

status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting “(except 2011 when there shall be no increase)” after “thereafter” the second place it appears; and

(2) in paragraph (2)(C), by striking “except that, beginning in 2010” and inserting “except that there shall be no such increase in 2010 or 2011 and, beginning in 2012”.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.”; and

(2) by redesignating subsection (c) as subsection (b).

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3940), as amended, was read the third time and passed.

The amendment (No. 4670) was agreed to, as follows:

Amend the title so as to read: “To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.”.

**FIVE-STAR GENERALS
COMMEMORATIVE COIN ACT**

Mr. DURBIN. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1177, 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 assistant legislative clerk read as follows:

A bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry “Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, and so forth.

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

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 1177) was ordered to be read a third time, was read the third time, and passed.

**VETERANS’ INSURANCE AND
HEALTH CARE IMPROVEMENTS
ACT**

Mr. DURBIN. I ask unanimous consent that the Veterans’ Affairs Committee be discharged from further consideration of H.R. 3219, 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 assistant legislative clerk read as follows:

A bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

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

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on H.R. 3219, the proposed “Veterans’ Benefits Act of 2010.” The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans’ Affairs. I thank Chairman FILNER and Ranking Member BUYER of the House Committee for their cooperation on this legislation. I also thank my good friend, the committee’s ranking member, Senator BURR, for his cooperation as we have developed this bill. A full explanation of the Senate and House negotiated agreement can be found in the Joint Explanatory Statement, which I will ask be printed in the RECORD at the conclusion of my remarks.

The amended bill, which I will refer to as the “compromise agreement,” contains ten titles that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. I will highlight a few of the provisions.

The compromise agreement would make several important improvements in insurance programs for disabled veterans. It would increase the maximum amount of veterans’ mortgage life insurance that a service-connected disabled veteran may purchase from the current maximum of \$90,000 up to \$200,000. In the event of the veteran’s death, the veteran’s family would be protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today’s housing market.

In addition, this legislation would increase the amount of supplemental life insurance available to totally disabled veterans from \$20,000 to \$30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This benefits package also includes a provision that will expand eligibility

for retroactive benefits from traumatic injury protection coverage under the Servicemembers’ Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI from that point forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained “as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.” Under section 501(b) of Public Law 109–233, the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained “as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.”

However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

This bill also modifies programs that provide adaptive assistance to veterans. It would increase and provide an index for an existing VA grant program, which provides funds to assist severely disabled veterans in purchasing automobiles or other conveyances that can accommodate their disabilities. The increase to \$18,900 would help prevent erosion of the value and effectiveness of this benefit.

Another provision included in this bill would expand this grant program to provide automobile and adaptive equipment assistance to disabled veterans and servicemembers with severe burn injuries. Due to the severe damage done to their skin, individuals with these disabilities experience difficulty operating a standard automobile not equipped to accommodate their disabilities. This legislation would help them obtain vehicles with special adaptations for assistance in and out of the vehicle, seat comfort, and climate control.

Another key part of this legislation is a provision to help homeless women veterans and homeless veterans with children. The majority of programs and service providers currently available to homeless veterans have historically

been designed to assist male veterans. However, due to the increasing number of women serving in the Armed Forces, more than 5 percent of veterans requesting assistance from VA and community-based homeless veteran service providers are women. More than 10 percent of these women have dependent children. In addition, there are reports of a significant number of male homeless veterans who have dependent children as well. To meet these changing needs of our Nation's veterans and correct this inequity, this bill will establish a grant program for the reintegration of homeless women veterans and homeless veterans with children into the labor force.

This bill would also increase to 2,700 the number of veterans who are authorized to enroll annually in a program of independent living services. This important program is designed to meet the needs of the most severely service-connected disabled veterans and more of those returning from combat have suffered the kind of devastating injuries that may make employment not reasonably feasible for extended periods of time.

This is not a comprehensive recitation of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support this important legislation that would benefit many of this Nation's more than 23 million veterans and their families. I also urge the House of Representatives to work on this matter expeditiously so that this may be sent to the President for his signature.

