

(5) in paragraph (8), as so redesignated, by striking “fiscal year 2009” and inserting “fiscal year 2014”.

**SA 5617.** Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

**SEC. 1083. SMALL HIGH-TECH FIRMS.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2010”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2011”.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 23, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine why diesel fuel prices have been so high, and what can be done to address the situation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10:30 a.m., in room 253V the Russell Senate Office Building.

In this hearing, the Committee will receive testimony regarding the consumer benefits of broadband service in areas such as education, job opportunities, telemedicine, and access to government resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled “Oversight Hearing on EPA’s Children’s Health Protection Efforts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “Aligning Incentives: The Case for Delivery System Reform.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON ENERGY**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON THE CONSTITUTION**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate, to conduct a hearing entitled “Restoring the Rule of Law” on Tuesday, September 16, 2008, at 10:15 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Ms. CANTWELL. Mr. President, I ask unanimous consent that Nora Adkins, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the second session of the 110th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Jerry

Acosta, a military fellow in my office, be granted the privilege of the floor for the remainder of the Senate’s consideration of S. 3001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5893 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5893) was ordered to a third reading, was read the third time, and passed.

**DISTRICT OF COLUMBIA AMENDMENT ACT, 2008**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 900, H.R. 5551.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5551) was ordered to a third reading, was read the third time, and passed.

**VETERANS’ BENEFITS IMPROVEMENT ACT OF 2008**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 947, S. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3023) 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, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3023

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### 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. 202. Enhancement of refinancing of home loans by veterans.

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. 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.

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) **COMPENSATION.**—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 efforts 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 re-

gional 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 GUARANTY 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 SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.**

The Secretary of Veterans Affairs may provide assistance 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 incurred 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 FORECLOSURES 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 Committee 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 veterans 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 severe 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 PROCESSES.

(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 violation of this chapter, there shall be no limit on the period for filing the complaint or claim.”.

(2) CLERICAL AMENDMENT.—The table of sections 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 statutes of limitations.”.

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

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

#### SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT 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 SECRETARY.—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 executive 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 utilization 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 ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.**

(a) **STUDY REQUIRED.**—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors 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.

(4) The report of the Veterans’ Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(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 receive 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)”;

(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”;

(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 following 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 retained 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 enactment 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)) 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 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 retired 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 retirement.

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

(3) **PAY DURING PERIOD OF RECALL.**—Subsection (d) of section 7257 is amended to read as follows:

“(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 chapter 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 INVOLUNTARY 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 Representatives.

##### SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE 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 INDIVIDUAL 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 unmarried 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.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

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

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 3023, the proposed Veterans’ Benefits Improvement Act of 2008, as reported by the Committee on Veterans’ Affairs. This omnibus veterans’ benefits bill will provide much needed support to our Nation’s veterans. It contains six titles and 34 provisions that are designed to enhance compensation, housing, labor and education, and insurance benefits for veterans. A full explanation of the bill is available in the committee’s report accompanying this legislation, Senate Report 110-449.

I believe that it is important that we view veterans’ compensation, and indeed all benefits earned by veterans, as a continuing cost of war. This legislation reflects that perspective.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today.

This legislation would result in improved notices being sent to veterans concerning their claims for VA benefits. Following a number of decisions by the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, VA’s notification letters to veterans about the status of their claims have become increasingly long, complex, and difficult to understand. These notification letters must be simplified, as veterans,

VA, veterans' advocates, and outside review bodies have all recommended. The notices should focus on the specific type of claim presented. They should use plain and ordinary language rather than bureaucratic jargon. Veterans should not be subjected to confusing information as they seek benefits.

To further improve the VA compensation system, this legislation would end the prohibition on judicial review in the United States Court of Appeals for the Federal Circuit of matters concerning the VA rating schedule. VA issues regulations which are used to assign ratings to veterans for particular disabilities. Under current law, actions concerning the rating schedule are not subject to judicial review unless a constitutional challenge is presented. This legislation would amend the law to treat actions concerning the rating schedule in the same manner as all other actions concerning VA regulations.

I expect VA to comply with all laws passed by Congress in developing and revising the Rating Schedule. However, justice to our Nation's veterans requires that actions concerning the rating schedule be subject to the same judicial scrutiny as is available for the review of actions involving other regulations.

VA's home loan guaranty program may exempt homeowners from having to make a down payment or secure private mortgage insurance, depending on the size of the loan and the amount of the VA guaranty. In general, eligibility is extended to veterans who served on active duty for a minimum of 90 days during wartime, or 181 continuous days during peacetime, and have a discharge other than dishonorable. Members of the Guard and Reserve who have never been called to active duty must serve a total of six years in order to be eligible for the benefit. Certain surviving spouses are also eligible for the housing guaranty.

Public Law 108-454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved.

