

109TH CONGRESS
1ST SESSION

H. R. 170

To amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, 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 “Filipino Veterans Fair-
5 ness Act”.

6 **SEC. 2. ELIGIBILITY OF CERTAIN FILIPINO VETERANS FOR**
7 **DISABILITY PENSION.**

8 (a) ELIGIBILITY.—Section 107 of title 38, United
9 States Code, is amended—

10 (1) in subsection (a)—

1 (A) in paragraph (3) of the first sentence,
2 by inserting “15,” before “23,”; and

3 (B) in the second sentence, by striking
4 “subsection (c) or (d)” and inserting “sub-
5 sections (c), (d), and (e)” ; and

6 (2) in subsection (b)—

7 (A) in paragraph (2) of the first sentence,
8 by inserting “15,” before “23,”; and

9 (B) in the second sentence, by striking
10 “subsection (c) or (d)” and inserting “sub-
11 sections (c), (d), and (e)”.

12 (b) RATE OF PAYMENT.—That section is further
13 amended by adding at the end the following new sub-
14 section:

15 “(e) In the case of benefits under chapter 15 of this
16 title paid by reason of service described in subsection (a)
17 or (b)—

18 “(1) if the benefits are paid to an individual re-
19 siding in the United States who is a citizen of, or
20 an alien lawfully admitted for permanent residence
21 in, the United States, the second sentence of the ap-
22 plicable subsection shall not apply; and

23 “(2) if the benefits are paid to an individual re-
24 siding in the Republic of the Philippines, the bene-

1 fits shall be paid (notwithstanding any other provi-
2 sion of law) at the rate of \$100 per month.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall apply to benefits for months begin-
6 ning on or after that date.

7 **SEC. 3. ELIGIBILITY FOR VOCATIONAL REHABILITATION.**

8 (a) ELIGIBILITY.—Section 107 of title 38, United
9 States Code, as amended by this Act, is further amend-
10 ed—

11 (1) in subsection (a)—

12 (A) in paragraph (3) of the first sen-
13 tence—

14 (i) by striking “and” before “24”; and

15 (ii) by inserting “, and chapter 31”
16 before “of this title”;

17 (B) in the second sentence, by striking
18 “and (e)” and inserting “(e), and (f)”; and

19 (2) in subsection (b)—

20 (A) in paragraph (2) of the first sen-
21 tence—

22 (i) by striking “and” before “24”; and

23 (ii) by inserting “, and chapter 31”
24 before “of this title”;

1 (B) in the second sentence, by striking
2 “and (e)” and inserting “(e), and (f)”.

3 (b) RATE OF PAYMENT.—That section is further
4 amended by adding at the end the following new sub-
5 section:

6 “(f) In the case of benefits under chapter 31 of this
7 title paid by reason of service described in subsection (a)
8 or (b), if the benefits are paid to an individual residing
9 in the United States who is a citizen of, or an alien law-
10 fully admitted for permanent residence in, the United
11 States, the second sentence of the applicable subsection
12 shall not apply.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act and shall apply to benefits for months begin-
16 ning on or after that date.

17 **SEC. 4. OUTPATIENT HEALTH CARE FOR VETERANS RESID-**
18 **ING IN THE PHILIPPINES.**

19 (a) IN GENERAL.—Subchapter IV of chapter 17 of
20 title 38, United States Code, is amended—

21 (1) by redesignating section 1735 as section
22 1736; and

23 (2) by inserting after section 1734 the following
24 new section 1735:

1 **“§ 1735. Outpatient care and services for World War**
 2 **II veterans residing in the Philippines**

3 “(a) **OUTPATIENT HEALTH CARE.**—The Secretary
 4 shall furnish care and services to veterans of World War
 5 II, Commonwealth Army veterans, and new Philippine
 6 Scouts for the treatment of the service-connected disabil-
 7 ities and nonservice-connected disabilities of such veterans
 8 and scouts residing in the Republic of the Philippines on
 9 an outpatient basis at the Manila VA Outpatient Clinic.

10 “(b) **LIMITATIONS.**—(1) The amount expended by
 11 the Secretary for the purpose of subsection (a) in any fis-
 12 cal year may not exceed \$500,000.