Mr. President, I ask unanimous consent that the Joint Explanatory Statement, which was developed with our colleagues in the House, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 3219, AS AMENDED

H.R. 3219, as amended, the Veterans' Benefits Act of 2010, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1089, as amended; H.R. 1168, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 1172, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (House Bills); and S. 728, as amended; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 14, 2009; H.R. 1088 passed the House on May 19, 2009; H.R. 1089, as amended, passed the House on May 19, 2009; H.R. 1168, as amended, passed the House on November 2, 2009; H.R. 1170, as amended, passed the House on May 19, 2009; H.R. 1171, as amended, passed the House on March 30, 2009; H.R. 1172, as amended, passed the House on June 23, 2009; H.R. 3219, as amended,

passed the House on July 27, 2009; H.R. 3949, as amended, passed the House on November 3, 2009. H.R. 4592 passed the House on March 23, 2010. H.R. 1037, as amended, passed the Senate on October 7, 2009.

The Committees have prepared the following explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS
EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) facilities. However, until June 30, 2010, approved activities also included outreach services provided by State approving agencies, care to veterans in State homes, and activities related to the administration of national or State veterans' cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

Compromise Agreement

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery. In addition, effective October 1, 2011, it would add to the list of qualifying work-study activities the following:

Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Veteran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current Law

Section 3692 of title 38 provides for the formation of a Veterans' Advisory Committee on Education. The authority for this Committee expired on December 31, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

Compromise Agreement

Section 102 of the Compromise Agreement would extend the Veterans' Advisory Committee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4102A(c)(8) of title 38, U.S.C., requires that, as a condition of receiving grants under the Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representatives (LVER) program authorities, States are generally required to have each DVOP and LVER complete a program of training through the National Veterans' Employment and Training Services Institute within three years of beginning employment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1088 would require that DVOPs and LVERs assigned to perform those duties on or after the date of enactment complete training within one year of being so assigned and that DVOPs and LVERs hired on or after January 1, 2006, also complete training within one year of the date of enactment.

Compromise Agreement

Section 103 of the Compromise Agreement would require that DVOPs and LVERs hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERs who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

Current Law

Public Law 109-461 (120 Stat. 3403), the Veterans Benefits, Health Care, and Information Technology Act of 2006, requires VA to maintain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Disabled Veteran Owned Small Businesses (SDVOSB). This law also requires VA to verify that registered firms meet the eligibility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House Bill.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Under chapter 43 of title 38, U.S.C., the Department of Labor has responsibility for receiving, investigating, and attempting to resolve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would clarify that the U.S. Office of Special Counsel has the same authority as the U.S. Department of Labor to conduct investigations and issue subpoenas when investigating USERRA complaints.

Compromise Agreement

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project, certain USERRA claims against Federal executive agencies would be received by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job training for veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of \$10 million a year for five years, beginning in 2011 through 2015.

Compromise Agreement

Section 106 of the Compromise Agreement would establish a pilot competitive grant program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the

Secretary of Labor. This section would outline requirements employers must meet to receive funds from a State and would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program. A report to Congress would be required to be submitted by the Secretary. The administrative costs of the Secretary would be limited to 2 percent of the appropriations for this program and the Secretary of Labor would be permitted to determine the maximum amounts of each grant that may be used for administration and reporting costs. Section 106 of the Compromise Agreement would authorize \$1.5 million for the grant program for each of fiscal years 2012 through 2014.

PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE

Current Law

There is no relevant provision in current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1172, as amended, would require VA to provide and maintain on its website by June 1, 2010, information regarding scholarships that are available to veterans and family members of deceased veterans. Information to be provided on the website would include a list of organizations offering scholarships and a link to their websites. VA would also be required to notify schools and other organizations of the opportunity to be listed on the website.

Compromise Agreement

Section 107 of the Compromise Agreement follows the House Bill but requires the VA, by June 1, 2011, to make available on its website a list of organizations that provide scholarships to veterans and their survivors. VA would be required to make reasonable efforts to notify schools and other organizations of the opportunity to be listed on the website.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM

Current Law

The Homeless Veterans Reintegration Program (HVRP) was initially enacted in 1987 as part of Public Law 100-77, the Stewart B. McKinney Homeless Assistance Act, to expand services beyond food and shelter to homeless veterans. Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, directed the Secretary of Labor to provide homeless veterans with job training, counseling, and placement services as part of a holistic approach to reintegrating homeless veterans back into society. The authorization of appropriations to carry out this program expired at the end of fiscal year 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 1171, as amended, would reauthorize, through fiscal year 2014, the Department of Labor's HVRP.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House Bill, except that it would reauthorize the HVRP through fiscal year 2011.

HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM

Current Law

Currently, under section 2021 of title 38, U.S.C., the Secretary of Labor is required to conduct, directly or through grant or contract, the HVRP. Through HVRP, the Secretary selects programs that are appropriate to provide job training, counseling, and placement services (including job readiness, literacy and skills training) to expedite the reintegration of homeless veterans into the labor force. HVRP is administered through the Assistant Secretary of Labor for Veterans' Employment and Training (VETS).

Senate Bill

Section 102 of S. 1237, as reported, would amend Subchapter III of chapter 20 of title 38, U.S.C., by adding a new section 2021A, entitled "Grant program for reintegration of homeless women veterans and homeless veterans with children." This grant program would differ from the current HVRP grants in that it would be strictly a grant program and would focus specifically on providing services that will assist in the reintegration into the labor force of homeless women veterans and homeless veterans with children. Like the current HVRP grants, services under this new grant program would include job training, counseling, and job placement services, including job readiness, literacy, and skills training. Importantly, it would also include child care services to serve more effectively the target population.

House Bill

Section 3 of H.R. 1171, as amended, would amend title 38, U.S.C., adding a new section 2021A, entitled "Homeless women veterans and homeless veterans with children reintegration grant program." That bill would direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children.

Compromise Agreement

Section 202 of the Compromise Agreement generally follows the House Bill. However, the authorization of appropriations to carry out this program is \$1 million for fiscal years 2011 to 2015.

SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Current Law

There is no current provision in title 38, U.S.C., authorizing grants to develop assistive technology for specially adapted housing. The Specially Adapted Housing (SAH) program was established in 1948 by Public Law 80-702, an act to authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities. The SAH program provides grants to certain qualifying service-connected disabled veterans to assist them in acquiring suitable housing.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

H.R. 1170, as amended, would authorize a five-year pilot program to promote research and development of adaptive technologies that would be applicable to the SAH program. It would also provide that VA retain a 30 percent interest in any patent approved as a result of funding through this grant program. The bill would further require that VA retain any investment returns from these patents to assist in funding grants, during the duration of this program. It would authorize \$2 million per year for purposes of

this grant program; those amounts would be derived from amounts appropriated for VA Medical Services.

Compromise Agreement

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient, the funding amount would be reduced from \$2 million to \$1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011.

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE

Current Law

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guaranteed, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called back to active service.

Compromise Agreement

Section 204 of the Compromise Agreement follows the House Bill.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

RESIDENTIAL AND MOTOR VEHICLE LEASES

Current Law

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 3949 would amend subsection (e) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee.

Compromise Agreement

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS

Current Law

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone contracts if they are deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 3949 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract was for cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programming service and internet service, as well as home water, electricity, home heating oil and natural gas services. Servicemembers would be required to deliver a written notice of termination of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract.

Compromise Agreement

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 days or more to a location that does not support the contract. It would further require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember re-subscribes to the service within 90 days of the last day of relocation. Finally, section 302 of the Compromise Agreement would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 3949 would amend the SCRA to add a new title, Title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to grant appropriate relief to include monetary damages. The court would be authorized in certain circumstances to impose a civil penalty that, for the first violation, will not exceed \$55,000 and, for any subsequent violation, will not exceed \$110,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember who prevails. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law.

Compromise Agreement

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.

TITLE IV—INSURANCE MATTERS

INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

Current Law

Section 1922A of title allows eligible totally disabled veterans to receive a maximum of \$20,000 in Service-Disabled Veterans' Insurance (S-DVI) supplemental life insurance coverage.

Senate Bill

Section 101 of H.R. 1037, as amended, would amend section 1922A(a) of title 38, U.S.C., to increase the amount of life insurance available to totally disabled veterans by allowing them to purchase an additional \$10,000 in supplemental insurance coverage. This would raise the maximum amount of S-DVI supplemental coverage to \$30,000.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS

Current Law

VA offers a variety of life insurance options for servicemembers, veterans, and their families. Among these is the Servicemembers' Group Life Insurance (SGLI) program, which offers low-cost group life insurance for servicemembers on active duty, Ready Reservists, members of the National Guard, members of the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. SGLI coverage is available in \$50,000 increments up to the maximum of \$400,000.

