To amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2008

Mr. AKAKA introduced the following bill, which was read twice and referred to the Committee on Veterans’ Affairs

SEPTEMBER 9, 2008

Reported by Mr. AKAKA, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the "Veterans' Notice Clarification Act of 2008.

SEC. 2. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.
Section 5103(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "Upon receipt;",

and

(2) by adding at the end the following new paragraph:
"(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

(B) The regulations required by this paragraph—

(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

(iii) shall specify for each type of claim for benefits the general information and evidence re-
required to substantiate the basic elements of such

type of claim, and

(iv) shall specify the timing of the issuance of

notice.”

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the “Veterans’ Benefits Improvement Act of 2008”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 104. Conforming amendment relating to non-deductibility from veterans’ disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 105. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
Sec. 106. Report on studies regarding compensation of veterans for loss of earning capacity and quality of life and on long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

TITLE II—HOUSING MATTERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 203. Four-year extension of demonstration projects on adjustable rate mortgages.
Sec. 204. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with a service-connected disability.
Sec. 205. Report on impact of mortgage foreclosures on veterans.
TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 301. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.

Sec. 302. Reform of USERRA complaint process.

Sec. 303. Modification and expansion of reporting requirements with respect to enforcement of USERRA.

Sec. 304. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.

Sec. 305. Report on the employment needs of Native American veterans living on tribal lands.

Sec. 306. Report on measures to assist and encourage veterans in completing vocational rehabilitation.

Subtitle B—Education Matters

Sec. 311. Relief for students who discontinue education because of military service.

Sec. 312. Modification of period of eligibility for Survivors’ and Dependents’ Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.

Sec. 313. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.

Sec. 314. Modification of waiting period before affirmation of enrollment in a correspondence course.

Sec. 315. Change of programs of education at the same educational institution.

Sec. 316. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.

Subtitle C—Other Matters

Sec. 321. Designation of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

Sec. 401. Increase in number of active judges on the United States Court of Appeals for Veterans Claims.

Sec. 402. Protection of privacy and security concerns in court records.

Sec. 403. Recall of retired judges of the United States Court of Appeals for Veterans Claims.

Sec. 404. Annual reports on workload of the United States Court of Appeals for Veterans Claims.

TITLE V—INSURANCE MATTERS


Sec. 502. Treatment of stillborn children as insurable dependents under Servicemembers’ Group Life Insurance.

Sec. 503. Other enhancements of Servicemembers’ Group Life Insurance coverage.
TITLE VI—OTHER MATTERS

Sec. 601. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.

Sec. 602. Memorial headstones and markers for deceased remarried surviving spouses of veterans.

Sec. 603. Three-year extension of authority to carry out income verification.

Sec. 604. Three-year extension of temporary authority for the performance of medical disability examinations by contract physicians.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ``(1)'' before ``Upon receipt'';

and

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

``(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

``(B) The regulations required by this paragraph—
“(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

“(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

“(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

“(iv) shall specify the time period limitations required pursuant to subsection (b).”.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking “(other than an action relating to the adoption or revision of the schedule
of ratings for disabilities adopted under section 1155 of this title”).

SEC. 103. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Indexing to Social Security Increases.—Section 5312 is amended by adding at the end the following new subsection:

“(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

“(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

“(A) Compensaton.—Each of the dollar amounts in effect under section 1114 of this title.
“(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

“(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

“(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

“(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

“(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

“(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

“(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

“(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the
same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).”.

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on December 1, 2009.

SEC. 104. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS’ DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking ‘as required by section 1212(c) of title 10’ and inserting ‘to the extent required by section 1212(d) of title 10’.”.
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 105. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including ef-
forts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to eliminate such differences.
SEC. 106. REPORT ON STUDIES REGARDING COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) FINDING.—Congress finds that the Secretary of Veterans Affairs entered into a contract in February 2008 to conduct two studies as follows:

1. A study on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.
2. A study on the feasibility and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) REPORT REQUIRED.—

1. IN GENERAL.—The Secretary of Veterans Affairs shall submit to Congress a report on the studies referred to in subsection (a).
2. ELEMENTS.—The report required by this subsection shall include the following:
   (A) A comprehensive description of the findings and recommendations of the studies.
(B) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(C) For each action proposed to be taken as described in subparagraph (B), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(D) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in subparagraph (B).

