

110TH CONGRESS
2D SESSION

S. 2640

To amend title 38, United States Code, to enhance and improve insurance, housing, labor and education, and other benefits for veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2008

Mr. BURR (for himself, Mr. CORNYN, and Mr. CRAIG) 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 and improve insurance, housing, labor and education, and other benefits for veterans, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Benefits Enhancement Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

- Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
- Sec. 102. Administrative costs of service disabled veterans' insurance.
- Sec. 103. Modification of servicemembers' group life insurance coverage.
- Sec. 104. Supplemental insurance for totally disabled veterans.
- Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
- Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
- Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers' Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
- Sec. 108. Enhancement of veterans' mortgage life insurance.

TITLE II—HOUSING MATTERS

- Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
- Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
- Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
- Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
- Sec. 205. Increase in specially adapted housing benefits for disabled veterans.
- Sec. 206. Report on specially adapted housing for disabled individuals.
- Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

- Sec. 301. Coordination of approval activities in the administration of education benefits.
- Sec. 302. Enhanced authority for reimbursement of State approving agencies for expenses.
- Sec. 303. Waiver of residency requirement for Directors for Veterans' Employment and Training.
- Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
- Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.
- Sec. 306. Increase in supplemental educational assistance for members of the Selected Reserve with certain skills or specialties.
- Sec. 307. Modification of educational assistance for Reserve component members supporting contingency operations and other operations.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

- Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.

Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

TITLE V—COURT MATTERS

Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.

Sec. 502. Additional discretion in imposition of practice and registration fees.

Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.

Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE VI—COMPENSATION AND PENSION MATTERS

Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.

Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

TITLE VII—BURIAL AND MEMORIAL MATTERS

Sec. 701. Annual adjustment of amounts for burial benefits.

TITLE VIII—OTHER MATTERS

Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 802. Increase in assistance for providing automobiles or other conveyances to certain disabled veterans.

Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.

Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.

Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.

Sec. 806. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.

Sec. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

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

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
 2 section or other provision of title 38, United States Code.

3 **TITLE I—INSURANCE MATTERS**

4 **SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR** 5 **VETERANS WITH SERVICE-CONNECTED DIS-** 6 **ABILITIES.**

7 (a) IN GENERAL.—Chapter 19 is amended by insert-
 8 ing after section 1922A the following new section:

9 **“§ 1922B. Level-premium term life insurance for vet-** 10 **erans with service-connected disabilities**

11 “(a) IN GENERAL.—In accordance with the provi-
 12 sions of this section, the Secretary shall grant insurance
 13 to each eligible veteran who seeks such insurance against
 14 the death of such veteran occurring while such insurance
 15 is in force.

16 “(b) ELIGIBLE VETERANS.—For purposes of this
 17 section, an eligible veteran is any veteran less than 65
 18 years of age who has a service-connected disability.

19 “(c) AMOUNT OF INSURANCE.—(1) Subject to para-
 20 graph (2), the amount of insurance granted an eligible vet-
 21 eran under this section shall be \$50,000 or such lesser
 22 amount as the veteran shall elect. The amount of insur-
 23 ance so elected shall be evenly divisible by \$10,000.

1 “(2) The aggregate amount of insurance of an eligible
2 veteran under this section, section 1922 of this title, and
3 section 1922A of this title may not exceed \$50,000.

4 “(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR
5 OLDER.—In the case of a veteran insured under this sec-
6 tion who turns age 70, the amount of insurance of such
7 veteran under this section after the date such veteran
8 turns age 70 shall be the amount equal to 20 percent of
9 the amount of insurance of the veteran under this section
10 as of the day before such date.

11 “(e) PREMIUMS.—(1) Premium rates for insurance
12 under this section shall be based on the 2001 Commis-
13 sioners Standard Ordinary Basic Table of Mortality and
14 interest at the rate of 4.5 per centum per annum.

15 “(2) The amount of the premium charged a veteran
16 for insurance under this section may not increase while
17 such insurance is in force for such veteran.

18 “(3) The Secretary may not charge a premium for
19 insurance under this section for a veteran as follows:

20 “(A) A veteran who has a service-connected dis-
21 ability rated as total and is eligible for a waiver of
22 premiums under section 1912 of this title.

23 “(B) A veteran who is 70 years of age or older.

24 “(4) Insurance granted under this section shall be on
25 a nonparticipating basis and all premiums and other col-

1 lections therefor shall be credited directly to a revolving
 2 fund in the Treasury of the United States, and any pay-
 3 ments on such insurance shall be made directly from such
 4 fund. Appropriations to such fund are hereby authorized.

5 “(5) Administrative costs to the Government for the
 6 costs of the program of insurance under this section shall
 7 be paid from premiums credited to the fund under para-
 8 graph (4), and payments for claims against the fund
 9 under paragraph (4) for amounts in excess of amounts
 10 credited to such fund under that paragraph (after such
 11 administrative costs have been paid) shall be paid from
 12 appropriations to the fund.

13 “(f) APPLICATION REQUIRED.—An eligible veteran
 14 seeking insurance under this section shall file with the
 15 Secretary an application therefor. Such application shall
 16 be filed not later than the earlier of—

17 “(1) the end of the two-year period beginning
 18 on the date on which the Secretary notifies the vet-
 19 eran that the veteran has a service-connected dis-
 20 ability; and

21 “(2) the end of the 10-year period beginning on
 22 the date of the separation of the veteran from the
 23 Armed Forces, whichever is earlier.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
 25 at the beginning of chapter 19 is amended by inserting

1 after the item related to section 1922A the following new
 2 item:

“1922B. Level-premium term life insurance for veterans with service-connected disabilities.”.

3 (c) EXCHANGE OF SERVICE DISABLED VETERANS’
 4 INSURANCE.—During the one-year period beginning on
 5 the effective date of this section under subsection (d), any
 6 veteran insured under section 1922 of title 38, United
 7 States Code, who is eligible for insurance under section
 8 1922B of such title (as added by subsection (a)), may ex-
 9 change insurance coverage under such section 1922 for
 10 insurance coverage under such section 1922B.

11 (d) EFFECTIVE DATE.—This section, and the amend-
 12 ments made by this section, shall take effect on June 1,
 13 2008.

14 **SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED**
 15 **VETERANS’ INSURANCE.**

16 Section 1922(a) is amended by striking “directly
 17 from such fund” and inserting “directly from such fund;
 18 and (5) administrative costs to the Government for the
 19 costs of the program of insurance under this section shall
 20 be paid from premiums credited to the fund under para-
 21 graph (4), and payments for claims against the fund
 22 under paragraph (4) for amounts in excess of amounts
 23 credited to such fund under that paragraph (after such

1 administrative costs have been paid) shall be paid from
 2 appropriations to the fund”.

3 **SEC. 103. MODIFICATION OF SERVICEMEMBERS’ GROUP**
 4 **LIFE INSURANCE COVERAGE.**

5 (a) EXPANSION OF SERVICEMEMBERS’ GROUP LIFE
 6 INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDI-
 7 VIDUAL READY RESERVE.—

8 (1) IN GENERAL.—Paragraph (1)(C) of section
 9 1967(a) is amended by striking “section 1965(5)(B)
 10 of this title” and inserting “subparagraph (B) or (C)
 11 of section 1965(5) of this title”.

12 (2) CONFORMING AMENDMENT.—Paragraph
 13 (5)(C) of such section 1967(a) is amended by strik-
 14 ing “section 1965(5)(B) of this title” and inserting
 15 “subparagraph (B) or (C) of section 1965(5) of this
 16 title”.

17 (b) REDUCTION IN PERIOD OF COVERAGE FOR DE-
 18 PENDENTS AFTER MEMBER SEPARATES.—Section
 19 1968(a)(5)(B)(ii) is amended by striking “120 days
 20 after”.