Public Law 93-289, the Veterans' Insurance Act of 1974, established a new program of post-separation insurance known as Veterans' Group Life Insurance (VGLI). VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard. VGLI coverage is issued in multiples of \$10,000 up to a maximum of \$400,000.

Under current law, VGLI applications for coverage must occur within one year and 120 days from discharge. However, servicemembers who are totally disabled at the time of discharge may have a longer period within which to convert their SGLI coverage to VGLI. Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to extend from one to two years, after separation from active duty service, the period within which totally disabled members may receive premium free SGLI coverage and convert their coverage to a policy under the VGLI program after separation from active duty service. However, Public Law 109-233 mandated that on or after October 1, 2011, this two-year time period would be shortened to 18 months.

Senate Bill

Section 101 of S. 3765 would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to

servicemembers who are totally disabled when they separate from service.

House Bill

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

Compromise Agreement

Section 402 of the Compromise Agreement follows the language in both bills.

ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers' separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage after separation or release from an assignment. Thereafter, the insurable dependents of covered servicemembers on active duty are also potentially eligible for continued coverage for up to 2 years after the date of separation or release from service or, in the case of an insurable dependent of a Ready Reservist, up to 1 year after the date of separation or release from an assignment.

Senate Bill

Section 102 of H.R. 1037, as amended, would amend section 1968(a)(5)(B)(ii) of title 38, U.S.C., so that no insurable dependent, not even those of servicemembers who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the servicemember's separation or release from service or assignment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate Bill.

OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE

Current Law

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

Senate Bill

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

House Bill

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

Compromise Agreement

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 3219, as amended, would amend section 1980(b)(1) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be "reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary."

Compromise Agreement

Section 405 of the Compromise Agreement follows the House Bill.

CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, traumatic injury protection under Servicemembers' Group Life Insurance (TSGLI) provides for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between \$25,000 and \$100,000, depending on the severity of the qualifying loss. In prescribing payments, VA does not account for the effect, if any, that the loss of a dominant hand has on lengthening hospitalization or rehabilitation periods.

Senate Bill

Section 104 of H.R. 1037, as amended, would amend section 1980A(d) of title 38, U.S.C., to authorize VA to distinguish in specifying payments for qualifying losses of a dominant hand and a non-dominant hand.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE

Current Law

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to \$90,000 in Veterans' Mortgage Life Insurance (VMLI). In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

Senate Bill

Section 105 of H.R. 1037, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of \$90,000 to \$150,000 effective on October 1, 2012. The

maximum amount would then increase from \$150,000 to \$200,000 on January 1, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between \$25,000 and \$100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005. In order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, to individuals whose qualifying losses were sustained as "a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom." Under section 501(b) of Public Law 109-233, the Veterans' Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a "direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom." Men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation are not eligible for retroactive payments.

Senate Bill

Section 103 of H.R. 1037, as amended, would amend section 501(b) of Public Law 109-233 so as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS

Current law

Under current law, VA will pay up to \$300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a \$300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving

military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

Senate Bill

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses in the case of individuals who die in VA facilities and for plot allowances up to \$745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility or the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from \$300 to \$700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS

Current Law

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 3949, the Corey Shea Act, would give VA the discretion to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in combat or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House Bill.

REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

Compromise Agreement

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York;

Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

TITLE VI—COMPENSATION AND PENSION ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DIS- ABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY

Current Law

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran's service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. The criteria for compensation under section 1114(m) include "the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action with prostheses in place" or "the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place." The criteria for compensation under section 1114(n) include "the anatomical loss . . . of both arms at levels, or with complications, preventing natural elbow action with prostheses in place"; "the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances"; or "the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances." The criteria for compensation under section 1114(o) include "the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances."

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from \$123 per month for a single veteran with no dependents rated 10 percent to \$2,673 per month for the same single veteran rated 100 percent. Under section 1114(l) of title 38, U.S.C., VA provides a higher amount of compensation, currently \$3,327 per month for a single veteran, if the veteran is "in need of regular aid and attendance." A veteran who requires regular aid and attendance may be entitled to an additional \$2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional \$2,983 per month, is provided to certain veterans with severe service-connected disabilities who need "a higher level of care" in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs "health-care services provided on a daily basis in the veteran's home," and who would require institutionalization in the absence of that care.

