

## Public Law 110-389

110th Congress

## An Act

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.

Oct. 10, 2008  
[S. 3023]

Veterans' Benefits Improvement Act of 2008.  
38 USC 101 note.

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(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; table of contents.

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

**TITLE I—COMPENSATION AND PENSION MATTERS**

- Sec. 101. Regulations on contents of notice to be provided claimants by 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. 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. 104. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
- Sec. 105. Extension of temporary authority for the performance of medical disability examinations by contract physicians.
- Sec. 106. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.

**TITLE II—MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION SYSTEM****Subtitle A—Benefits Matters**

- Sec. 211. Authority for temporary disability ratings.
- Sec. 212. Substitution upon death of claimant.
- Sec. 213. Report on 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.
- Sec. 214. Advisory Committee on Disability Compensation.

**Subtitle B—Assistance and Processing Matters**

- Sec. 221. Pilot programs on expedited treatment of fully developed claims and provision of checklists to individuals submitting claims.
- Sec. 222. Office of Survivors Assistance.
- Sec. 223. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.
- Sec. 224. Independent assessment of quality assurance program.
- Sec. 225. Certification and training of employees of the Veterans Benefits Administration responsible for processing claims.

- Sec. 226. Study of performance measures for claims adjudications of the Veterans Benefits Administration.
- Sec. 227. Review and enhancement of use of information technology in Veterans Benefits Administration.
- Sec. 228. Study and report on improving access to medical advice.

### TITLE III—LABOR AND EDUCATION MATTERS

#### Subtitle A—Labor and Employment Matters

- Sec. 311. Reform of USERRA complaint process.
- Sec. 312. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
- Sec. 313. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
- Sec. 314. Report on the employment needs of Native American veterans living on tribal lands.
- Sec. 315. Equity powers.
- Sec. 316. Waiver of residency requirement for Directors for Veterans' Employment and Training.
- Sec. 317. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.

#### Subtitle B—Education Matters

- Sec. 321. 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. 322. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
- Sec. 323. Modification of waiting period before affirmation of enrollment in a correspondence course.
- Sec. 324. Change of programs of education at the same educational institution.
- Sec. 325. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.
- Sec. 326. Coordination of approval activities in the administration of education benefits.

#### Subtitle C—Vocational Rehabilitation Matters

- Sec. 331. 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. 332. Increase in cap of number of veterans participating in independent living program.
- Sec. 333. Report on measures to assist and encourage veterans in completing vocational rehabilitation.
- Sec. 334. Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs.

### TITLE IV—INSURANCE MATTERS

- Sec. 401. 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. 402. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
- Sec. 403. Other enhancements of Servicemembers' Group Life Insurance coverage.
- Sec. 404. Administrative costs of service disabled veterans' insurance.

### TITLE V—HOUSING MATTERS

- Sec. 501. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by Secretary of Veterans Affairs.
- Sec. 502. Report on impact of mortgage foreclosures on veterans.
- Sec. 503. Requirement for regular updates to handbook for design furnished to veterans eligible for specially adapted housing assistance by Secretary of Veterans Affairs.
- Sec. 504. Enhancement of refinancing of home loans by veterans.
- Sec. 505. Extension of certain veterans home loan guaranty programs.

### TITLE VI—COURT MATTERS

- Sec. 601. Temporary increase in number of authorized judges of the United States Court of Appeals for Veterans Claims.
- Sec. 602. Protection of privacy and security concerns in court records.

- Sec. 603. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
- Sec. 604. Annual reports on workload of the United States Court of Appeals for Veterans Claims.
- Sec. 605. Additional discretion in imposition of practice and registration fees.

## TITLE VII—ASSISTANCE TO UNITED STATES PARALYMPIC INTEGRATED ADAPTIVE SPORTS PROGRAM

- Sec. 701. Findings and purpose.
- Sec. 702. Department of Veterans Affairs provision of assistance to United States Paralympics, Inc.
- Sec. 703. Department of Veterans Affairs Office of National Veterans Sports Programs and Special Events.
- Sec. 704. Comptroller General report.