21 **SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DIS-**
 22 **ABLED VETERANS.**

23 (a) IN GENERAL.—Section 1922A(a) is amended by
 24 striking “\$20,000” and inserting “\$30,000”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall take effect on January 1, 2008.

3 **SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR**
 4 **RETROACTIVE BENEFITS FROM TRAUMATIC**
 5 **INJURY PROTECTION COVERAGE UNDER**
 6 **SERVICEMEMBERS' GROUP LIFE INSURANCE.**

7 (a) IN GENERAL.—Paragraph (1) of section 501(b)
 8 of the Veterans' Housing Opportunity and Benefits Im-
 9 provement Act of 2006 (Public Law 109–233; 120 Stat.
 10 414; 38 U.S.C. 1980A note) is amended by striking “,
 11 if, as determined by the Secretary concerned, that loss was
 12 a direct result of a traumatic injury incurred in the the-
 13 ater of operations for Operation Enduring Freedom or
 14 Operation Iraqi Freedom”.

15 (b) CONFORMING AMENDMENT.—The heading of
 16 such section is amended by striking “IN OPERATION EN-
 17 DURING FREEDOM AND OPERATION IRAQI FREEDOM”.

18 (c) EFFECTIVE DATE.—The amendments made by
 19 this section shall take effect on January 1, 2008.

20 **SEC. 106. CONSIDERATION OF LOSS OF DOMINANT HAND IN**
 21 **PRESCRIPTION OF SCHEDULE OF SEVERITY**
 22 **OF TRAUMATIC INJURY UNDER**
 23 **SERVICEMEMBERS' GROUP LIFE INSURANCE.**

24 (a) IN GENERAL.—Section 1980A(d) is amended—

1 (1) by striking “Payments under” and inserting
 2 “(1) Payments under”; and

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

5 “(2) As the Secretary considers appropriate, the
 6 schedule required by paragraph (1) may distinguish in
 7 specifying payments for qualifying losses between the se-
 8 verity of a qualifying loss of a dominant hand and a quali-
 9 fying loss of a non-dominant hand.”.

10 (b) PAYMENTS FOR QUALIFYING LOSSES INCURRED
 11 BEFORE DATE OF ENACTMENT.—

12 (1) IN GENERAL.—The Secretary of Veterans
 13 Affairs shall prescribe in regulations mechanisms for
 14 payments under section 1980A of title 38, United
 15 States Code, for qualifying losses incurred before the
 16 date of the enactment of this Act by reason of the
 17 requirements of paragraph (2) of subsection (d) of
 18 such section (as amended by subsection (a)(2) of
 19 this section).

20 (2) QUALIFYING LOSS DEFINED.—In this sub-
 21 section, the term “qualifying loss” means—

22 (A) a loss specified in the second sentence
 23 of subsection (b)(1) of section 1980A of title
 24 38, United States Code; and

1 (B) any other loss specified by the Sec-
 2 retary of Veterans Affairs pursuant to the first
 3 sentence of that subsection.

4 **SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC IN-**
 5 **JURY PROTECTION COVERAGE UNDER**
 6 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
 7 **IN CASE OF LOST MENTAL CAPACITY OR EX-**
 8 **TENDED LOSS OF CONSCIOUSNESS.**

9 (a) IN GENERAL.—The Secretary of Defense shall,
 10 in consultation with the Secretary of Veterans Affairs, de-
 11 velop a form for the designation of a recipient for the
 12 funds distributed under section 1980A of title 38, United
 13 States Code, as the fiduciary of a member of the Armed
 14 Forces in cases where the member is mentally incapaci-
 15 tated (as determined by the Secretary of Defense in con-
 16 sultation with the Secretary of Veterans Affairs) or experi-
 17 encing an extended loss of consciousness.

18 (b) ELEMENTS.—The form under subsection (a) shall
 19 require that a member may elect that—

20 (1) an individual designated by the member be
 21 the recipient as the fiduciary of the member; or

22 (2) a court of proper jurisdiction determine the
 23 recipient as the fiduciary of the member for pur-
 24 poses of this subsection.

1 (c) COMPLETION AND UPDATE.—The form under
 2 subsection (a) shall be completed by an individual at the
 3 time of entry into the Armed Forces and updated periodi-
 4 cally thereafter.

5 **SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE**
 6 **INSURANCE.**

7 Section 2106(b) is amended by striking “\$90,000”
 8 and inserting “\$150,000, or \$200,000 after January 1,
 9 2012,”.

10 **TITLE II—HOUSING MATTERS**

11 **SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTER-**
 12 **ATIONS FOR TOTALLY DISABLED MEMBERS**
 13 **OF THE ARMED FORCES BEFORE DISCHARGE**
 14 **OR RELEASE FROM THE ARMED FORCES.**

15 Section 1717 is amended by adding at the end the
 16 following new subsection:

17 “(d)(1) In the case of a member of the Armed Forces
 18 who, as determined by the Secretary, has a disability per-
 19 manent in nature incurred or aggravated in the line of
 20 duty in the active military, naval, or air service, the Sec-
 21 retary may furnish improvements and structural alter-
 22 ations for such member for such disability or as otherwise
 23 described in subsection (a)(2) while such member is hos-
 24 pitalized or receiving outpatient medical care, services, or
 25 treatment for such disability if the Secretary determines

1 that such member is likely to be discharged or released
 2 from the Armed Forces for such disability.

3 “(2) The furnishing of improvements and alterations
 4 under paragraph (1) in connection with the furnishing of
 5 medical services described in subparagraph (A) or (B) of
 6 subsection (a)(2) shall be subject to the limitation speci-
 7 fied in the applicable subparagraph.”.

8 **SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING**
 9 **BENEFITS AND ASSISTANCE FOR MEMBERS**
 10 **OF THE ARMED FORCES WITH SERVICE-CON-**
 11 **NECTED DISABILITIES AND INDIVIDUALS RE-**
 12 **SIDING OUTSIDE THE UNITED STATES.**

13 (a) **ELIGIBILITY.**—Chapter 21 is amended by insert-
 14 ing after section 2101 the following new section:

15 **“§ 2101A. Eligibility for benefits and assistance: mem-**
 16 **bers of the Armed Forces with service-**
 17 **connected disabilities; individuals resid-**
 18 **ing outside the United States**

19 “(a) **MEMBERS WITH SERVICE-CONNECTED DIS-**
 20 **ABILITIES.**—(1) The Secretary may provide assistance
 21 under this chapter to a member of the Armed Forces serv-
 22 ing on active duty who is suffering from a disability that
 23 meets applicable criteria for benefits under this chapter
 24 if the disability is incurred or aggravated in line of duty
 25 in the active military, naval, or air service. Such assistance

1 shall be provided to the same extent as assistance is pro-
2 vided under this chapter to veterans eligible for assistance
3 under this chapter and subject to the same requirements
4 as veterans under this chapter.

5 “(2) For purposes of this chapter, any reference to
6 a veteran or eligible individual shall be treated as a ref-
7 erence to a member of the Armed Forces described in sub-
8 section (a) who is similarly situated to the veteran or other
9 eligible individual so referred to.

10 “(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS
11 RESIDING OUTSIDE THE UNITED STATES.—(1) Subject
12 to paragraph (2), the Secretary may, at the Secretary’s
13 discretion, provide benefits and assistance under this
14 chapter (other than benefits under section 2106 of this
15 title) to any individual otherwise eligible for such benefits
16 and assistance who resides outside the United States.