(3) SUBMITTAL DATE.—The report required by this subsection shall be submitted not later than 210 days after the date of the enactment of this Act.
TITLE II—HOUSING MATTERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTEE AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term “maximum guaranty amount” shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.
SEC. 202. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) Inclusion of Refinancing Loans Among Loans Subject to Guaranty Maximum.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting "(5)," after "(3),".

(b) Increase in Maximum Percentage of Loan-to-Value of Refinancing Loans Subject to Guaranty.—Section 3710(b)(8) is amended by striking "90 percent" and inserting "95 percent".

SEC. 203. FOUR-YEAR EXTENSION OF DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES.

(a) Demonstration Project on Adjustable Rate Mortgages.—Section 3707(a) is amended by striking "during fiscal years 1993 through 2008" and inserting "during the period beginning with the beginning of fiscal year 1993 and ending at the end of fiscal year 2012”.

(b) Demonstration Project on Hybrid Adjustable Rate Mortgages.—Section 3707A(a) is amended by striking "through 2008" and inserting "through 2012".
SEC. 204. ELIGIBILITY FOR SPECIALY ADAPTED HOUSING

BENEFITS AND ASSISTANCE FOR MEMBERS

OF THE ARMED FORCES WITH A SERVICE-

CONNECTED DISABILITY.

The Secretary of Veterans Affairs may provide assist-
ance under chapter 21 of title 38, United States Code, to
a member of the Armed Forces serving on active duty who
is suffering from a disability described in section 2101 of
such title if such disability is the result of an injury in-
curred or disease contracted in or aggravated in line of duty
in the active military, naval, or air service. Such assistance
shall be provided to the same extent, and subject to the same
limitations, as assistance is provided to veterans under
chapter 21 of such title.

SEC. 205. REPORT ON IMPACT OF MORTGAGE FORE-

CLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31,
2009, the Secretary of Veterans Affairs shall submit to the
Committee on Veterans’ Affairs of the Senate and the Com-
mittee on Veterans’ Affairs of the House of Representatives
a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a)
shall include the following:

(1) A general assessment of the income of vet-
erans who have recently separated from the Armed
Forces.
(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.
TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 301. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking “Unless the Secretary” and all that follows through “the period of a program” and inserting “(1) Except as provided in paragraph (2), the period of a program”; and

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

“(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

“(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran’s level of independence in daily living.

“(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a se-
vere disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

“(B) In this paragraph, the term ‘Post-9/11 Global Operations period’ means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.”.

SEC. 302. REFORM OF USERRA COMPLAINT PROCESS.

(a) Notification of Rights With Respect to Complaints.—Subsection (c) of section 4322 is amended to read as follows:

“(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

“(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant’s employer.”.

(b) Notification of Results of Investigation in Writing.—Subsection (e) of such section is amended by inserting “in writing” after “submitted the complaint”.
(c) **Expedition of Attempts to Investigate and Resolve Complaints.**—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.”.

(d) **Expedition of Referrals.**—

(1) **Expedition of referrals to Attorney General.**—Section 4323(a)(1) is amended by inserting “Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.” after “to the Attorney General.”.

(2) **Expedition of referrals to special counsel.**—Section 4324(a)(1) is amended by striking “The Secretary shall refer” and inserting “Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer”.

(e) **Notification of Representation.**—
(1) **Notification by Attorney General.**—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

“(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

“(B) notify such person in writing of such decision.”.

(2) **Notification by Special Counsel.**—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

“(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

“(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

“(ii) notify such person in writing of such decision.”.
(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

“§4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

“(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

“(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

“(B) shall not affect the right of a person—

“(i) to commence an action under section 4323 of this title;

“(ii) to submit a complaint under section 4324 of this title; or

“(iii) to obtain any type of assistance or relief authorized by this chapter;
“(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

“(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

“(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

“(b) Inapplicability of Statutes of Limitations.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a viola-
tion of this chapter, there shall be no limit on the period
for filing the complaint or claim.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 43 is amended by
inserting after the item relating to section 4326 the
following new item:

“4327. Noncompliance of Federal officials with deadlines; inapplicability of stat-
utes of limitations.”.

(3) CONFORMING AMENDMENT.—Section 4323 is
further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as sub-
section (i).