The Economic Stimulus Act of 2008, Public Law 110-185, temporarily reset the maximum limits on home loans that the Federal Housing Administration may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices, but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly \$730,000, in the highest cost areas, while leaving the then-VA limit of \$417,000 in place. On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110-289. That law provided a temporary increase in the maximum guaranty amount for VA

loans originated from July 30, 2008 through December 31, 2008 to the same level as provided in the Stimulus Act.

S. 3023, as amended, would extend the temporary increase in the maximum guaranty amount until December 31, 2011. This would enable more veterans to utilize their VA benefit to purchase more costly homes.

The committee bill would also increase the maximum guaranty limit for refinance loans and increase the percentage of an existing loan that VA will refinance under the VA home loan program.

Under current law, the maximum VA home loan guaranty limit for most loans in excess of \$144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Public Law 110-289 set this value at approximately \$182,437 through the end of 2008. This means lenders offering loans of up to \$729,750 will receive up to a 25 percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Current law limits to \$36,000 the guaranty that can be used for a regular refinance loan. This restriction means VA will not guarantee a regular refinance loan over \$144,000, essentially precluding a veteran from using the VA program to refinance his or her existing FHA or conventional loan in excess of that amount.

VA is also currently precluded from refinancing a loan if the homeowner does not have at least 10 percent equity in his or her home.

The committee bill would decrease the equity requirement from 10 percent to 5 percent for refinancing from an FHA loan or conventional loan to a VA-guaranteed loan. This would allow more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have 10 percent equity and thus are precluded from refinancing with a VA-guaranteed home loan.

Given the anticipated number of non-VA-guaranteed adjustable rate mortgages that are approaching the reset time when payments are likely to increase, the committee believes that it is prudent to facilitate veterans refinancing to VA-guaranteed loans. In light of today's housing and home loan crises, additional refinancing options will help some veterans bridge financial gaps and allow them to stay in their homes and escape possible foreclosures. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

The omnibus benefits bill would also make crucial updates to the Uniformed Services Employment and Reemployment Rights Act, which protects servicemembers' rights to return to their prior jobs with the same wages and benefits. The provisions in the committee bill are derived from S. 2471, the proposed "USERRA Enforcement

Improvement Act of 2007," which Senator KENNEDY and I introduced on December 13, 2007. This legislation would ensure that federal agencies assist servicemembers in a more effective manner, by requiring the Department of Labor to investigate and refer cases in a more timely manner, and by requiring reports from the Department of Labor on their compliance with the deadlines.

Finally, the omnibus benefits bill includes a provision derived from S. 3000, the proposed "Native American Veterans Access Act of 2008," which I introduced on May 8, 2008. This provision is intended to improve VA's ability to understand and respond to the needs of Native American veterans. While Native Americans are more likely to serve in uniform than the general population, many of them find cultural and geographical barriers between themselves and the benefits they earned through service. In addition, those returning to traditional homelands, especially reservation communities, frequently come home to dismal job opportunities and starved economies. The proposed bill would require a study to help us understand the employment needs of Native American veterans and how best to address them.

I thank the committee's ranking member, Senator BURR, for the agreements we have been able to reach. I truly appreciate his cooperation and that of the other members of the committee that have aided our work. I look forward to working with all those on the committee and our colleagues in the House in order to bring this legislation to final action before the end of this month.

I urge colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to express my support for S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill will make a wide assortment of improvements to benefits programs for veterans.

I commend Chairman AKAKA for his efforts in crafting this committee bill which reflects the bipartisan work of almost every member of our committee and over 30 other Senators. The result of our work is a bill with 35 provisions touching on education, vocational rehabilitation, employment, housing, compensation, insurance, memorial affairs, and other issues.

Among many other valuable provisions, this bill includes an education benefit that draws its inspiration from a North Carolinian who has become one of the foremost advocates of the needs of severely injured servicemen and women and their families. Sarah Wade, spouse of Ted Wade, an Iraq war veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has



been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do.

Another provision that I would like to discuss is one that would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members.

More than 60 years ago Congress recognized that those who serve our country in a time of need should be entitled to resume their civilian jobs when they return home. After Congress passed the first law providing reemployment rights to servicemen and women in 1940, President Roosevelt said these rights were part of "the special benefits which are due to the members of our armed forces—for they have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us."

As we all know, the sacrifices by this generation of servicemen and women are just as profound. In North Carolina alone, we have over 1,000 members of the Guard and Reserves currently deployed, and more than 45,000 members of the Guard and Reserves have deployed since the beginning of the War on Terror. Many left behind not only family and friends, but valued civilian careers.

For them, the modern reemployment law, the Uniformed Services Employment and Reemployment Rights Act, requires that they be given their jobs

back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that "the Federal Government should be a model employer" when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet.