17 “(2) The Secretary may provide benefits and assist-
18 ance to an individual under paragraph (1) only if—

19 “(A) the country or political subdivision in
20 which the housing or residence involved is or will be
21 located permits the individual to have or acquire a
22 beneficial property interest (as determined by the
23 Secretary) in such housing or residence; and

1 “(B) the individual has or will acquire a bene-
 2 ficial property interest (as so determined) in such
 3 housing or residence.

4 “(c) REGULATIONS.—Benefits and assistance under
 5 this chapter by reason of this section shall be provided
 6 in accordance with such regulations as the Secretary may
 7 prescribe.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) REPEAL OF SUPERSEDED AUTHORITY.—
 10 Section 2101 is amended—

11 (A) by striking subsection (c); and

12 (B) by redesignating subsection (d) as sub-
 13 section (c).

14 (2) LIMITATIONS ON ASSISTANCE.—Section
 15 2102 is amended—

16 (A) in subsection (a)—

17 (i) by striking “veteran” each place it
 18 appears and inserting “individual”; and

19 (ii) in paragraph (3), by striking “vet-
 20 eran’s” and inserting “individual’s”;

21 (B) in subsection (b)(1), by striking “a
 22 veteran” and inserting “an individual”;

23 (C) in subsection (c)—

24 (i) by striking “a veteran” and insert-
 25 ing “an individual”; and

1 (ii) by striking “the veteran” each
 2 place it appears and inserting “the indi-
 3 vidual”; and

4 (D) in subsection (d), by striking “a vet-
 5 eran” each place it appears and inserting “an
 6 individual”.

7 (3) ASSISTANCE FOR INDIVIDUALS TEMPO-
 8 RARILY RESIDING IN HOUSING OF FAMILY MEM-
 9 BER.—Section 2102A is amended—

10 (A) by striking “veteran” each place it ap-
 11 pears (other than in subsection (b)) and insert-
 12 ing “individual”;

13 (B) in subsection (a), by striking “vet-
 14 eran’s” each place it appears and inserting “in-
 15 dividual’s”; and

16 (C) in subsection (b), by striking “a vet-
 17 eran” each place it appears and inserting “an
 18 individual”.

19 (4) FURNISHING OF PLANS AND SPECIFICA-
 20 TIONS.—Section 2103 is amended by striking “vet-
 21 erans” both places it appears and inserting “individ-
 22 uals”.

23 (5) CONSTRUCTION OF BENEFITS.—Section
 24 2104 is amended—

1 (A) in subsection (a), by striking “veteran”
 2 each place it appears and inserting “indi-
 3 vidual”; and

4 (B) in subsection (b)—

5 (i) in the first sentence, by striking
 6 “A veteran” and inserting “An individual”;

7 (ii) in the second sentence, by striking
 8 “a veteran” and inserting “an individual”;
 9 and

10 (iii) by striking “such veteran” each
 11 place it appears and inserting “such indi-
 12 vidual”.

13 (6) VETERANS’ MORTGAGE LIFE INSURANCE.—

14 Section 2106 is amended—

15 (A) in subsection (a)—

16 (i) by striking “any eligible veteran”
 17 and inserting “any eligible individual”; and

18 (ii) by striking “the veterans’” and
 19 inserting “the individual’s”;

20 (B) in subsection (b), by striking “an eligi-
 21 ble veteran” and inserting “an eligible indi-
 22 vidual”;

23 (C) in subsection (e), by striking “an eligi-
 24 ble veteran” and inserting “an individual”;

1 (D) in subsection (h), by striking “each
2 veteran” and inserting “each individual”;

3 (E) in subsection (i), by striking “the vet-
4 eran’s” each place it appears and inserting “the
5 individual’s”;

6 (F) by striking “the veteran” each place it
7 appears and inserting “the individual”; and

8 (G) by striking “a veteran” each place it
9 appears and inserting “an individual”.

10 (7) HEADING AMENDMENTS.—(A) The heading
11 of section 2101 is amended to read as follows:

12 **“§ 2101. Acquisition and adaptation of housing: eligi-
13 ble veterans”.**

14 (B) The heading of section 2102A is amended
15 to read as follows:

16 **“§ 2102A. Assistance for individuals residing tempo-
17 rarily in housing owned by a family mem-
18 ber”.**

19 (8) CLERICAL AMENDMENTS.—The table of sec-
20 tions at the beginning of chapter 21 is amended—

21 (A) by striking the item relating to section
22 2101 and inserting the following new item:

“2101. Acquisition and adaptation of housing: eligible veterans.”;

23 (B) by inserting after the item relating to
24 section 2101, as so amended, the following new
25 item:

“2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.”;

1 and

2 (C) by striking the item relating to section

3 2102A and inserting the following new item:

“2102A. Assistance for individuals residing temporarily in housing owned by a family member.”.

4 **SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR**
 5 **INDIVIDUALS WITH SEVERE BURN INJURIES.**

6 Section 2101 is amended—

7 (1) in subsection (a)(2), by adding at the end
 8 the following new subparagraph:

9 “(E) The disability is due to a severe burn in-
 10 jury (as determined pursuant to regulations pre-
 11 scribed by the Secretary).”; and

12 (2) in subsection (b)(2)—

13 (A) by striking “either” and inserting
 14 “any”; and

15 (B) by adding at the end the following new
 16 subparagraph:

17 “(C) The disability is due to a severe burn in-
 18 jury (as so determined).”.

1 **SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS**
 2 **RESIDING TEMPORARILY IN HOUSING**
 3 **OWNED BY A FAMILY MEMBER.**

4 Section 2102A(e) is amended by striking “after the
 5 end of the five-year period that begins on the date of the
 6 enactment of the Veterans’ Housing Opportunity and
 7 Benefits Improvement Act of 2006” and inserting “after
 8 December 31, 2011”.

9 **SEC. 205. INCREASE IN SPECIALLY ADAPTED HOUSING**
 10 **BENEFITS FOR DISABLED VETERANS.**

11 (a) IN GENERAL.—Section 2102 is amended—

12 (1) in subsection (b)(2), by striking “\$10,000”
 13 and inserting “\$11,000”;

14 (2) in subsection (d)—

15 (A) in paragraph (1), by striking
 16 “\$50,000” and inserting “\$55,000”; and

17 (B) in paragraph (2), by striking
 18 “\$10,000” and inserting “\$11,000”; and

19 (3) by adding at the end the following new sub-
 20 section:

21 “(e)(1) Effective on October 1 of each year (begin-
 22 ning in 2009), the Secretary shall increase the amounts
 23 described in subsection (b)(2) and paragraphs (1) and (2)
 24 of subsection (d) in accordance with this subsection.

1 “(2) The increase in amounts under paragraph (1)
 2 to take effect on October 1 of a year shall be by an amount
 3 of such amounts equal to the percentage by which—

4 “(A) the residential home cost-of-construction
 5 index for the preceding calendar year, exceeds

6 “(B) the residential home cost-of-construction
 7 index for the year preceding the year described in
 8 subparagraph (A).

9 “(3) The Secretary shall establish a residential home
 10 cost-of-construction index for the purposes of this sub-
 11 section. The index shall reflect a uniform, national average
 12 change in the cost of residential home construction, deter-
 13 mined on a calendar year basis. The Secretary may use
 14 an index developed in the private sector that the Secretary
 15 determines is appropriate for purposes of this sub-
 16 section.”.

17 (b) EFFECTIVE DATE.—The amendments made by
 18 this section shall take effect on July 1, 2008, and shall
 19 apply with respect to payments made in accordance with
 20 section 2102 of title 38, United States Code, on or after
 21 that date.

