in section
14 2411(b) of this title.”.

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

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

20 “(2) A memorial headstone or marker shall not be
21 furnished under subsection (b) for the purpose of com-
22 memorating an individual described in section 2411(b) of
23 this title.”.

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

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

8 Section 2411(a)(2) is amended—

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

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

15 **SEC. 203. CLARIFICATION OF THE PERIOD FOR APPEALING**
16 **ULINGS OF THE BOARD OF VETERANS AP-**
17 **PEALS.**

18 (a) CLARIFICATION.—Paragraph (1) of section
19 7266(a) is amended by striking “notice of the decision is
20 mailed pursuant to section 7104(e) of this title” and in-
21 serting “a copy of the decision, pursuant to section
22 7104(e) of this title, is mailed or sent to the claimant’s
23 representative or, if the claimant is not represented,
24 mailed to the claimant”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) apply to Board of Veterans’ Appeals deci-
 3 sions made on or after the date of enactment of this Act.

4 **TITLE III—VA PROGRAM ADMIN-** 5 **ISTRATION IMPROVEMENTS**

6 **SEC. 301. REPEAL OF CAP ON NUMBER OF NON-CAREER** 7 **MEMBERS OF SENIOR EXECUTIVE SERVICE** 8 **SERVING IN VA.**

9 (a) Section 709(a) is repealed.

10 (b) Section 709 is amended by re-designating sub-
 11 sections (b) and (c) as subsections (a) and (b), respec-
 12 tively.

13 **SEC. 302. REPEAL OF PRECEDING-SERVICE REQUIREMENT** 14 **FOR VA DEPUTY ASSISTANT SECRETARIES.**

15 (a) Section 308(d)(2) is repealed.

16 (b) Section 308 is amended by deleting “(1)” from
 17 subsection (d).

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

19 Section 8121(a) is amended—

20 (1) by adding “and for medical supplies, equip-
 21 ment, and services for the Department of Defense”
 22 after “Department”;

23 (2) in paragraph (2), by adding “of the Depart-
 24 ment and the Department of Defense” after “appro-
 25 priations”; and

1 (3) in paragraph (3), by adding “of the Depart-
2 ment and the Department of Defense” after “appro-
3 priations”.

4 **SEC. 304. REDEFINITION OF “MINORITY GROUP MEMBER”**
5 **IN 38 U.S.C. § 544(d).**

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

7 “(d) In this section, the term ‘minority group mem-
8 ber’ means an individual who is—

9 “(1) American Indian or Alaska Native;

10 “(2) Asian;

11 “(3) African American;

12 “(4) Native Hawaiian or other Pacific Islander;

13 or

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

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