At a hearing last year, the Committee on Veterans' Affairs learned that the Federal executive branch continues to violate this law. Worse, these violations are often the result of lack of understanding or knowledge about what the law requires. In fact, the Assistant Secretary for Veterans' Employment and Training of the U.S. Department of Labor testified at our hearing that "about half" of Federal USERRA cases occur because "the Federal hiring manager just doesn't understand the law or the . . . regulations that spell out how to implement the law."

Based on that, it seems clear that we need to do more to prevent these USERRA violations from occurring in the first place. We owe nothing less to those who have served and sacrificed so much for our nation. That is why I have championed this provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. I am very pleased that this provision was included in the omnibus bill and hope it will soon become law.

The Veterans' Benefits Improvement Act of 2008 also includes a provision that would require VA to provide Congress with a plan for updating its disability rating schedule and a timeline for when changes will be made. This rating schedule—which is the cornerstone of the entire VA claims processing system—was developed in the early 1900s and about 35 percent of it has not been updated since 1945. It is riddled with outdated criteria that do not track with modern medicine. Take for example traumatic arthritis. The rating schedule requires a veteran to show proof of this condition through x-ray evidence. But doctors today would generally diagnose the condition using more modern technology, like an MRI.

Even worse, experts have been telling us the rating schedule is not adequate for rating conditions like post-traumatic stress disorder and traumatic brain injury, which are afflicting so many of our veterans from the War on Terror. Also, experts have told us that the schedule does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployed.

To address this situation, VA has been conducting studies on the appro-

priate level of disability compensation to account for any loss of earning capacity and any loss of quality of life caused by service-related disabilities. To make sure these studies don't get put on a shelf to collect dust—as has happened in the past—this bill would require VA to submit to Congress a report outlining the findings and recommendations of those studies, a list of the actions that VA plans to take in response, and a timeline for when VA plans to take those actions. My hope is that this will finally prompt the type of complete update that the VA rating schedule has needed for so long.

These are only a few of the 35 items in this bill. I am confident that each of the bill's provisions will improve the lives of and veterans, even if only in a small way. My hope is that these provisions, and others, will be passed by both Houses before Congress leaves for the year. I ask my colleagues for their support as Chairman AKAKA and I work to make sure that happens.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the Akaka amendment be agreed to; that the committee's substitute amendment, as amended, be agreed to; the bill be read a third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5614) was agreed to, as follows:

(Purpose: To strike section 311, relating to relief for students who discontinue education because of military service, and to provide a temporary increase in the number of authorized judges of the United States Court of Appeals for Veterans Claims)

Strike section 311.

Strike section 401 and insert the following:

**SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

Section 7253 is amended by adding at the end the following new subsection:

"(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

"(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a)."

On page 47, between lines 20 and 21, insert the following:

"(15) An assessment of the workload of each judge of the Court, including consideration of the following:

"(A) The time required of each judge for disposition of each type of case.

"(B) The number of cases reviewed by the Court.

"(C) The average workload of other Federal judges".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3023), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3023

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### 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. 202. Enhancement of refinancing of home loans by veterans.

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

Sec. 313. Modification of waiting period before affirmation of enrollment in a correspondence course.

Sec. 314. Change of programs of education at the same educational institution.

Sec. 315. 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. Temporary increase in number of authorized judges of 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. 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.

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) COMPENSATION.—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 efforts 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 Ad-

ministration, 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 GUARANTY 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 SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.**

The Secretary of Veterans Affairs may provide assistance 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 incurred 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 FORECLOSURES 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 Committee 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 veterans 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”;

(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 severe 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 PROCESSES.

(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 violation of this chapter, there shall be no limit on the period for filing the complaint or claim.”.

(2) CLERICAL AMENDMENT.—The table of sections 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 statutes of limitations.”.

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

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

#### SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT 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 SECRETARY.—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 train-

ing 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 executive 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 utilization 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 ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors 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.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(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. 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. 312. 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. 313. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.**

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

**SEC. 314. 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”;

(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. 315. 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. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

Section 7253 is amended by adding at the end the following new subsection:

“(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

“(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).”.

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

Section 7268 is amended by adding at the end the following 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 retained 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 enactment 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)) 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 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 retired 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 retirement.

“(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 removal from recall status.”.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALLED.—Section 7296(f)(3)(A) is amended

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

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

“(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 chapter 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 INVOLUNTARY 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.

“(15) An assessment of the workload of each judge of the Court, including consideration of the following:

“(A) The time required of each judge for disposition of each type of case.

“(B) The number of cases reviewed by the Court.

“(C) The average workload of other Federal judges.

“(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 Representatives.

##### SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE 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 INDIVIDUAL 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.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

The title was amended so as to read:

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

#### CONGRATULATING LATVIA ON 90TH ANNIVERSARY OF DECLARATION OF INDEPENDENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 87, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the concurrent resolution be agreed to, the