

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 299**  
**OFFERED BY MR. ROE OF TENNESSEE**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. CLARIFICATION OF PRESUMPTIONS OF EXPO-**  
2 **SURE FOR VETERANS WHO SERVED IN VICIN-**  
3 **ITY OF REPUBLIC OF VIETNAM.**

4 (a) IN GENERAL.—Chapter 11 of title 38, United  
5 States Code, is amended by inserting after section 1116  
6 the following new section:

7 **“§ 1116A. Presumptions of service connection for vet-**  
8 **erans who served in the territorial seas**  
9 **of the Republic of Vietnam**

10 “(a) SERVICE CONNECTION.—For the purposes of  
11 section 1110 of this title, and subject to section 1113 of  
12 this title, a disease covered by section 1116 of this title  
13 becoming manifest as specified in that section in a veteran  
14 who, during active military, naval, or air service, served  
15 in the territorial seas of the Republic of Vietnam during  
16 the period beginning on January 9, 1962, and ending on  
17 May 7, 1975, shall be considered to have been incurred  
18 in or aggravated by such service, notwithstanding that

1 there is no record of evidence of such disease during the  
2 period of such service.

3 “(b) EXPOSURE.—A veteran who, during active mili-  
4 tary, naval, or air service, served in the territorial seas  
5 of the Republic of Vietnam during the period beginning  
6 on January 9, 1962, and ending on May 7, 1975, shall  
7 be presumed to have been exposed during such service to  
8 an herbicide agent containing dioxin or 2,4-  
9 dichlorophenoxyacetic acid, and may be presumed to have  
10 been exposed during such service to any other chemical  
11 compound in an herbicide agent, unless there is affirma-  
12 tive evidence to establish that the veteran was not exposed  
13 to any such agent during that service.

14 “(c) EFFECTIVE DATE OF AWARD.—(1) Except as  
15 provided by paragraph (2), the effective date of an award  
16 under this section shall be determined in accordance with  
17 section 5110 of this title.

18 “(2)(A) Notwithstanding subsection (g) of section  
19 5110 of this title, the Secretary shall determine the effec-  
20 tive date of an award based on a claim under this section  
21 for a veteran described in subparagraph (B) by treating  
22 the date on which the veteran filed the prior claim speci-  
23 fied in clause (i) of such subparagraph as the date on  
24 which the veteran filed the claim so awarded under this  
25 section.

1 “(B) A veteran described in this subparagraph is a  
2 veteran who meets the following criteria:

3 “(i) The veteran submitted a claim for dis-  
4 ability compensation on or after September 25,  
5 1985, and before January 1, 2019, for a disease cov-  
6 ered by this section, and the claim was denied by  
7 reason of the claim not establishing that the disease  
8 was incurred or aggravated by the service of the vet-  
9 eran.

10 “(ii) The veteran submits a claim for disability  
11 compensation on or after January 1, 2019, for the  
12 same condition covered by the prior claim under  
13 clause (i), and the claim is approved pursuant to  
14 this section.

15 “(d) HERBICIDE AGENT.—In this section, the term  
16 ‘herbicide agent’ has the meaning given that term in sec-  
17 tion 1116 (a)(3) of this title.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 1116 the following new  
21 item:

“1116A. Presumptions of service connection for veterans who served in the terri-  
torial seas of the Republic of Vietnam.”.

22 (c) HEALTH CARE.—Section 1710(e)(4) of such title  
23 is amended by inserting “(including the territorial seas of

1 such Republic)” after “served on active duty in the Repub-  
2 lie of Vietnam”.

3 (d) OUTREACH.—

4 (1) REQUIREMENT.—The Secretary of Veterans  
5 Affairs shall conduct outreach to inform veterans de-  
6 scribed in paragraph (2) of the ability to submit a  
7 claim for disability compensation under section  
8 1116A of title 38, United States Code, as added by  
9 subsection (a).

10 (2) VETERAN DESCRIBED.—A veteran described  
11 in this paragraph is a veteran who, during active  
12 military, naval, or air service, served in the terri-  
13 torial seas of the Republic of Vietnam during the pe-  
14 riod beginning on January 9, 1962, and ending on  
15 May 7, 1975.

16 (e) REPORTS.—Not later than January 1, 2020, and  
17 not later than January 1, 2022, the Secretary of Veterans  
18 Affairs shall submit to the Committees on Veterans’ Af-  
19 fairs of the House of Representatives and the Senate a  
20 report on claims for disability compensation under section  
21 1116A of title 38, United States Code, as added by sub-  
22 section (a). Each report shall include the following with  
23 respect to the period covered by the report, disaggregated  
24 by the regional offices of the Department of Veterans Af-  
25 fairs:

1 (1) The number of claims filed under such sec-  
2 tion.

3 (2) The number of such claims granted.

4 (3) The number of such claims denied.

5 (f) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect on January 1, 2019.