## TITLE VIII—OTHER MATTERS

- Sec. 801. 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. 802. Three-year extension of authority to carry out income verification.
- Sec. 803. Maintenance, management, and availability for research of assets of Air Force Health Study.
- Sec. 804. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
- Sec. 805. Termination or suspension of contracts for cellular telephone service for certain servicemembers.
- Sec. 806. Contracting goals and preferences for veteran-owned small business concerns.
- Sec. 807. Penalties for violation of interest rate limitation under Servicemembers Civil Relief Act.
- Sec. 808. Five-year extension of sunset provision for Advisory Committee on Minority Veterans.
- Sec. 809. Authority of Secretary of Veterans Affairs to advertise to promote awareness of benefits under laws administered by the Secretary.
- Sec. 810. Memorial headstones and markers for deceased remarried surviving spouses of veterans.

### SEC. 2. REFERENCE 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 BY 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 based on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;

38 USC 5103.

“(ii) shall provide that the contents for such notice be appropriate to the type of benefits 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).”.

38 USC 5103  
note.

(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.**

38 USC 502.

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. 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.**

10 USC 1212  
note.

(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):

38 USC 1161  
note.

“(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. 104. 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 regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of claims submitted to the Secretary of Veterans Affairs regarding ratings for 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 reduce such differences.

**SEC. 105. 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, 2010”.

**SEC. 106. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.**

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

38 USC 1112.

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

**TITLE II—MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION SYSTEM**

**Subtitle A—Benefits Matters**

**SEC. 211. AUTHORITY FOR TEMPORARY DISABILITY RATINGS.**

(a) IN GENERAL.—Chapter 11 is amended by inserting after section 1155 the following new section:

**“§ 1156. Temporary disability ratings**

“(a) ASSIGNMENT OF TEMPORARY RATINGS.—(1) For the purpose of providing disability compensation under this chapter to veterans, the Secretary shall assign a temporary disability rating to a veteran as follows:

“(A) To a veteran who—

“(i) was discharged or released from active duty not more than 365 days before the date such veteran submits a claim for disability compensation under this chapter;

“(ii) has one or more disabilities for which a rating of total is not immediately assignable—

Regulations.

“(I) under the regular provisions of the schedule of ratings; or  
 “(II) on the basis of individual unemployability; and  
 “(iii) has one or more—  
 “(I) severe disabilities that result in substantially gainful employment not being feasible or advisable; or  
 “(II) healed, unhealed, or incompletely healed wounds or injuries that make material impairment of employability likely.  
 “(B) To a veteran who, as a result of a highly stressful in-service event, has a mental disorder that is severe enough to bring about the veteran’s discharge or release from active duty.  
 “(C) To a veteran who has a service-connected disability that requires hospital treatment or observation in a Department of Veterans Affairs or approved hospital for a period in excess of 21 days.  
 “(D) To a veteran who has a service-connected disability that has required convalescent care or treatment at hospital discharge (regular discharge or release to non-bed care) or outpatient release that meets the requirements of regulations prescribed by the Secretary.

Deadline.

“(2) With respect to a veteran described in paragraph (1)(A), the Secretary may assign a temporary disability rating to such veteran regardless of whether such veteran has obtained a medical examination or a medical opinion concerning such veteran’s disability.

Regulations.

“(3) With respect to a veteran described in paragraph (1)(B), the Secretary shall schedule a medical examination for such veteran not later than six months after the separation or discharge of such veteran from active duty.

“(b) TERMINATION OF TEMPORARY DISABILITY RATINGS.—(1) Except as provided in paragraph (2), a temporary disability rating assigned to a veteran under this section shall remain in effect as follows:

Regulations.

“(A) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(A), until the later of the date that is—  
 “(i) 12 months after the date of discharge or release from active duty; or  
 “(ii) provided in regulations prescribed by the Secretary.  
 “(B) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(B), until the date on which a rating decision is issued to such veteran following the medical examination scheduled under subsection (a)(3).  
 “(C) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(C), until the later of the date that is—  
 “(i) the last day of the month in which the veteran is discharged from the hospital as described in such subsection (a)(1)(C); or  
 “(ii) provided in regulations prescribed by the Secretary.