SEC. 303. MODIFICATION AND EXPANSION OF REPORTING
REQUIREMENTS WITH RESPECT TO ENFORCE-
MENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is
amended by striking “and no later than February 1, 2005”
and all that follows through the “such February 1;” and
inserting “, transmit to Congress not later than July 1 each
year a report on matters for the fiscal year ending in the
year before the year in which such report is transmitted
as follows:”.

(b) MODIFICATION OF ANNUAL REPORTS BY SEC-
RETARY.—Such section is further amended—
(1) by striking “The Secretary shall” and inserting “(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall”;

(2) in paragraph (3), by inserting before the period at the end the following: “and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year”;

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

“(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.”.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

“(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard
and Reserve of the Department of Defense that involve the same person.

“(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

“(A) the number of such cases that involve a disability-related issue; and

“(B) the number of such cases that involve a person who has a service-connected disability.”; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking “or (4)” and inserting “(4), or (5)”.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

“(b) QUARTERLY REPORTS.—

“(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

“(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.
“(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

“(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

“(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.”.
(d) **Uniform Categorization of Data.**—Such section is further amended by adding at the end the following new subsection:

“(c) **Uniform Categorization of Data.**—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

“(1) the information in the reports required by this section is categorized in a uniform way; and

“(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.”.

(e) **Comptroller General Report.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title
38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 302 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.
SEC. 304. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) Training Required.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

“§ 4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

“(a) Training Required.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

“(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

“(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

“(b) Consultation.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

“(c) Frequency.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal execu-
tive agencies are kept fully and currently informed of the matters covered by the training.

“(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term ‘human resources personnel’, in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

“4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.”.

SEC. 305. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to Congress a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander) veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—
(1) a review of current and prior government-to-
government relationships between tribal organizations
and the Veterans’ Employment and Training Service
of the Department of Labor; and

(2) recommendations for improving employment
and job training opportunities for Native American
veterans on tribal land, especially through the utiliza-
tion of resources for veterans.

(b) Tribal Organization Defined.—In this section,
the term “tribal organization” has the meaning given such
term in section 3765(4) of title 38, United States Code.

SEC. 306. REPORT ON MEASURES TO ASSIST AND ENCOUR-
AGE VETERANS IN COMPLETING VOCATIONAL
REHABILITATION.

(a) Study Required.—The Secretary of Veterans Af-
fairs shall conduct a study on measures to assist and en-
courage veterans in completing vocational rehabilitation.
The study shall include an identification of the following:

(1) The various factors that may prevent or pre-
clude veterans from completing their vocational reha-
bilitation plans through the Department of Veterans
Affairs or otherwise achieving the vocational rehabili-
tation objectives of such plans.

(2) The actions to be taken by the Secretary to
assist and encourage veterans in overcoming the fac-
tors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized in other disability systems in the United States, and in other countries, to encourage completion of vocational rehabilitation by persons covered by such systems.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to undergo and complete vocational rehabilitation.


(5) The report of the President’s Commission on Care for America’s Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.
(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.
(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

Subtitle B—Education Matters

SEC. 311. RELIEF FOR STUDENTS WHO DISCONTINUE EDUCATION BECAUSE OF MILITARY SERVICE.

(a) In General.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended by adding at the end the following new section:

“SEC. 707. TUITION, REENROLLMENT, AND STUDENT LOAN RELIEF FOR POSTSECONDARY STUDENTS CALLED TO MILITARY SERVICE.

“(a) Tuition and Reenrollment.—In the case of a servicemember who because of military service discontinues a program of education at a covered institution of higher education that administers a Federal financial aid program, such institution of higher education shall—

“(1) refund to such servicemember the tuition and fees paid by such servicemember from personal funds, or from a loan, for the portion of the program of education for which such servicemember did not re-
ceive academic credit because of such military service; and

“(2) provide such servicemember an opportunity to reenroll in such program of education with the same educational and academic status such servicemember had when such servicemember discontinued such program of education because of such military service.

“(b) Interest Rate Limitation on Student Loans.—

“(1) In general.—Except as provided in paragraph (2) of this subsection, a student loan shall be considered an obligation or liability for the purposes of section 207.

“(2) Exception.—Subsection (c) of section 207 shall not apply to a student loan.