22 **SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR**
 23 **DISABLED INDIVIDUALS.**

24 (a) IN GENERAL.—Not later than December 31,
 25 2008, the Secretary of Veterans Affairs shall submit to

1 the Committee on Veterans' Affairs of the Senate and the
2 Committee on Veterans' Affairs of the House of Rep-
3 resentatives a report that contains an assessment of the
4 adequacy of the authorities available to the Secretary
5 under law to assist eligible disabled individuals in acquir-
6 ing—

7 (1) suitable housing units with special fixtures
8 or movable facilities required for their disabilities,
9 and necessary land therefor;

10 (2) such adaptations to their residences as are
11 reasonably necessary because of their disabilities;
12 and

13 (3) residences already adapted with special fea-
14 tures determined by the Secretary to be reasonably
15 necessary as a result of their disabilities.

16 (b) FOCUS ON PARTICULAR DISABILITIES.—The re-
17 port required by subsection (a) shall set forth a specific
18 assessment of the needs of—

19 (1) veterans who have disabilities that are not
20 described in subsections (a)(2) and (b)(2) of section
21 2101 of title 38, United States Code; and

22 (2) other disabled individuals eligible for spe-
23 cially adapted housing under chapter 21 of such title
24 by reason of section 2101A of such title (as added

1 by section 202(a) of this Act) who have disabilities
 2 that are not described in such subsections.

3 **SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING AS-**
 4 **SISTANCE FOR INDIVIDUALS WHO RESIDE IN**
 5 **HOUSING OWNED BY A FAMILY MEMBER ON**
 6 **PERMANENT BASIS.**

7 Not later than December 31, 2008, the Secretary of
 8 Veterans Affairs shall submit to the Committee on Vet-
 9 erans' Affairs of the Senate and the Committee on Vet-
 10 erans' Affairs of the House of Representatives a report
 11 on the advisability of providing assistance under section
 12 2102A of title 38, United States Code, to veterans de-
 13 scribed in subsection (a) of such section, and to members
 14 of the Armed Forces covered by such section 2102A by
 15 reason of section 2101A of title 38, United States Code
 16 (as added by section 202(a) of this Act), who reside with
 17 family members on a permanent basis.

18 **TITLE III—LABOR AND**
 19 **EDUCATION MATTERS**

20 **SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE**
 21 **ADMINISTRATION OF EDUCATION BENEFITS.**

22 (a) COORDINATION.—

23 (1) IN GENERAL.—Section 3673 is amended—

24 (A) by redesignating subsection (b) as sub-
 25 section (c); and

1 (B) by inserting after subsection (a) the
 2 following new subsection (b):

3 “(b) COORDINATION OF ACTIVITIES.—The Secretary
 4 shall take appropriate actions to ensure the coordination
 5 of approval activities performed by State approving agen-
 6 cies under this chapter and chapters 34 and 35 of this
 7 title and approval activities performed by the Department
 8 of Labor, the Department of Education, and other entities
 9 in order to reduce overlap and improve efficiency in the
 10 performance of such activities.”.

11 (2) CONFORMING AND CLERICAL AMEND-
 12 MENTS.—(A) The heading of such section is amend-
 13 ed to read as follows:

14 **“§ 3673. Approval activities: cooperation and coordi-
 15 nation of activities”.**

16 (B) The table of sections at the beginning of
 17 chapter 36 is amended by striking the item relating
 18 to section 3673 and inserting the following new
 19 item:

“3673. Approval activities: cooperation and coordination of activities.”.

20 (3) STYLISTIC AMENDMENTS.—Such section is
 21 further amended—

22 (A) in subsection (a), by inserting “Co-
 23 OPERATION IN ACTIVITIES.—” after “(a)”; and

24 (B) in subsection (c), as redesignated by
 25 paragraph (1)(A) of this subsection, by insert-

1 ing “AVAILABILITY OF INFORMATION MATE-
2 RIAL.—” after “(c)”.

3 (b) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Secretary of Veterans
5 Affairs shall submit to the Committee on Veterans’ Affairs
6 of the Senate and the Committee on Veterans’ Affairs of
7 the House of Representatives a report setting forth the
8 following:

9 (1) The actions taken to establish outcome-ori-
10 ented performance standards for State approving
11 agencies created or designated under section 3671 of
12 title 38, United States Code, including a description
13 of any plans for, and the status of the implementa-
14 tion of, such standards as part of the evaluations of
15 State approving agencies required by section 3674A
16 of title 38, United States Code.

17 (2) The actions taken to implement a tracking
18 and reporting system for resources expended for ap-
19 proval and outreach activities by such agencies.

20 (3) Any recommendations for legislative action
21 that the Secretary considers appropriate to achieve
22 the complete implementation of the standards de-
23 scribed in paragraph (1).

1 **SEC. 302. ENHANCED AUTHORITY FOR REIMBURSEMENT**
2 **OF STATE APPROVING AGENCIES FOR EX-**
3 **PENSES.**

4 Section 3674(a) is amended—

5 (1) in paragraph (2)(A)—

6 (A) by striking “, out of amounts available
7 for the payment of readjustment benefits,”; and

8 (B) by adding at the end the following new
9 sentence: “Subject to paragraph (4), such pay-
10 ments shall be made first out of amounts avail-
11 able for the payment of readjustment benefits
12 and then from other amounts made available to
13 make such payments.”; and

14 (2) by amending paragraph (4) to read as fol-
15 lows:

16 “(4)(A) The total amount authorized and available
17 under this section for any fiscal year may not exceed
18 \$19,000,000, except that—

19 “(i) the total amount made available for pur-
20 poses of this section from amounts available for the
21 payment of readjustment benefits may not exceed
22 \$13,000,000 in each of fiscal years 2008 through
23 2012; and

24 “(ii) no amount may be made available for such
25 purposes from amounts available for the payment of
26 readjustment benefits after fiscal year 2012.

1 “(B) For any fiscal year in which the total amount
 2 that would be made available under this section would ex-
 3 ceed the amount applicable to that fiscal year under sub-
 4 paragraph (A) except for the provisions of this paragraph,
 5 the Secretary shall provide that each agency shall receive
 6 the same percentage of the amount applicable to that fis-
 7 cal year under subparagraph (A) as the agency would have
 8 received of the total amount that would have been made
 9 available without the limitation of this paragraph.”.

10 **SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DI-**
 11 **RECTORS FOR VETERANS’ EMPLOYMENT AND**
 12 **TRAINING.**

13 Section 4103(a)(2) is amended—

14 (1) by inserting “(A)” after “(2)”; and

15 (2) by adding at the end the following new sub-
 16 paragraph:

17 “(B) The Secretary may waive the requirement in
 18 subparagraph (A) with respect to a Director for Veterans’
 19 Employment and Training if the Secretary determines
 20 that the waiver is in the public interest. Any such waiver
 21 shall be made on a case-by-case basis.”.

1 **SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT**
 2 **STUDY TO COVER VETERANS OF POST 9/11**
 3 **GLOBAL OPERATIONS.**

4 (a) MODIFICATION OF STUDY.—Subsection (a)(1) of
 5 section 4110A is amended—

6 (1) in the matter before subparagraph (A), by
 7 striking “a study every two years” and inserting “an
 8 annual study”;

9 (2) by redesignating subparagraph (A) as sub-
 10 paragraph (F);

11 (3) by striking subparagraph (B) and inserting
 12 the following new subparagraphs:

13 “(A) Veterans who were called to active duty
 14 while members of the National Guard or a Reserve
 15 Component.