“(D) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(D), until the date that is provided in regulations prescribed by the Secretary. Regulations.

“(2) The Secretary may extend a temporary disability rating assigned to a veteran under subsection (a) beyond the applicable termination date under paragraph (1) if the Secretary determines that such an extension is appropriate.

“(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out the provisions of this section.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to preclude the Secretary from providing a temporary disability rating under an authority other than this section.”

“(b) APPLICATION.—Section 1156(a)(1) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran who is discharged or released from active duty (as defined in section 101 of title 38, United States Code) on or after the date of the enactment of this Act. 38 USC 1156 note.

“(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 is amended by inserting after the item relating to section 1155 the following new item:

“1156. Temporary disability ratings.”

**SEC. 212. SUBSTITUTION UPON DEATH OF CLAIMANT.**

“(a) IN GENERAL.—Chapter 51 is amended by inserting after section 5121 the following new section:

**“§ 5121A. Substitution in case of death of claimant**

“(a) SUBSTITUTION.—(1) If a claimant dies while a claim for any benefit under a law administered by the Secretary, or an appeal of a decision with respect to such a claim, is pending, a living person who would be eligible to receive accrued benefits due to the claimant under section 5121(a) of this title may, not later than one year after the date of the death of such claimant, file a request to be substituted as the claimant for the purposes of processing the claim to completion.

“(2) Any person seeking to be substituted for the claimant shall present evidence of the right to claim such status within such time as prescribed by the Secretary in regulations. Regulations.

“(3) Substitution under this subsection shall be in accordance with such regulations as the Secretary may prescribe.

“(b) LIMITATION.—Those who are eligible to make a claim under this section shall be determined in accordance with section 5121 of this title.”

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 is amended by inserting after the item relating to section 5121 the following new item:

“5121A. Substitution in case of death of claimant.”

“(c) EFFECTIVE DATE.—Section 5121A of title 38, United States Code, as added by subsection (a), shall apply with respect to the claim of any claimant who dies on or after the date of the enactment of this Act. 38 USC 5121A note.

**SEC. 213. REPORT ON 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) **REPORT REQUIRED.**—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the findings of the Secretary as a result of the following studies:

(1) The most recent study of the Secretary 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) The most recent study of the Secretary 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) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the findings and recommendations of the Secretary as a result of the studies described in subsection (a).

(2) 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.

(3) For each action proposed to be taken as described in paragraph (2), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(4) 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 paragraph (2).

**SEC. 214. ADVISORY COMMITTEE ON DISABILITY COMPENSATION.**

(a) **IN GENERAL.**—Subchapter III of chapter 5 is amended by adding at the end the following new section:

**“§ 546. Advisory Committee on Disability Compensation**

“(a) **ESTABLISHMENT.**—(1) There is in the Department the Advisory Committee on Disability Compensation (in this section referred to as the ‘Committee’).

“(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

“(A) have experience with the provision of disability compensation by the Department; or

“(B) are leading medical or scientific experts in relevant fields.

“(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the terms of service and pay and allowances of the members of the Committee.

“(B) A term of service may not exceed four years and shall be staggered to ensure that the dates for the termination of the members’ terms are not all the same.

“(C) The Secretary may reappoint any member for one or more additional terms of service.

“(4) The Secretary shall select a Chair from among the members of the Committee.

“(b) RESPONSIBILITIES OF COMMITTEE.—(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

“(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

“(i) assemble and review relevant information relating to the needs of veterans with disabilities;

“(ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;

“(iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and

“(iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

“(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

“(c) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Committee to carry out its responsibilities.

“(d) BIENNIAL REPORTS TO THE SECRETARY.—(1) Not later than October 31, 2010, and not less frequently than every two years thereafter, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include—

“(A) an assessment of the needs of veterans with respect to disability compensation; and

“(B) such recommendations (including recommendations for administrative or legislative action) as the Committee considers appropriate.