Senate Bill

Section 205(a) of H.R. 1037, as amended, would amend subsections (m), (n), and (o) of section 1114 to remove the provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow

or knee action with prostheses in place or prevent the use of prosthetic appliances.

Section 205(b) of H.R. 1037, as amended, would add a new subsection (t) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114(r)(2), and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the Senate Bill.

COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DE- PENDENT CHILDREN UNDER THE AGE OF 18

Current Law

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran's death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

Section 301 of Public Law 108-454, the Veterans Benefits Improvement Act of 2004, amended section 1311 of title 38, U.S.C., to authorize VA to pay a \$250 per month temporary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for transitional DIC.

Senate Bill

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment for this temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur whenever there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate bill.

PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999

Current Law

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran's death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled due to a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran's release from service.

Prior to Public Law 106-117, the Veterans Millennium Health Care and Benefits Act,

the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106-117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected cause for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

Senate Bill

Section 208 of H.R. 1037, as amended, would amend section 1318(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the Senate bill.

EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS

Current Law

Under chapter 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 604 of the Compromise Agreement would exclude, for purposes of determining income for pension eligibility, up to \$5,000, paid to a veteran from a State or municipality, if the benefit was paid due to the veteran's injury or disease.

COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY

Current Law

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

Senate Bill

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the

award of compensation becomes effective. "Catastrophic disability" would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the Senate Bill.

APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR

Current Law

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than \$90 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran's surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse also cannot be paid more than \$90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The \$90 pension benefit may not be counted in determining eligibility for Medicaid or the patient's share of cost.

Under section 101(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to \$90.

Senate Bill

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1542 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 606 of the Compromise Agreement follows the Senate bill.

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than \$90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, and was extended through 1997 in Public Law 102-568, the Veterans' Benefits Act of 1992; through 1998 in Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993;

through 2002 in Public Law 105-33, the Balanced Budget Act of 1997; through 2008 in Public Law 106-419, the Veterans' Benefits and Health Care Improvement Act of 2000; and through 2011 in Public Law 107-103, the Veterans' Education and Benefits Expansion Act of 2001.

Senate Bill

Section 204 of H.R. 1037, as amended, would amend section 5503(d)(7) of title 38, U.S.C., to extend, from September 30, 2011, to September 30, 2014, the authority for limitation of VA pension to \$90 per month for certain beneficiaries receiving Medicaid-covered nursing home care.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 607 of the Compromise Agreement follows the Senate bill, except that the limitation would be extended until May 31, 2015.

CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN

Current Law

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase in benefits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 608 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES

Current Law

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any "benefit of employment" to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because "wages or salary for work performed" are specifically excluded from the law's definition of "benefit of employment." *Gagnon v. Sprint Corp.*, 284 F.3d 839, 853 (8th Cir. 2002).

Senate Bill

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 701 of the Compromise Agreement follows the Senate Bill.

CLARIFICATION OF THE DEFINITION OF "SUCCESSOR IN INTEREST"

Current Law

Section 4303 of title 38, U.S.C., uses a broad definition of the term "employer" and includes in subsection (4)(A)(iv) a definition of

a “successor in interest.” In regulations, the Department of Labor has provided that an employer is a “successor in interest” where there is a substantial continuity in operations, facilities and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 C.F.R. §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See *Coffman v. Chugach Support Services Inc.*, 411 F.3d 1231 (11th Cir. 2005); but see *Murphree v. V. Communications Technologies, Inc.*, 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 C.F.R. §1002.35 and rejecting the Coffman merger or transfer of assets requirement.)

Senate Bill

Section 402 of H.R. 1037, as amended, would amend section 4303 of title 38, U.S.C., to clarify the definition of “successor in interest” by incorporating language that mirrors the regulatory definition adopted by the Department of Labor.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

Senate Bill

Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 703 of the Compromise Agreement follows the Senate Bill.

TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED

Current Law

Section 3120(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

Senate Bill

Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Current Law

Under current law, section 3732 of title 38, U.S.C., provides default procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or

foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

Senate Bill

Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional default procedures for VA home loans in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 802 of the Compromise Agreement follows the Senate Bill.

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

Current Law

Under current law, section 3901 of title 38, U.S.C., veterans and members of the Armed Forces are eligible for assistance with automobiles and adaptive equipment if they suffer from one of three qualifying service-connected disabilities: loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; or a central visual acuity of 20/200 or less or a peripheral field of vision of 20 degrees or less.