16 “(B) Veterans who served in combat or in a
 17 war zone in the Post 9/11 Global Operations thea-
 18 ters.”; and

19 (4) in subparagraph (C)—

20 (A) by striking “Vietnam era” and insert-
 21 ing “Post 9/11 Global Operations period”; and

22 (B) by striking “the Vietnam theater of
 23 operations” and inserting “the Post 9/11 Global
 24 Operations theaters”.

25 (b) DEFINITIONS.—Such section is further amended
 26 by adding at the end the following new subsection:

1 “(c) In this section:

2 “(1) The term ‘Post 9/11 Global Operations pe-
3 riod’ means the period of the Persian Gulf War be-
4 ginning on September 11, 2001, and ending on the
5 date thereafter prescribed by Presidential proclama-
6 tion or law.

7 “(2) The term ‘Post 9/11 Global Operations
8 theaters’ means Afghanistan, Iraq, or any other the-
9 ater in which the Global War on Terrorism Expedi-
10 tionary Medal is awarded for service.”.

11 **SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR**
12 **ON-JOB TRAINING.**

14 Section 103 of the Veterans Benefits Improvement
15 Act of 2004 (Public Law 108–454; 118 Stat. 3600) is
16 amended by striking “2008” each place it appears and
17 inserting “2010”.

18 **SEC. 306. INCREASE IN SUPPLEMENTAL EDUCATIONAL AS-**
19 **SISTANCE FOR MEMBERS OF THE SELECTED**
20 **RESERVE WITH CERTAIN SKILLS OR SPE-**
21 **CIALTIES.**

22 (a) IN GENERAL.—Section 16131(i) of title 10,
23 United States Code, is amended—

24 (1) in paragraph (1), by striking “\$350” and
25 inserting “\$425”; and

1 (2) in paragraph (2), by striking “\$350” and
 2 inserting “\$425”.

3 (b) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect on July 1, 2008, and shall
 5 apply with respect to payments made in accordance with
 6 section 16131(i) of title 10, United States Code, on or
 7 after that date.

8 **SEC. 307. MODIFICATION OF EDUCATIONAL ASSISTANCE**
 9 **FOR RESERVE COMPONENT MEMBERS SUP-**
 10 **PORTING CONTINGENCY OPERATIONS AND**
 11 **OTHER OPERATIONS.**

12 Section 16162(c)(4)(C) of title 10, United States
 13 Code, is amended by striking “for—” and all that follows
 14 through “or more.” and inserting “for two aggregate
 15 years or more.”.

16 **TITLE IV—FILIPINO WORLD WAR**
 17 **II VETERANS MATTERS**

18 **SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PRO-**
 19 **VIDED BY DEPARTMENT OF VETERANS AF-**
 20 **FAIRS FOR CERTAIN SERVICE IN THE ORGA-**
 21 **NIZED MILITARY FORCES OF THE COMMON-**
 22 **WEALTH OF THE PHILIPPINES AND THE**
 23 **PHILIPPINE SCOUTS.**

24 (a) MODIFICATION OF STATUS OF CERTAIN SERV-
 25 ICE.—

1 (1) IN GENERAL.—Section 107 is amended to
2 read as follows:

3 **“§ 107. Certain service with Philippine forces deemed**
4 **to be active service**

5 “(a) IN GENERAL.—Service described in subsection
6 (b) shall be deemed to have been active military, naval,
7 or air service for purposes of any law of the United States
8 conferring rights, privileges, or benefits upon any indi-
9 vidual by reason of the service of such individual or the
10 service of any other individual in the Armed Forces.

11 “(b) SERVICE DESCRIBED.—Service described in this
12 subsection is service—

13 “(1) before July 1, 1946, in the organized mili-
14 tary forces of the Government of the Commonwealth
15 of the Philippines, while such forces were in the
16 service of the Armed Forces of the United States
17 pursuant to the military order of the President
18 dated July 26, 1941, including among such military
19 forces organized guerrilla forces under commanders
20 appointed, designated, or subsequently recognized by
21 the Commander in Chief, Southwest Pacific Area, or
22 other competent authority in the Army of the United
23 States; or

1 “(2) in the Philippine Scouts under section 14
 2 of the Armed Forces Voluntary Recruitment Act of
 3 1945 (59 Stat. 538).

4 “(c) DEPENDENCY AND INDEMNITY COMPENSATION
 5 FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE
 6 UNITED STATES.—(1) Dependency and indemnity com-
 7 pensation provided under chapter 13 of this title to an
 8 individual described in paragraph (2) shall be made at a
 9 rate of \$0.50 for each dollar authorized.

10 “(2) An individual described in this paragraph is an
 11 individual who resides outside the United States and is
 12 entitled to dependency and indemnity compensation under
 13 chapter 13 of this title based on service described in sub-
 14 section (b).

15 “(d) EXCEPTION ON PENSION AND DEATH PENSION
 16 FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED
 17 STATES.—An individual who resides outside the United
 18 States shall not, while so residing, be entitled to a pension
 19 under subchapter II or III of chapter 15 of this title based
 20 on service described in subsection (b).

21 “(e) UNITED STATES DEFINED.—In this section, the
 22 term ‘United States’ means the States, the District of Co-
 23 lumbia, Puerto Rico, Guam, American Samoa, the Virgin
 24 Islands, the Commonwealth of the Northern Mariana Is-

1 lands, and any other possession or territory of the United
2 States.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 1 is amended by
5 striking the item related to section 107 and insert-
6 ing the following new item:

“107. Certain service with Philippine forces deemed to be active service.”.

7 (3) EFFECTIVE DATE.—The amendments made
8 by this subsection shall apply with respect to the
9 payment or provision of benefits on or after the date
10 of the enactment of this Act. No benefits are pay-
11 able or are required to be provided by reason of such
12 amendment for any period before such date.

13 (b) PENSION AND DEATH PENSION BENEFIT PRO-
14 TECTION.—Notwithstanding any other provision of law, a
15 veteran with service described in section 107(b) of title
16 38, United States Code (as added by subsection (a)), who
17 is receiving benefits under a Federal or federally assisted
18 program as of the date of the enactment of this Act, or
19 a survivor of such veteran who is receiving such benefits
20 as of the date of the enactment of this Act, may not be
21 required to apply for or receive benefits under chapter 15
22 of such title if the receipt of such benefits would—

23 (1) make such veteran or survivor ineligible for
24 any Federal or federally assisted program for which
25 such veteran or survivor qualifies; or

1 (2) reduce the amount of benefit such veteran
 2 or survivor would receive from any Federal or feder-
 3 ally assisted program for which such veteran or sur-
 4 vivor qualifies.

5 **SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHIL-**
 6 **IPPINE VETERANS FOR EDUCATIONAL AS-**
 7 **SISTANCE.**

8 (a) IN GENERAL.—Subsection (b) of section 3565 is
 9 amended by striking “except that—” and all that follows
 10 and inserting “except that a reference to a State approv-
 11 ing agency shall be deemed to refer to the Secretary.”.

12 (b) REPEAL OF OBSOLETE PROVISION.—Such sec-
 13 tion is further amended by striking subsection (c).

14 **TITLE V—COURT MATTERS**

15 **SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED**
 16 **STATES COURT OF APPEALS FOR VETERANS**
 17 **CLAIMS.**

18 (a) REPEAL OF LIMIT ON SERVICE OF RECALLED
 19 RETIRED JUDGES WHO VOLUNTARILY SERVE MORE
 20 THAN 90 DAYS.—Section 7257(b)(2) is amended by strik-
 21 ing “or for more than a total of 180 days (or the equiva-
 22 lent) during any calendar year”.