“(2) The Committee may submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(e) BIENNIAL REPORTS TO CONGRESS.—(1) Not later than 90 days after the receipt of a report required under subsection (d)(1), the Secretary shall transmit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

“(2) The Secretary shall submit with each report required under paragraph (1) a summary of all reports and recommendations of the Committee submitted to the Secretary under subsection (d)(2) since the previous report transmitted by the Secretary under paragraph (1) of this subsection.

“(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—(1) Except as provided in paragraph (2), the provisions of the

Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

“(2) Section 14 of such Act shall not apply to the Committee.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

“546. Advisory Committee on Disability Compensation.”.

## Subtitle B—Assistance and Processing Matters

38 USC 5101  
note.

Deadline.

### SEC. 221. PILOT PROGRAMS ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS.

(a) PILOT PROGRAM ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing expeditious treatment of fully developed compensation or pension claims to ensure that such claims are adjudicated not later than 90 days after the date on which such claim is submitted as fully developed.

(2) DURATION OF PILOT PROGRAM.—The pilot program under this subsection shall be carried out during the one-year period beginning on the date that is 60 days after the date of the enactment of this Act.

(3) PROGRAM LOCATIONS.—The pilot program under this subsection shall be carried out at 10 regional offices of the Department of Veterans Affairs selected by the Secretary for purposes of such pilot program.

(4) FULLY DEVELOPED CLAIM DEFINED.—For purposes of this subsection, the term “fully developed claim” means a claim for a benefit under a law administered by the Secretary—

(A) for which the claimant—

(i) received assistance from a veterans service officer, a State or country veterans service officer, an agent, or an attorney; or

(ii) submits along with the claim an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

(B) for which the claimant—

(i) submits a certification in writing that is signed and dated by the claimant stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated; and

(ii) for which the claimant’s representative, if any, submits a certification in writing that is signed and dated by the representative stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated.

(b) PILOT PROGRAM ON PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program to assess the feasibility and advisability of providing to a claimant for whom the Secretary is required under section 5103(a) of title 38, United States Code, to provide notice of required information and evidence to such claimant and such claimant's representative, if any, a checklist that includes information or evidence required to be submitted by the claimant to substantiate the claim.

(2) DURATION OF PILOT PROGRAM.—The pilot program under this subsection shall be carried out—

(A) for original claims filed after the date of the enactment of this Act, during the one-year period beginning on the date that is 60 days after the date of the enactment of this Act; and

(B) for claims to reopen and for claims for increased ratings that were filed after the date of the enactment of this Act, during the three-year period beginning on the date that is 60 days after the date of the enactment of this Act.

(3) PROGRAM LOCATIONS.—The pilot program under this subsection shall be carried out at four regional offices of the Department selected by the Secretary for purposes of such pilot program.

(4) CONSTRUCTION.—A checklist provided under the pilot program under this subsection—

(A) shall be construed to be an addendum to a notice provided under section 5103(a) of title 38, United States Code; and

(B) shall not be considered as part of such notice for purposes of reversal or remand of a decision of the Secretary.

(c) REPORTS.—

(1) FIRST INITIAL REPORT.—Not later than 335 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (a) and the pilot program under subsection (b) with respect to claims described in subsection (b)(2)(A).

(2) SECOND INTERIM REPORT.—Not later than 1,065 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (b) with respect to claims described in subsection (b)(2)(B).

(3) ELEMENTS OF INTERIM REPORTS.—The reports required by paragraphs (1) and (2) shall include the following:

(A) Data concerning the number and type of claims covered by the respective pilot program.

(B) The findings of the Secretary with respect to the respective pilot program.

(C) The recommendations of the Secretary on the feasibility and advisability of continuing or expanding the respective pilot program and any necessary modifications to such pilot program for continuation or expansion.

(D) Such other information as the Secretary considers appropriate.

(4) FINAL REPORT.—Not later than 180 days after the completion of each pilot program carried out under this section, the Secretary shall submit to Congress a final report on the feasibility and advisability of continuing or expanding the respective pilot program.