“(c) Definitions.—In this section:

“(1) The term ‘covered institution of higher education’ means a 2-year or 4-year institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that participates in a loan program under title IV of that Act (20 U.S.C. 1070 et seq.).

“(2) The term ‘Federal financial aid program’ means a program providing loans made, insured, or
guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).

“(3) The term ‘student loan’ means any loan, whether Federal, State, or private, to assist an individual to attend an institution of higher education, including a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).”.

(b) Clerical Amendment.—The table of contents in section (1)(b) of such Act is amended by adding at the end the following new item:

“Sec. 707. Tuition, reenrollment, and student loan relief for postsecondary students called to military service.”.

(c) Effective Date.—The amendments made by this section shall take effect for periods of military service beginning after the date of the enactment of this section.

SEC. 312. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—
(1) in subparagraph (A), by striking “subparagraph (B) or (C)” and inserting “subparagraph (B), (C), or (D)”; and

(2) by adding at the end the following new subparagraph:

“(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.”.

SEC. 313. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking “and the Secretary”. 
SEC. 314. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking “ten” and inserting “five”.

SEC. 315. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting “(1)” after “(d)”;

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking “or” at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

“(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.
“(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.”.

SEC. 316. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

“(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.”.

Subtitle C—Other Matters

SEC. 321. DESIGNATION OF THE OFFICE OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Designation.—The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)).

(b) Head.—The Director of Small Business Programs is the head of the Office of Small Business Programs of the Department of Veterans Affairs.
TITLE IV—COURT MATTERS

SEC. 401. INCREASE IN NUMBER OF ACTIVE JUDGES ON
THE UNITED STATES COURT OF APPEALS FOR
VETERANS CLAIMS.

Section 7253(a) is amended by striking “seven judges”
and inserting “nine judges”.

SEC. 402. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the follow-
ning new subsection:

“(c)(1) The Court shall prescribe rules, in accordance
with section 7264(a) of this title, to protect privacy and
security concerns relating to all filing of documents and the
public availability under this subsection of documents ret-
tained by the Court or filed electronically with the Court.
“(2) The rules prescribed under paragraph (1) shall
be consistent to the extent practicable with rules addressing
privacy and security issues throughout the Federal courts.
“(3) The rules prescribed under paragraph (1) shall
take into consideration best practices in Federal and State
courts to protect private information or otherwise maintain
necessary information security.”.
SEC. 403. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking “or for more than a total of 180 days (or the equivalent) during any calendar year”.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans’ Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

“(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).
“(ii) In the case of a judge other than a recall-
eligible retired judge, the retired pay of the judge shall
be the rate of pay applicable to that judge at the time
of retirement.

“(B) A judge who retired before the date of the enact-
ment of the Veterans’ Benefits Improvement Act of 2008 and
elected under subsection (d) to receive retired pay under this
subsection, or a judge who retires under subsection (b) and
elects under subsection (d) to receive retired pay under this
subsection, shall (except as provided in paragraph (2)) re-
ceive retired pay as follows:

“(i) In the case of a judge who is a recall-eligible
retired judge under section 7257 of this title or who
was a recall-eligible retired judge under that section
and was removed from recall status under subsection
(b)(4) of that section by reason of disability, the re-
tired pay of the judge shall be the pay of a judge of
the court.

“(ii) In the case of a judge who at the time of
retirement did not provide notice under section 7257
of this title of availability for service in a recalled
status, the retired pay of the judge shall be the rate
of pay applicable to that judge at the time of retire-
ment.
“(iii) In the case of a judge who was a recall-
eligible retired judge under section 7257 of this title
and was removed from recall status under subsection
(b)(3) of that section, the retired pay of the judge
shall be the pay of the judge at the time of the re-
moval from recall status.”.

(2) Cost-of-living adjustment for retired
pay of new judges who are recall-eligible.—
Section 7296(f)(3)(A) is amended by striking “para-
graph (2) of subsection (c)” and inserting “paragraph
(1)(A)(i) or (2) of subsection (c)”.

(3) Pay during period of recall.—Sub-
section (d) of section 7257 is amended to read as fol-
lows:

“(d)(1) The pay of a recall-eligible retired judge to
whom section 7296(c)(1)(B) of this title applies is the pay
specified in that section.