23 (b) NEW JUDGES RECALLED AFTER RETIREMENT
 24 RECEIVE PAY OF CURRENT JUDGES ONLY DURING PE-
 25 RIOD OF RECALL.—

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

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

10 “(i) In the case of a judge who is a recall-eli-
11 ble retired judge under section 7257 of this title, the
12 retired pay of the judge shall (subject to section
13 7257(d)(2) of this title) be the rate of pay applicable
14 to that judge at the time of retirement, as adjusted
15 from time to time under subsection (f)(3).

16 “(ii) In the case of a judge other than a recall-
17 eligible retired judge, the retired pay of the judge
18 shall be the rate of pay applicable to that judge at
19 the time of retirement.

20 “(B) A judge who retired before the date of the en-
21 actment of the Veterans’ Benefits Enhancement Act of
22 2008 and elected under subsection (d) to receive retired
23 pay under this subsection, or a judge who retires under
24 subsection (b) and elects under subsection (d) to receive

1 retired pay under this subsection, shall (except as provided
2 in paragraph (2)) receive retired pay as follows:

3 “(i) In the case of a judge who is a recall-eli-
4 ble retired judge under section 7257 of this title or
5 who was a recall-eligible retired judge under that
6 section and was removed from recall status under
7 subsection (b)(4) of that section by reason of dis-
8 ability, the retired pay of the judge shall be the pay
9 of a judge of the court.

10 “(ii) In the case of a judge who at the time of
11 retirement did not provide notice under section 7257
12 of this title of availability for service in a recalled
13 status, the retired pay of the judge shall be the rate
14 of pay applicable to that judge at the time of retire-
15 ment.

16 “(iii) In the case of a judge who was a recall-
17 eligible retired judge under section 7257 of this title
18 and was removed from recall status under subsection
19 (b)(3) of that section, the retired pay of the judge
20 shall be the pay of the judge at the time of the re-
21 moval from recall status.”.

22 (2) COST-OF-LIVING ADJUSTMENT FOR RE-
23 TIREN PAY OF NEW JUDGES WHO ARE RECALL-ELI-
24 GIBLE.—Section 7296(f)(3)(A) is amended by strik-

1 ing “paragraph (2) of subsection (c)” and inserting
 2 “paragraph (1)(A)(i) or (2) of subsection (c)”.

3 (3) PAY DURING PERIOD OF RECALL.—Sub-
 4 section (d) of section 7257 is amended to read as
 5 follows:

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

9 “(2) A judge who is recalled under this section who
 10 retired under chapter 83 or 84 of title 5 or to whom sec-
 11 tion 7296(c)(1)(A) of this title applies shall be paid, dur-
 12 ing the period for which the judge serves in recall status,
 13 pay at the rate of pay in effect under section 7253(e) of
 14 this title for a judge performing active service, less the
 15 amount of the judge’s annuity under the applicable provi-
 16 sions of chapter 83 or 84 of title 5 or the judge’s annuity
 17 under section 7296(c)(1)(A) of this title, whichever is ap-
 18 plicable.”.

19 (4) NOTICE.—The last sentence of section
 20 7257(a)(1) is amended to read as follows: “Such a
 21 notice provided by a retired judge to whom section
 22 7296(c)(1)(B) of this title applies is irrevocable.”.

23 (c) LIMITATION ON INVOLUNTARY RECALLS.—Sec-
 24 tion 7257(b)(3) is amended by adding at the end the fol-
 25 lowing new sentence: “This paragraph shall not apply to

1 a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B)
 2 of this title applies and who has, in the aggregate, served
 3 at least five years of recalled service on the Court under
 4 this section.”.

5 **SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF**
 6 **PRACTICE AND REGISTRATION FEES.**

7 Section 7285(a) is amended—

8 (1) in the first sentence, by inserting “reason-
 9 able” after “impose a”;

10 (2) in the second sentence, by striking “, except
 11 that such amount may not exceed \$30 per year”;
 12 and

13 (3) in the third sentence, by inserting “reason-
 14 able” after “impose a”.

15 **SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED**
 16 **STATES COURT OF APPEALS FOR VETERANS**
 17 **CLAIMS.**

18 (a) IN GENERAL.—Subchapter III of chapter 72 is
 19 amended by adding at the end the following new section:

20 **“§ 7288. Annual report**

21 “(a) IN GENERAL.—The chief judge of the Court
 22 shall submit annually to the appropriate committees of
 23 Congress a report summarizing the workload of the Court
 24 for the last fiscal year that ended before the submission

1 of such report. Such report shall include, with respect to
 2 such fiscal year, the following information:

3 “(1) The number of appeals filed.

4 “(2) The number of petitions filed.

5 “(3) The number of applications filed under
 6 section 2412 of title 28.

7 “(4) The number and type of dispositions.

8 “(5) The median time from filing to disposition.

9 “(6) The number of oral arguments.

10 “(7) The number and status of pending appeals
 11 and petitions and of applications described in para-
 12 graph (3).

13 “(8) A summary of any service performed by
 14 recalled retired judges during the fiscal year.

15 “(b) APPROPRIATE COMMITTEES OF CONGRESS DE-
 16 FINED.—In this section, the term ‘appropriate committees
 17 of Congress’ means the Committee on Veterans’ Affairs
 18 of the Senate and the Committee on Veterans’ Affairs of
 19 the House of Representatives.”.

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

“7288. Annual report.”.

1 **SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR**
2 **UNITED STATES COURT OF APPEALS FOR**
3 **VETERANS CLAIMS.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The United States Court of Appeals for
7 Veterans Claims is currently located in the District
8 of Columbia in a commercial office building that is
9 also occupied by other Federal tenants.

10 (2) In February 2006, the General Services Ad-
11 ministration provided Congress with a preliminary
12 feasibility analysis of a dedicated Veterans Court-
13 house and Justice Center that would house the
14 Court and other entities that work with the Court.

15 (3) In February 2007, the Court notified Con-
16 gress that the “most cost-effective alternative ap-
17 pears to be leasing substantial additional space in
18 the current location”, which would “require relo-
19 cating other current government tenants” from that
20 building.

21 (4) The February 2006 feasibility report of the
22 General Services Administration does not include an
23 analysis of whether it would be feasible or desirable
24 to locate a Veterans Courthouse and Justice Center
25 at the current location of the Court.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the United States Court of Appeals for Vet-
4 erans Claims should be provided with appropriate of-
5 fice space to meet its needs, as well as to provide the
6 image, security, and stature befitting a court that
7 provides justice to the veterans of the United States;
8 and

9 (2) in providing that space, Congress should
10 avoid undue disruption, inconvenience, or cost to
11 other Federal entities.

12 (c) REPORT.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Ad-
15 ministrator of General Services shall submit to the
16 Committee on Veterans' Affairs of the Senate and
17 the Committee on Veterans' Affairs of the House of
18 Representatives a report on the feasibility of—

19 (A) leasing additional space for the United
20 States Court of Appeals for Veterans Claims
21 within the building where the Court was located
22 on the date of the enactment of this Act; and

23 (B) using the entirety of such building as
24 a Veterans Courthouse and Justice Center.

1 (2) CONTENTS.—The report required by para-
2 graph (1) shall include a detailed analysis of the fol-
3 lowing:

4 (A) The impact that the matter analyzed
5 in accordance with paragraph (1) would have
6 on Federal tenants of the building used by the
7 Court.

8 (B) Whether it would be feasible to relo-
9 cate such Federal tenants into office space that
10 offers similar or preferable cost, convenience,
11 and usable square footage.

12 (C) If relocation of such Federal tenants is
13 found to be feasible and desirable, an analysis
14 of what steps should be taken to convert the
15 building into a Veterans Courthouse and Jus-
16 tice Center and a timeline for such conversion.