**SEC. 222. OFFICE OF SURVIVORS ASSISTANCE.**

(a) IN GENERAL.—Chapter 3 is amended by adding at the end the following new section:

**“§ 321. Office of Survivors Assistance**

“(a) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Survivors Assistance (in this section referred to as the ‘Office’) to serve as a resource regarding all benefits and services furnished by the Department—

“(1) to survivors and dependents of deceased veterans; and  
“(2) to survivors and dependents of deceased members of the Armed Forces.

“(b) ADVISORY DUTIES.—The Office shall serve as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting the survivors and dependents described in subsection (a).

“(c) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders.

“(d) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

“(e) INCLUSION OF INFORMATION ON OFFICE IN ANNUAL REPORT ON DEPARTMENT ACTIVITIES.—The Secretary shall include in each annual Performance and Accountability report submitted by the Secretary to Congress a description of the activities of the Office during the fiscal year covered by such report.”

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

“321. Office of Survivors Assistance.”

**SEC. 223. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.**

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans’ Affairs and Appropriations of the Senate and the Committees on Veterans’ Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran’s income.

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

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving

spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

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

**SEC. 224. INDEPENDENT ASSESSMENT OF QUALITY ASSURANCE PROGRAM.**

(a) IN GENERAL.—Section 7731 is amended by adding at the end the following new subsection:

38 USC 7731.

“(c)(1) The Secretary shall enter into a contract with an independent third-party entity to conduct, during the three-year period beginning on the date of the enactment of the Veterans' Benefits Improvement Act of 2008, an assessment of the quality assurance program carried out under subsection (a).

Contracts.  
Time period.

“(2) The assessment conducted under paragraph (1) shall evaluate the following:

“(A) The quality and accuracy of the work of employees of the Veterans Benefits Administration, using a statistically valid sample of such employees and a statistically valid sample of such work.

“(B) The performance of each regional office of the Veterans Benefits Administration.

“(C) The accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title.

“(D) The consistency of disability ratings among regional offices of the Veterans Benefits Administration, based on a sample of specific disabilities.

“(E) The performance of employees and managers of the Veterans Benefits Administration.

“(3) The Secretary shall develop a mechanism for the automated gathering and producing of data that can be used to monitor and assess trends relating to the items described in paragraph (2).

Effective date.

“(4)(A) Beginning on the date that is six months after the date of the enactment of the Veterans' Benefits Improvement Act of 2008, the Secretary shall—

“(i) for each claim for disability compensation under laws administered by the Secretary submitted to the Secretary on or after such date, retain, monitor, and store in an accessible format the data described in subparagraph (B); and

“(ii) develop a demographic baseline for the data retained, monitored, and stored under subparagraph (A).

“(B) The data described in this subparagraph includes the following:

“(i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant—

“(I) the State in which the claimant resided when the claim was submitted;

“(II) the decision of the Secretary with respect to the claim and each issue claimed; and

“(III) the regional office and individual employee of the Department responsible for rating the claim.

“(ii) The State in which the claimant currently resides.

“(iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

“(5) Nothing in this subsection shall be construed to require the Secretary to replace the quality assurance program under subsection (a) that was in effect on the day before the date of the enactment of this subsection.”.

(b) REPORT TO CONGRESS.—Not later than the end of the three-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report containing the results and findings of the independent third-party entity described in section 7731(c)(1) of title 38, United States Code, as added by subsection (a), with respect to the assessment conducted under such section 7731(c)(1).

**SEC. 225. CERTIFICATION AND TRAINING OF EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS.**

(a) EMPLOYEE CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Subchapter II of chapter 77 is amended by inserting after section 7732 the following new section:

**“§ 7732A. Employee certification**

“(a) DEVELOPMENT OF CERTIFICATION EXAMINATION.—(1) The Secretary shall provide for an examination of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary.

“(2) In developing the examination required by paragraph (1), the Secretary shall—

“(A) consult with appropriate individuals or entities, including examination development experts, interested stakeholders, and employee representatives; and

“(B) consider the data gathered and produced under section 7731(c)(3) of this title.