13 “(2) The authority of the Secretary to furnish care
 14 and services under subsection (a) is effective in any fiscal
 15 year only to the extent that appropriations are available
 16 for that purpose.”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections
 18 at the beginning of chapter 17 of such title is amended
 19 by striking the item relating to section 1735 and inserting
 20 the following new items:

“1735. Outpatient care and services for World War II veterans residing in the
 Philippines.

“1736. Definitions.”.

21 **SEC. 5. ELIGIBILITY FOR HOUSING LOANS.**

22 Section 3701(b) of title 38, United States Code, is
 23 amended by adding at the end the following new para-
 24 graph:

1 “(6) The term ‘veteran’ also includes an indi-
2 vidual who is a Commonwealth Army veteran (as de-
3 fined in subsection (a) of section 3566 of this title),
4 or a new Philippine Scout (as defined in subsection
5 (b) of such section) who resides in the United
6 States.”.

7 **SEC. 6. EDUCATIONAL BENEFITS FOR SPOUSES AND DE-**
8 **PENDENTS.**

9 (a) INCLUSION OF SPOUSES.—Section 3565(a) of
10 title 38, United States Code, is amended to read as fol-
11 lows:

12 “(a) The term ‘eligible person’ as used in section
13 3501(a)(1) of this title includes the spouse, surviving
14 spouse, and child of a Commonwealth Army veteran or
15 a ‘New’ Philippine Scouts in the same manner as a spouse,
16 surviving spouse, and child of a person who meets the re-
17 quirements of service-connected disability or death under
18 such section, based on service as defined in section 3566
19 of this title.”.

20 (b) INCREASE IN RATES PAYABLE FOR DEPENDENTS
21 RESIDING IN THE UNITED STATES.—Section 3565(b) of
22 such title is amended—

23 (1) by striking “children” in the matter pre-
24 ceding paragraph (1) and inserting “a spouse, sur-
25 viving spouse, or child”;

1 (2) by redesignating paragraph (2) as para-
2 graph (3);

3 (3) in paragraph (1) by striking “, and” and in-
4 serting “in the case of a spouse, surviving spouse, or
5 child residing in the Philippines,”; and

6 (4) by inserting after paragraph (1) the fol-
7 lowing new paragraph:

8 “(2) notwithstanding section 3532(d) of this
9 title, educational assistance allowances authorized by
10 section 3532 of this title and the special training al-
11 lowance authorized by section 3542 of this title shall
12 be paid at the rate of \$1.00 for each dollar in the
13 case of a spouse, surviving spouse, or child residing
14 in the United States, and”.

15 **SEC. 7. ELIGIBILITY FOR BENEFITS FOR JOB COUNSELING,**
16 **TRAINING, AND PLACEMENT.**

17 (a) **VETERANS.**—Section 4101(4) of title 38, United
18 States Code, is amended by inserting before the period the
19 following: “, and includes a Commonwealth Army veteran
20 (as defined in subsection (a) of section 3566 of this title),
21 or a new Philippine Scout (as defined in subsection (b)
22 of such section)”.

23 (b) **DEPENDENTS.**—Section 4104(5) of such title is
24 amended—

1 (1) by striking “or” at the end of subparagraph
2 (B);

3 (2) by striking the period at the end of sub-
4 paragraph (C) and inserting “, or” and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) the spouse or child of a Common-
8 wealth Army veteran (as defined in subsection
9 (a) of section 3566 of this title), or a new Phil-
10 ippine Scout (as defined in subsection (b) of
11 such section).”.

12 **SEC. 8. REPRESENTATION ON ADVISORY COMMITTEE ON**
13 **MINORITY VETERANS.**

14 Section 544(a)(2) of title 38, United States Code, is
15 amended by adding at the end the following new subpara-
16 graph:

17 “(D) The Secretary shall ensure that at least one
18 member of the Committee each year is a Commonwealth
19 Army veteran (as defined in subsection (a) of section 3566
20 of this title), or a new Philippine Scout (as defined in sub-
21 section (b) of such section).”.

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