17 (3) COMMENT PERIOD.—The Administrator
18 shall provide an opportunity to such Federal ten-
19 ants—

20 (A) before the completion of the report re-
21 quired by paragraph (1), to comment on the
22 subject of the report required by such para-
23 graph; and

24 (B) before the Administrator submits the
25 report required by paragraph (1) to the con-

gressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

“(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).”.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

“(5) 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 amount payable under

1 paragraph (1), as such amount was in effect immediately
 2 prior to the date of such increase in benefit amounts, by
 3 the same percentage as the percentage by which such ben-
 4 efit amounts are increased. Any increase in a dollar
 5 amount under this paragraph shall be rounded down to
 6 the next lower whole dollar amount.”.

7 **SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65**
 8 **YEARS OF AGE OR OLDER FOR SERVICE PEN-**
 9 **SION FOR A PERIOD OF WAR.**

10 Section 1513 is amended—

11 (1) in subsection (a), by striking “by section
 12 1521” and all that follows and inserting “by sub-
 13 section (b), (c), (f)(1), (f)(5), or (g) of that section,
 14 as the case may be and as increased from time to
 15 time under section 5312 of this title.”;

16 (2) by redesignating subsection (b) as sub-
 17 section (c); and

18 (3) by inserting after subsection (a) the fol-
 19 lowing new subsection (b):

20 “(b) The conditions in subsections (h) and (i) of sec-
 21 tion 1521 of this title shall apply to determinations of in-
 22 come and maximum payments of pension for purposes of
 23 this section.”.

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. ANNUAL ADJUSTMENT OF AMOUNTS FOR BURIAL BENEFITS.

(a) IN GENERAL.—Chapter 23 is amended by adding at the end the following new section:

“§ 2309. Annual adjustment of amounts of burial benefits

“With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under sections 2302(a), 2303(a), and 2307 of this title, and in the plot allowance under section 2303(b) of this title, equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

“2309. Annual adjustment of amounts of burial benefits.”.

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “or (iii) below” and inserting “(iii), or (iv)”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “or (iii)” and inserting “(iii), or (iv)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

1 (2) in paragraph (1)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “means—” and inserting
4 “means the following.”;

5 (B) in subparagraph (A)—

6 (i) in the matter preceding clause (i),
7 by striking “any veteran” and inserting
8 “Any veteran”;

9 (ii) in clauses (i) and (ii), by striking
10 the semicolon at the end and inserting a
11 period; and

12 (iii) in clause (iii), by striking “or”
13 and inserting a period; and

14 (C) in subparagraph (B), by striking “any
15 member” and inserting “Any member”.

16 **SEC. 802. INCREASE IN ASSISTANCE FOR PROVIDING AUTO-**
17 **MOBILES OR OTHER CONVEYANCES TO CER-**
18 **TAIN DISABLED VETERANS.**

19 (a) IN GENERAL.—Section 3902 is amended—

20 (1) in subsection (a), by striking “\$11,000”
21 and inserting “\$16,000”; and

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

24 “(e)(1) Effective on October 1 of each year (begin-
25 ning in 2009), the Secretary shall increase the amount de-

1 scribed in subsection (a) to an amount equal to 80 percent
 2 of the average retail cost of new automobiles for the pre-
 3 ceding calendar year.

4 “(2) The Secretary shall establish the method for de-
 5 termining the average retail cost of new automobiles for
 6 purposes of this subsection. The Secretary may use data
 7 developed in the private sector if the Secretary determines
 8 the data is appropriate for purposes of this subsection.”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 this section shall take effect on July 1, 2008, and shall
 11 apply with respect to payments made in accordance with
 12 section 3902 of title 38, United States Code, on or after
 13 that date.

14 **SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH**
 15 **SERVICES PROGRAM OF THE DEPARTMENT**
 16 **OF VETERANS AFFAIRS.**

17 (a) CLARIFICATION OF INCLUSION OF MEMBERS OF
 18 THE NATIONAL GUARD AND RESERVE IN PROGRAM.—
 19 Subsection (a)(1) of section 6301 is amended by inserting
 20 “, or from the National Guard or Reserve,” after “active
 21 military, naval, or air service”.

22 (b) DEFINITION OF OUTREACH.—Subsection (b) of
 23 such section is amended—

24 (1) by redesignating paragraphs (1) and (2) as
 25 paragraphs (2) and (3), respectively; and

1 (2) by inserting before paragraph (2) the fol-
 2 lowing new paragraph (1):

3 “(1) the term ‘outreach’ means the act or proc-
 4 ess of reaching out in a systematic manner to
 5 proactively provide information, services, and bene-
 6 fits counseling to veterans, and to the spouses, chil-
 7 dren, and parents of veterans who may be eligible to
 8 receive benefits under the laws administered by the
 9 Secretary, to ensure that such individuals are fully
 10 informed about, and assisted in applying for, any
 11 benefits and programs under such laws;”.

12 **SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS**
 13 **FOR CELLULAR TELEPHONE SERVICE FOR**
 14 **SERVICEMEMBERS UNDERGOING DEPLOY-**
 15 **MENT OUTSIDE THE UNITED STATES.**

16 (a) IN GENERAL.—Title III of the Servicemembers
 17 Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended
 18 by inserting after section 305 the following new section:

19 **“SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS**
 20 **FOR CELLULAR TELEPHONE SERVICE.**

21 “(a) IN GENERAL.—A servicemember who receives
 22 orders to deploy outside of the continental United States
 23 for not less than 90 days may request the termination or
 24 suspension of any contract for cellular telephone service
 25 entered into by the servicemember before that date if the

1 servicemember's ability to satisfy the contract or to utilize
 2 the service will be materially affected by that period of
 3 deployment. The request shall include a copy of the
 4 servicemember's military orders.

5 “(b) RELIEF.—Upon receiving the request of a
 6 servicemember under subsection (a), the cellular telephone
 7 service contractor concerned shall, at the election of the
 8 contractor—

9 “(1) grant the requested relief without imposi-
 10 tion of an early termination fee for termination of
 11 the contract or a reactivation fee for suspension of
 12 the contract; or

13 “(2) permit the servicemember to suspend the
 14 contract at no charge until the end of the deploy-
 15 ment without requiring, whether as a condition of
 16 suspension or otherwise, that the contract be ex-
 17 tended.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 for that Act is amended by inserting after the item relat-
 20 ing to section 305 the following new item:

“Sec. 305A. Termination or suspension of contracts for cellular telephone serv-
 ice.”.

1 **SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAIL-**
2 **ABILITY FOR RESEARCH OF ASSETS OF AIR**
3 **FORCE HEALTH STUDY.**

4 (a) PURPOSE.—The purpose of this section is to en-
5 sure that the assets transferred to the Medical Follow-Up
6 Agency from the Air Force Health Study are maintained,
7 managed, and made available as a resource for future re-
8 search for the benefit of veterans and their families, and
9 for other humanitarian purposes.

10 (b) ASSETS FROM AIR FORCE HEALTH STUDY.—For
11 purposes of this section, the assets transferred to the Med-
12 ical Follow-Up Agency from the Air Force Health Study
13 are the assets of the Air Force Health Study transferred
14 to the Medical Follow-Up Agency under section 714 of the
15 John Warner National Defense Authorization Act for Fis-
16 cal Year 2007 (Public Law 109–364; 120 Stat. 2290), in-
17 cluding electronic data files and biological specimens on
18 all participants in the study (including control subjects).

19 (c) MAINTENANCE AND MANAGEMENT OF TRANS-
20 FERRED ASSETS.—The Medical Follow-Up Agency shall
21 maintain and manage the assets transferred to the Agency
22 from the Air Force Health Study.