“(b) EMPLOYEE AND MANAGER REQUIREMENT.—The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary to take the examination provided under subsection (a).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 77 is amended by inserting after the item relating to section 7732 the following new item:

“7732A. Employee certification.”.

38 USC 7732A  
note.

(3) DEADLINES FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall—

(A) develop an updated certification examination required under section 7732A of title 38, United States Code, as added by subsection (a), not later than one year after the date of the enactment of this Act; and

(B) begin administering such certification examination required under such section not later than 90 days after the date on which the development of such certification examination is complete.

(b) EVALUATION OF TRAINING.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) evaluate the training programs administered for employees of the Veterans Benefits Administration of the Department of Veterans Affairs; and

(2) 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 findings of the Comptroller General with respect to the evaluation described in paragraph (1).

**SEC. 226. STUDY OF PERFORMANCE MEASURES FOR CLAIMS ADJUDICATIONS OF THE VETERANS BENEFITS ADMINISTRATION.**

38 USC 5101  
note.

(a) STUDY OF WORK CREDIT SYSTEM AND WORK MANAGEMENT SYSTEM REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the current employee work credit system and work management system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is used—

(1) to measure and manage the work production of employees of the Veterans Benefits Administration who handle claims for compensation and pension benefits; and

(2) to evaluate more effective means of improving performance.

(b) CONTENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary shall consider—

(1) measures to improve the accountability, quality, and accuracy for processing claims for compensation and pension benefits under laws administered by the Secretary that are adjudicated by the Veterans Benefits Administration;

(2) accountability for claims adjudication outcomes;

(3) the quality of claims adjudicated;

(4) a simplified process to adjudicate claims;

(5) the maximum use of information technology applications;

(6) rules-based applications and tools for processing and adjudicating claims efficiently and effectively;

(7) methods of reducing the time required to obtain information from outside sources; and

(8) the elements needed to implement—

(A) performance standards and accountability measures, intended to ensure that—

(i) claims for benefits under the laws administered by the Secretary are processed in an objective, accurate, consistent, and efficient manner; and

(ii) final decisions with respect to such claims are consistent and issued within the target identified in the most recent annual Performance and Accountability report submitted by the Secretary to Congress for the most recent fiscal year;

(B) guidelines and procedures for the identification and prompt processing of such claims that are ready to rate upon submittal;

(C) guidelines and procedures for the identification and prompt processing of such claims submitted by severely

injured and very severely injured veterans, as determined by the Secretary; and

(D) requirements for assessments of claims processing at each regional office for the purpose of producing lessons learned and best practices.

(c) REPORT TO CONGRESS.—Not later than October 31, 2009, the Secretary shall submit to Congress a report on—

(1) the study conducted under subsection (a); and

(2) the components required to implement the updated system for evaluating employees of the Veterans Benefits Administration required under subsection (d).

(d) EVALUATION OF CERTAIN VETERANS BENEFITS ADMINISTRATION EMPLOYEES RESPONSIBLE FOR PROCESSING CLAIMS FOR COMPENSATION AND PENSION BENEFITS.—Not later than 210 days after the date on which the Secretary submits to Congress the report required under subsection (c), the Secretary shall establish an updated system for evaluating the performance and accountability of employees of the Veterans Benefits Administration who are responsible for processing claims for compensation or pension benefits. Such system shall be based on the findings of the study conducted by the Secretary under subsection (a).

Deadline.

38 USC 5101  
note.

Deadline.

**SEC. 227. REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY IN VETERANS BENEFITS ADMINISTRATION.**

(a) REVIEW AND COMPREHENSIVE PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) conduct a review of the use of information technology in the Veterans Benefits Administration with respect to the processing of claims for compensation and pension benefits; and

(2) develop a comprehensive plan for the use of such technology in processing such claims so as to reduce subjectivity, avoidable remands, and regional office variances in disability ratings for specific disabilities.

(b) INFORMATION TECHNOLOGY.—The plan developed under subsection (a)(2) shall include the following:

(1) The use of rules-based processing or information technology systems utilizing automated decision support software at all levels of processing such claims.