7 **SEC. 2. PRESUMPTION OF HERBICIDE EXPOSURE FOR CER-**  
8 **TAIN VETERANS WHO SERVED IN KOREA.**

9 (a) IN GENERAL.—Chapter 11 of title 38, United  
10 States Code, is amended by inserting after section 1116A,  
11 as added by section 1, the following new section:

12 **“§ 1116B. Presumption of herbicide exposure for cer-**  
13 **tain veterans who served in Korea**

14 “(a) PRESUMPTION OF SERVICE-CONNECTION.—(1)  
15 For the purposes of section 1110 of this title, and subject  
16 to section 1113 of this title, a disease specified in sub-  
17 section (b) that becomes manifest as specified in that sub-  
18 section in a veteran described in paragraph (2) shall be  
19 considered to have been incurred or aggravated in the line  
20 of duty in the active military, naval, or air service, not-  
21 withstanding that there is no record of evidence of such  
22 disease during the period of such service.

23 “(2) A veteran described in this paragraph is a vet-  
24 eran who, during active military, naval, or air service,  
25 served in or near the Korean demilitarized zone (DMZ),

1 during the period beginning on September 1, 1967, and  
2 ending on August 31, 1971.

3 “(b) DISEASES.—A disease specified in this sub-  
4 section is—

5 “(1) a disease specified in paragraph (2) of  
6 subsection (a) of section 1116 of this title that be-  
7 comes manifest as specified in that paragraph; or

8 “(2) any additional disease that—

9 “(A) the Secretary determines in regula-  
10 tions warrants a presumption of service-conne-  
11 tion by reason of having positive association  
12 with exposure to an herbicide agent; and

13 “(B) becomes manifest within any period  
14 prescribed in such regulations.

15 “(c) HERBICIDE AGENT.—For purposes of this sec-  
16 tion, the term ‘herbicide agent’ has the meaning given  
17 such term in section 1821(d) of this title.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 1116A, as added by sec-  
21 tion 1, the following new item:

“1116B. Presumption of herbicide exposure for certain veterans who served in  
Korea.”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on January 1, 2019.

1 **SEC. 3. BENEFITS FOR CHILDREN OF CERTAIN THAILAND**  
2 **SERVICE VETERANS BORN WITH SPINA**  
3 **BIFIDA.**

4 (a) IN GENERAL.—Subchapter III of chapter 18 of  
5 title 38, United States Code, is amended by adding at the  
6 end the following new section:

7 **“§ 1822. Benefits for children of certain Thailand**  
8 **service veterans born with spina bifida**

9 “(a) BENEFITS AUTHORIZED.—The Secretary may  
10 provide to any child of a veteran of covered service in  
11 Thailand who is suffering from spina bifida the health  
12 care, vocational training and rehabilitation, and monetary  
13 allowance required to be paid to a child of a Vietnam vet-  
14 eran who is suffering from spina bifida under subchapter  
15 I of this chapter as if such child of a veteran of covered  
16 service in Thailand were a child of a Vietnam veteran who  
17 is suffering from spina bifida under such subchapter.

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

21 “(c) VETERAN OF COVERED SERVICE IN THAI-  
22 LAND.—For purposes of this section, a veteran of covered  
23 service in Thailand is any individual, without regard to  
24 the characterization of that individual’s service, who—

25 “(1) served in the active military, naval, or air  
26 service in Thailand, as determined by the Secretary

1 in consultation with the Secretary of Defense, dur-  
2 ing the period beginning on January 9, 1962, and  
3 ending on May 7, 1975; and

4 “(2) is determined by the Secretary, in con-  
5 sultation with the Secretary of Defense, to have been  
6 exposed to a herbicide agent during such service in  
7 Thailand.

8 “(d) HERBICIDE AGENT.—For purposes of this sec-  
9 tion, the term ‘herbicide agent’ means a chemical in a her-  
10 bicide used in support of United States and allied military  
11 operations in Thailand, as determined by the Secretary in  
12 consultation with the Secretary of Defense, during the pe-  
13 riod beginning on January 9, 1962, and ending on May  
14 7, 1975.”.

15 (b) CLERICAL AMENDMENTS.—

16 (1) SUBCHAPTER HEADING.—The heading for  
17 subchapter III of chapter 18 of such title is amend-  
18 ed by inserting “AND THAILAND” after  
19 “KOREA”.

20 (2) TABLE OF SECTIONS.—The table of sections  
21 at the beginning of chapter 18 of such title is  
22 amended—

23 (A) by striking the item relating to sub-  
24 chapter III and inserting the following new  
25 item:



“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA AND THAILAND SERVICE VETERANS BORN WITH SPINA BIFIDA”;

1           and

2                           (B) by inserting after the item relating to  
3                   section 1821 the following new item:

“1822. Benefits for children of certain Thailand service veterans born with spina bifida.”.

4           (c) REPORT.—Not later than 180 days after the date  
5 of the enactment of this Act, the Secretary of Veterans  
6 Affairs, in consultation with the Secretary of Defense,  
7 shall submit to the Committees on Veterans’ Affairs of  
8 the House of Representatives and the Senate a report  
9 identifying—

10                   (1) the military installations of the United  
11 States located in Thailand during the period begin-  
12 ning on January 9, 1962, and ending on May 7,  
13 1975, at which an herbicide agent (as defined in sec-  
14 tion 1822 of title 38, United States Code, as added  
15 by subsection (a)) was actively used; and

16                   (2) the period of such use.