“(2) A judge who is recalled under this section who
retired under chapter 83 or 84 of title 5 or to whom section
7296(c)(1)(A) of this title applies shall be paid, during the
period for which the judge serves in recall status, pay at
the rate of pay in effect under section 7253(e) of this title
for a judge performing active service, less the amount of
the judge’s annuity under the applicable provisions of chap-
ter 83 or 84 of title 5 or the judge’s annuity under section 7296(c)(1)(A) of this title, whichever is applicable.”.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: “Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.”.

(c) LIMITATION ON IN VOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: “This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.”.

SEC. 404. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) In General.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

“§ 7288. Annual report

“(a) In General.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

“(b) Elements.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:
“(1) The number of appeals filed with the Court.

“(2) The number of petitions filed with the Court.

“(3) The number of applications filed with the Court under section 2412 of title 28.

“(4) The total number of dispositions by each of the following:

“(A) The Court as a whole.

“(B) The Clerk of the Court.

“(C) A single judge of the Court.

“(D) A multi-judge panel of the Court.

“(E) The full Court.

“(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

“(6) The median time from filing an appeal to disposition by each of the following:

“(A) The Court as a whole.

“(B) The Clerk of the Court.

“(C) A single judge of the Court.

“(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

“(7) The median time from filing a petition to disposition by the Court.
“(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

“(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

“(10) The number of oral arguments before the Court.

“(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

“(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

“(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

“(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

“(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Veterans’ Affairs of the Senate; and
“(2) the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

‘‘7288. Annual report.’’.

TITLE V—INSURANCE MATTERS

SEC. 501. REPORT ON INCLUSION OF SEVERE AND ACUTE POST TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasibility and advisability of including severe and acute Post Traumatic Stress Disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers’ Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:
(1) The advisability of providing traumatic injury protection coverage under Servicemembers’ Group Life Insurance under section 1980A of title 38, United States Code, for Post Traumatic Stress Disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who suffer severe and acute from Post Traumatic Stress Disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute Post Traumatic Stress Disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and
(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Rep-resentatives.

SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSUR-ABLE DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.
(a) Treatment.—Section 1965(10) is amended by adding at the end the following new subparagraph:
“(C) The member’s stillborn child.”.
(b) Conforming Amendment.—Section 101(4)(A) is amended by striking “section 1965(10)(B)” in the matter preceding clause (i) and inserting “subparagraph (B) or (C) of section 1965(10)”.

SEC. 503. OTHER ENHANCEMENTS OF SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE.
(a) Expansion of Servicemembers’ Group Life Insurance To Include Certain Members of Indi-vidual Ready Reserve.—

(1) In General.—Section 1967(a)(1)(C) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.
(2) Conforming Amendments.—
(A) Section 1967(a)(5)(C) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”; and

(B) Section 1969(g)(1)(B) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.

(b) Reduction in Period of Dependents’ Coverage After Member Separates.—Section 1968(a)(5)(B)(ii) is amended by striking “120 days after”.

(c) Authority To Set Premiums for Ready Reservists’ Spouses.—Section 1969(g)(1)(B) is amended by striking “(which shall be the same for all such members)”.

(d) Forfeiture of Veterans’ Group Life Insurance.—Section 1973 is amended by striking “under this subchapter” and inserting “and Veterans’ Group Life Insurance under this subchapter”.

(e) Effective and Applicability Dates.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers’ Group Life Insurance coverage for an insurable dependent of a
member, as defined in section 1965(10) of title 38, United States Code (as amended by section 502 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans’ Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

**TITLE VI—OTHER MATTERS**

**SEC. 601. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.**

(a) Authority.—Section 3711(f) of title 31, United States Code, is amended—
(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.”.

(b) Equitable Refund of Amounts Collected.—

The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.
SEC. 602. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) In general.—Section 2306(b)(4)(B) is amended by striking “an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce” and inserting “a surviving spouse who had a subsequent remarriage”.

(b) Effective date.—The amendment made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 603. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

SEC. 604. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.


Amend the title so as to read: “A Bill to amend title 38, United States Code, to improve and enhance com-
pension and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.”.
A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.

S. 3023

Report No. 110–449

SEPTEMBER 9, 2008

110TH CONGRESS