23 (d) ADDITIONAL NEAR-TERM RESEARCH.—

24 (1) IN GENERAL.—The Medical Follow-Up
25 Agency may, during the period beginning on October
26 1, 2007, and ending on September 30, 2011, con-

1 duct such additional research on the assets trans-
2 ferred to the Agency from the Air Force Health
3 Study as the Agency considers appropriate toward
4 the goal of understanding the determinants of
5 health, and promoting wellness, in veterans.

6 (2) RESEARCH.—In carrying out research au-
7 thorized by this subsection, the Medical Follow-Up
8 Agency may, utilizing amounts available under sub-
9 section (f)(1)(B), make grants for such pilot studies
10 for or in connection with such research as the Agen-
11 cy considers appropriate.

12 (e) ADDITIONAL MEDIUM-TERM RESEARCH.—

13 (1) REPORT.—Not later than March 31, 2011,
14 the Medical Follow-Up Agency shall submit to Con-
15 gress a report assessing the feasibility and advis-
16 ability of conducting additional research on the as-
17 sets transferred to the Agency from the Air Force
18 Health Study after September 30, 2011.

19 (2) DISPOSITION OF ASSETS.—If the report re-
20 quired by paragraph (1) includes an assessment that
21 the research described in that paragraph would be
22 feasible and advisable, the Agency shall, utilizing
23 amounts available under subsection (f)(2), make any
24 disposition of the assets transferred to the Agency

1 from the Air Force Health Study as the Agency con-
2 sider appropriate in preparation for such research.

3 (f) FUNDING.—

4 (1) IN GENERAL.—From amounts available for
5 each of fiscal years 2008 through 2011 for the De-
6 partment of Veterans Affairs for Medical and Pros-
7 thetic Research, amounts shall be available as fol-
8 lows:

9 (A) \$1,200,000 shall be available in each
10 such fiscal year for maintenance, management,
11 and operation (including maintenance of bio-
12 logical specimens) of the assets transferred to
13 the Medical Follow-Up Agency from the Air
14 Force Health Study.

15 (B) \$250,000 shall be available in each
16 such fiscal year for the conduct of additional re-
17 search authorized by subsection (d), including
18 the funding of pilot studies authorized by para-
19 graph (2) of that subsection.

20 (2) MEDIUM-TERM RESEARCH.—From amounts
21 available for fiscal year 2011 for the Department of
22 Veterans Affairs for Medical and Prosthetic Re-
23 search, \$200,000 shall be available for the prepara-
24 tion of the report required by subsection (e)(1) and

1 for the disposition, if any, of assets authorized by
 2 subsection (e)(2).

3 **SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DE-**
 4 **VELOPING MULTIPLE SCLEROSIS AS A RE-**
 5 **SULT OF CERTAIN SERVICE IN THE PERSIAN**
 6 **GULF WAR AND POST 9/11 GLOBAL OPER-**
 7 **ATIONS THEATERS.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs
 9 shall enter into a contract with the Institute of Medicine
 10 of the National Academies to conduct a comprehensive ep-
 11 idemiological study for purposes of identifying any in-
 12 creased risk of developing multiple sclerosis as a result of
 13 service in the Armed Forces during the Persian Gulf War
 14 in the Southwest Asia theater of operations or in the Post
 15 9/11 Global Operations theaters.

16 (b) ELEMENTS.—In conducting the study required
 17 under subsection (a), the Institute of Medicine shall do
 18 the following:

19 (1) Determine whether service in the Armed
 20 Forces during the Persian Gulf War in the South-
 21 west Asia theater of operations, or in the Post 9/11
 22 Global Operations theaters, increased the risk of de-
 23 veloping multiple sclerosis.

24 (2) Identify the incidence and prevalence of di-
 25 agnosed neurological diseases, including multiple

1 sclerosis, Parkinson's disease, amyotrophic lateral
2 sclerosis, and brain cancers, as well as central nerv-
3 ous system abnormalities that are difficult to pre-
4 cisely diagnose, in each group as follows:

5 (A) Members of the Armed Forces who
6 served during the Persian Gulf War in the
7 Southwest Asia theater of operations.

8 (B) Members of the Armed Forces who
9 served in the Post 9/11 Global Operations thea-
10 ters.

11 (C) A non-deployed comparison group for
12 those who served in the Persian Gulf War in
13 the Southwest Asia theater of operations and
14 the Post 9/11 Global Operations theaters.

15 (3) Compare the incidence and prevalence of
16 the named diagnosed neurological diseases and
17 undiagnosed central nervous system abnormalities
18 among veterans who served during the Persian Gulf
19 War in the Southwest Asia theater of operations, or
20 in the Post 9/11 Global Operations theaters, in var-
21 ious locations during such periods, as determined by
22 the Institute of Medicine.

23 (4) Collect information on risk factors, such as
24 pesticide and other toxic exposures, to which vet-
25 erans were exposed while serving during the Persian

1 Gulf War in the Southwest Asia theater of oper-
2 ations or the Post 9/11 Global Operations theaters,
3 or thereafter.

4 (c) REPORTS.—

5 (1) INTERIM REPORT.—The contract required
6 by subsection (a) shall require the Institute of Medi-
7 cine to submit to the Secretary, and to appropriate
8 committees of Congress, interim progress reports on
9 the study required under subsection (a). Such re-
10 ports shall not be required to include a description
11 of interim results on the work under the study.

12 (2) FINAL REPORT.—The contract shall require
13 the Institute of Medicine to submit to the Secretary,
14 and to appropriate committees of Congress, a final
15 report on the study by not later than December 31,
16 2010. The final report shall include such rec-
17 ommendations for legislative or administrative action
18 as the Institute considers appropriate in light of the
19 results of the study.

20 (d) FUNDING.—The Secretary shall provide the Insti-
21 tute of Medicine with such funds as are necessary to en-
22 sure the timely completion of the study required under
23 subsection (a).

24 (e) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committee on Veterans’ Affairs of
4 the Senate; and

5 (B) the Committee on Veterans’ Affairs of
6 the House of Representatives.

7 (2) The term “Persian Gulf War” has the
8 meaning given that term in section 101(33) of title
9 38, United States Code.

10 (3) The term “Post 9/11 Global Operations the-
11 aters” means Afghanistan, Iraq, or any other the-
12 ater in which the Global War on Terrorism Expedi-
13 tionary Medal is awarded for service.

14 **SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY**
15 **OF DEPENDENCY AND INDEMNITY COM-**
16 **PENSATION TO MAINTAIN SURVIVORS OF**
17 **VETERANS WHO DIE FROM SERVICE-CON-**
18 **NECTED DISABILITIES.**

19 (a) REPORT REQUIRED.—Not later than 10 months
20 after the date of the enactment of this Act, the Comp-
21 troller General of the United States shall submit to the
22 Committees on Veterans’ Affairs and Appropriations of
23 the Senate and the Committees on Veterans’ Affairs and
24 Appropriations of the House of Representatives a report
25 on the adequacy of dependency and indemnity compensa-

1 tion payable under chapter 13 of title 38, United States
2 Code, to surviving spouses and dependents of veterans who
3 die as a result of a service-connected disability in replacing
4 the deceased veteran's income.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include—

7 (1) a description of the current system for the
8 payment of dependency and indemnity compensation
9 to surviving spouses and dependents described in
10 subsection (a), including a statement of the rates of
11 such compensation so payable;

12 (2) an assessment of the adequacy of such pay-
13 ments in replacing the deceased veteran's income;
14 and

15 (3) such recommendations as the Comptroller
16 General considers appropriate in order to improve or
17 enhance the effects of such payments in replacing
18 the deceased veteran's income.

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