(2) The enhancement of the use of information technology for all aspects of the claims process.

(3) Development of a technological platform that—

(A) allows for the use of information that members of the Armed Forces, veterans, and dependents have submitted electronically, including uploaded military records, medical evidence, and other appropriate documentation; and

(B) to the extent practicable—

(i) provides the capability to such members, veterans, and dependents to view applications for benefits submitted online; and

(ii) complies with the provisions of subchapter III of chapter 35 of title 44, United States Code, section 552a of title 5, United States Code, and other relevant security policies and guidelines.

(4) The use of electronic examination templates in conjunction with the schedule for rating disabilities under section 1155 of title 38, United States Code.

(5) Such changes as may be required to the electronic health record system of the Department of Veterans Affairs and the Department of Defense to ensure that Veterans Benefits Administration claim examiners can access the available electronic medical information of the Department of Veterans Affairs and the Department of Defense.

(6) The provision of bi-directional access to medical records and service records between the Department of Veterans Affairs and the Department of Defense.

(7) The availability, on a secure Internet website of the Department of Veterans Affairs, of a portal that can be used by a claimant to check on the status of any claim submitted by that claimant and that provides information, if applicable, on—

- (A) whether a decision has been reached with respect to such a claim and notice of the decision; or
- (B) if no such decision has been reached, notice of—
  - (i) whether the application submitted by the claimant is complete;
  - (ii) whether the Secretary requires additional information or evidence to substantiate the claim;
  - (iii) the estimated date on which a decision with respect to the claim is expected to be made; and
  - (iv) the stage at which the claim is being processed as of the date on which such status is checked.

(c) REVIEW OF BEST PRACTICES AND LESSONS LEARNED.—In carrying out this section, the Secretary shall review—

(1) best practices and lessons learned within the Department of Veterans Affairs; and

(2) the use of the technology known as “VistA” by other Government entities and private sector organizations who employ information technology and automated decision support software.

(d) REDUCTION OF CLAIMS PROCESSING TIME.—In carrying out this section, the Secretary shall ensure that a plan is developed that, not later than three years after implementation, includes information technology to the extent possible to reduce the processing time for each compensation and pension claim processed by the Veterans Benefits Administration. The performance for claims processing under this plan shall be adjusted for changes to the numbers of claims filed in a given period, the complexity of those claims, and any changes to the basic claims processing rules which occur during the assessment period.

Deadline.

(e) CONSULTATION.—In carrying out this section, the Secretary of Veterans Affairs shall consult with information technology designers at the Veterans Benefits Administration, the Veterans Health Administration, VistA managers, the Secretary of Defense, appropriate officials of other Government agencies, appropriate individuals in the private and public sectors, veterans service organizations, and other relevant service organizations.

(f) REPORT TO CONGRESS.—Not later than April 1, 2010, the Secretary shall submit to Congress a report on the review and comprehensive plan required under this section.

**SEC. 228. STUDY AND REPORT ON IMPROVING ACCESS TO MEDICAL ADVICE.**

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study—

(1) to assess the feasibility and advisability of various mechanisms to improve communication between the Veterans Benefits Administration and the Veterans Health Administration to provide Veterans Benefits Administration employees with access to medical advice from the Veterans Health Administration when needed by such employees to carry out their duties; and

(2) to evaluate whether additional medical professionals are necessary to provide the access described in paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

### **TITLE III—LABOR AND EDUCATION MATTERS**

#### **Subtitle A—Labor and Employment Matters**

Deadlines.

38 USC 4322.

**SEC. 311. REFORM OF USERRA COMPLAINT PROCESS.**

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

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

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

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting “in writing” after “submitted the complaint”.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

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

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

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

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting “Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.” after “to the Attorney General.”.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking “The Secretary shall refer” and inserting “Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer”.

38 USC 4324.

## (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.”.

38 USC 4323.

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

- (A) by striking subsection (i); and
- (B) by redesignating subsection (j) as subsection (i).