Senate Bill

Section 302 of H.R. 1037, as amended, would amend section 3901 of title 38, U.S.C., so as to include individuals with a service-connected disability due to a severe burn injury, effective October 1, 2010. The scope and definition of what constitutes a disability due to a severe burn injury would be determined pursuant to regulations prescribed by VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate Bill, except that provision would take effect on October 1, 2011.

ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS

Current Law

Under current law, section 3902 of title 38, U.S.C., provides up to \$11,000 to eligible veterans and servicemembers for the purchase of an automobile or other conveyance and adaptive equipment to safely operate either.

Senate Bill

Section 303 of H.R. 1037, as amended, would amend section 3902 of title 38, U.S.C., to increase the maximum authorized automobile assistance allowance from \$11,000 to \$22,500, effective October 1, 2010. Section 303 would also direct VA to establish a method of determining the average retail cost of new automobiles for the preceding calendar year. The maximum allowance would increase, effective October 1 of each fiscal year, beginning in 2011, to an amount equal to 80 percent of what VA determined to be the average retail cost of new automobiles for the preceding calendar year.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to \$18,900 instead of \$22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwest Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans' Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term “chronic multisymptom illness” replaces the term “Gulf War Illness.”

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

Current Law

Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105-368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

Senate Bill

Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for

the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

Current Law

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111-117, the Consolidated Appropriations Act, 2010.

Senate Bill

Section 603 of H.R. 1037, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans' Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF

Current Law

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2009, by Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Senate Bill

The Senate Bills contains no comparable provision.

House Bill

The House Bills contains no comparable provision.

Compromise Agreement

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

In 1996, in Public Law 104-275, the Veterans' Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108-183, the Veterans Benefits Act of 2003, VA was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110-389, the Veterans' Benefits Improvement Act of 2008. VA continues to report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

Senate Bill

S. 3609 would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 203 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

\$7,149,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.

\$3,316,000 for an Outpatient Clinic in Boston, Massachusetts.

\$21,495,000 for a CBOC in San Diego, California.

\$10,055,000 for a Research Lab in San Francisco, California.

\$5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 201 of S. 3325, as amended, authorizes up to \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 902 of the Compromise Agreement modifies previous authorizations by providing \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 202 of S. 3325, as amended, authorizes up to \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 903 of the Compromise Agreement modifies previous authorizations by providing \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 204 of S. 3325, as amended, authorizes \$47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and \$1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

House Bill

The House Bills contain no applicable provision.

Compromise Agreement

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS TECHNICAL CORRECTIONS

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1001 of the Compromise Agreement contains technical corrections to title 38, U.S.C.

STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE

Current Law

Public Law 111-139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bills contain no comparable provision.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3219, THE VETERANS' BENEFITS ACT OF 2010 AS PROVIDED BY THE SENATE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

By fiscal year, in millions of dollars—													
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact *	0	0	–154	–70	–115	–55	74	74	77	79	82	–394	–8

* H.R. 3219 contains provisions that would both increase and decrease direct spending for veterans' programs. Affected programs include veterans' education and employment benefits, disability compensation and pensions, burial benefits, and housing and insurance benefits for disabled veterans.

The amendment (No. 4671) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill, as amended, read a third time.

The bill (H.R. 3219) was read the third time and passed.

The amendment (No. 4672) was agreed to, as follows:

(Purpose: to amend the title)

Amend the title so as to read: "An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. Res. 469.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 469) recognizing the 60th Anniversary of the Fulbright Program in Thailand.

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 469) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1002 of the Compromise Agreement contains language required by the PAYGO Act in order for the estimate of budgetary effects from the Senate Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Mr. DURBIN. I ask unanimous consent that an Akaka substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; that a budgetary pay-go statement be considered read and printed in the RECORD; that the bill be passed; that the title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1,600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

FEED AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 646.

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

The clerk will report the resolution by title.

any statements related to the bill be printed in the RECORD.

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3219, as amended.

Total Budgetary Effects of H.R. 3219 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of \$394 million.

Total Budgetary Effects of H.R. 3219 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$8 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

The assistant legislative clerk read as follows:

A resolution (S. Res. 646) designating Thursday, November 18, 2010, as "Feed America Day."

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 18, 2010, as "Feed America Day"; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.