

111TH CONGRESS
1ST SESSION

S. 1015

To amend title 38, United States Code, to enhance disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2009

Mr. BURR (for himself, Mr. ISAKSON, and Mr. DURBIN) 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 disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury, 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,*

1 **SECTION 1. ENHANCEMENT OF DISABILITY COMPENSA-**
 2 **TION FOR CERTAIN DISABLED VETERANS**
 3 **WITH DIFFICULTIES USING PROSTHESES AND**
 4 **DISABLED VETERANS IN NEED OF REGULAR**
 5 **AID AND ATTENDANCE FOR RESIDUALS OF**
 6 **TRAUMATIC BRAIN INJURY.**

7 (a) VETERANS SUFFERING ANATOMICAL LOSS OF
 8 HANDS, ARMS, OR LEGS.—Section 1114 of title 38,
 9 United States Code, is amended—

10 (1) in subsection (m)—

11 (A) by striking “at a level, or with com-
 12 plications,” and inserting “with factors”; and

13 (B) by striking “at levels, or with com-
 14 plications,” and inserting “with factors”;

15 (2) in subsection (n)—

16 (A) by striking “at levels, or with com-
 17 plications,” and inserting “with factors”;

18 (B) by striking “so near the hip as to” and
 19 inserting “with factors that”; and

20 (C) by striking “so near the shoulder and
 21 hip as to” and inserting “with factors that”;
 22 and

23 (3) in subsection (o), by striking “so near the
 24 shoulder as to” and inserting “with factors that”.

25 (b) VETERANS WITH SERVICE-CONNECTED DISABIL-
 26 ITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR

1 RESIDUALS OF TRAUMATIC BRAIN INJURY.—Such section
2 is further amended—

3 (1) in subsection (s), by striking the period at
4 the end and inserting “; and”; and

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

7 “(t) subject to section 5503(c) of this title, if any vet-
8 eran, as the result of service-connected disability, is in
9 need of regular aid and attendance for the residuals of
10 traumatic brain injury, is not eligible for compensation
11 under subsection (r)(2), and in the absence of such regular
12 aid and attendance would require hospitalization, nursing
13 home care, or other residential institutional care, the vet-
14 eran shall be paid, in addition to any other compensation
15 under this section, a monthly aid and attendance allow-
16 ance at the rate of \$2,820, which for purposes of section
17 1134 of this title shall be considered as additional com-
18 pensation payable for disability. An allowance authorized
19 under this subsection shall be paid in lieu of any allowance
20 authorized by subsection (r)(1).”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to claims filed under
23 chapter 11 of title 38, United States Code, on or after
24 the date of the enactment of this Act.

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