17 **SEC. 4. REPORT ON CERTAIN GULF WAR ILLNESS STUDY.**

18           Not later than 180 days after the date of the enact-  
19 ment of this Act, the Secretary of Veterans Affairs shall  
20 submit to the Committees on Veterans’ Affairs of the  
21 House of Representatives and the Senate a report on the  
22 findings, as of the date of the report, of the Follow-up  
23 Study of a National Cohort of Gulf War and Gulf Era

1 Veterans under the epidemiology program of the Depart-  
 2 ment of Veterans Affairs.

3 **SEC. 5. LOANS GUARANTEED UNDER HOME LOAN PRO-**  
 4 **GRAM OF DEPARTMENT OF VETERANS AF-**  
 5 **FAIRS.**

6 (a) ADJUSTMENT OF LOAN LIMIT.—Section  
 7 3703(a)(1) of title 38, United States Code, is amended—

8 (1) in subparagraph (A)(i)(IV)—

9 (A) by striking “the lesser of”; and

10 (B) by striking “or 25 percent of the  
 11 loan”; and

12 (2) in subparagraph (C), by striking “Freddie  
 13 Mac” and all that follows through the period and in-  
 14 serting “amount of the loan.”.

15 (b) LOAN FEES.—Section 3729(b)(2) of such title is  
 16 amended by striking the loan fee table and inserting the  
 17 following:

“Type of loan	Active duty veteran	Reservist	Other obli- gator
(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 on or after October 1, 2004, and before January 1, 2019)	2.15	2.40	NA

“Type of loan	Active duty veteran	Reservist	Other obli- gor
(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 January 1, 2019, and before October 1, 2026)	2.40	2.40	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, 2026, and before October 1, 2027)	2.15	2.15	NA
(A)(iv) 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, 2027)	1.40	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 on or after October 1, 2004, and before January 1, 2019)	3.30	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 January 1, 2019, and before October 1, 2026)	3.80	3.80	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, 2026, and before October 1, 2027)	3.30	3.30	NA
(B)(iv) 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, 2027)	1.25	1.25	NA

“Type of loan	Active duty veteran	Reservist	Other obli- gor
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before January 1, 2019)	1.50	1.75	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2019, and before October 1, 2026)	1.75	1.75	NA
(C)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2026, and before October 1, 2027)	1.50	1.50	NA
(C)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2027)	0.75	0.75	NA
(D)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before January 1, 2019)	1.25	1.50	NA
(D)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2019, and before October 1, 2026)	1.45	1.45	NA
(D)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2026, and before October 1, 2027)	1.25	1.25	NA
(D)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2027)	0.50	0.50	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25”.

1 (c) COLLECTION OF LOAN FEES.—Section 3729(c)  
2 of such title is amended—

3 (1) in paragraph (1), by striking “A fee” and  
4 inserting “Subject to paragraph (3), a fee”; and

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

7 “(3) A fee shall be collected under this section from  
8 any veteran with a service-connected disability rated as  
9 less than total, or any surviving spouse of such a veteran,  
10 who, on or after January 1, 2019, receives a loan in an  
11 amount that exceeds the Freddie Mac conforming loan  
12 limit limitation determined under section 305(a)(2) of the  
13 Federal Home Loan Mortgage Corporation Act (12 U.S.C.  
14 1454(a)(2)) for a single-family residence, as adjusted for  
15 the year involved.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply with respect to a loan guaranteed  
18 under section 3710 of title 38, United States Code, on  
19 or after January 1, 2019.

20 (e) GUIDANCE.—Notwithstanding section 501 of such  
21 title, the Secretary of Veterans Affairs may issue guidance  
22 to implement this section before prescribing new regula-  
23 tions under sections 3703 and 3729 of such title, as  
24 amended by subsections (a), (b), and (c).

1 **SEC. 6. INFORMATION GATHERING FOR DEPARTMENT OF**  
2 **VETERANS AFFAIRS HOME LOAN APPRAIS-**  
3 **ALS.**

4 (a) **IN GENERAL.**—Section 3731(b) of title 38,  
5 United States Code, is amended by adding at the end the  
6 following new paragraph:

7 “(3) The Secretary shall permit an appraiser on a  
8 list developed and maintained under subsection (a)(3) to  
9 make an appraisal for the purposes of this chapter based  
10 solely on information gathered by a person with whom the  
11 appraiser has entered into an agreement for such serv-  
12 ices.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by  
14 this section shall apply with respect to an appraisal under  
15 section 3731 of such title, on or after January 1, 2019.

16 (c) **GUIDANCE.**—Notwithstanding section 501 of such  
17 title, the Secretary of Veterans Affairs may issue guidance  
18 to implement this section before prescribing new regula-  
19 tions under sections 3731 of such title, as amended by  
20 subsection (a).