**SEC. 312. 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 311 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 311 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 311 of this Act), as of the date of such report.

38 USC 4332  
note.

(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. 313. 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. 314. 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 the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives 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. 315. EQUITY POWERS.**

Section 4323(e) of title 38, United States Code, is amended by striking “may use” and inserting “shall use, in any case in which the court determines it is appropriate.”.

**SEC. 316. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS’ EMPLOYMENT AND TRAINING.**

Section 4103(a)(2) is amended—

38 USC 4103.

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

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

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

**SEC. 317. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.**

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

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

(2) by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

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

“(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.

“(C) Veterans who served on active duty during the Post 9/11 Global Operations period who did not serve in the Post 9/11 Global Operations theaters.

“(D) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

“(E) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

“(F) Veterans discharged or released from active duty within four years of the applicable study.

“(G) Special disabled veterans.”.

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

“(c) In this section:

“(1) 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 law.

“(2) The term ‘Post 9/11 Global Operations theaters’ means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.”.

## Subtitle B—Education Matters

### SEC. 321. 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.

38 USC 3512.

Deadline.

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. 322. 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. 323. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

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

### SEC. 324. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

- (1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;
- (2) by inserting “(1)” after “(d)”;
- (3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking “or” at the end;
- (4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting “; or”; and
- (5) by adding at the end the following:
  - “(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

“(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.”.

**SEC. 325. 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:

38 USC 3677.

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

**SEC. 326. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.**

**(a) COORDINATION.—**

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

(A) by redesignating subsection (b) as subsection (c); and

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

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

**(2) CONFORMING AND CLERICAL AMENDMENTS.—**(A) The heading of such section is amended to read as follows:

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

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

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

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

(A) in subsection (a), by inserting “COOPERATION IN ACTIVITIES.—” after “(a)”; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting “AVAILABILITY OF INFORMATION MATERIAL.” after “(c)”.

(b) REPORT.—Not later than 240 days 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 setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

## **Subtitle C—Vocational Rehabilitation Matters**

### **SEC. 331. 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.**

38 USC 3105.

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. 332. INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM.**

Section 3120(e) of title 38, United States Code, is amended by striking “2500 veterans” and inserting “2600 veterans”.

**SEC. 333. 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 their vocational rehabilitation plans. The study shall include an identification of the following elements, to the extent that such elements do not duplicate studies conducted or reports released by the Secretary during the one-year period beginning on the date of the enactment of this Act:

(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 by public and private vocational rehabilitation service providers for individuals with disabilities in the United States, and in other countries, that promote successful outcomes by the program participants.

(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 participate in and complete a vocational rehabilitation plan.

(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.

**SEC. 334. LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS.**

(a) STUDY REQUIRED.—Chapter 31 is amended by adding at the end the following new section:

**“§ 3122. Longitudinal study of vocational rehabilitation programs**

“(a) STUDY REQUIRED.—(1) Subject to the availability of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.

“(2) The groups of individuals described in this paragraph are the following:

“(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2010.

“(B) Individuals who begin participating in such a program during fiscal year 2012.

“(C) Individuals who begin participating in such a program during fiscal year 2014.

“(b) ANNUAL REPORTS.—By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the study during the preceding year.

“(c) CONTENTS OF REPORT.—The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:

“(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.

“(2) The average number of months such individuals served on active duty.

“(3) The distribution of disability ratings of such individuals.

“(4) The types of other benefits administered by the Secretary received by such individuals.

“(5) The types of social security benefits received by such individuals.

“(6) Any unemployment benefits received by such individuals.

“(7) The average number of months such individuals were employed during the year covered by the report.

“(8) The average annual starting and ending salaries of such individuals who were employed during the year covered by the report.

“(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.

“(10) The average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report.

“(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.

“(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.

“(13) The average annual income of such individuals.

“(14) The average total household income of such individuals for the year covered by the report.

“(15) The percentage of such individuals who own their principal residences.

“(16) The average number of dependents of each such veteran.”.

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

“3122. Longitudinal study of vocational rehabilitation programs.”.

## TITLE IV—INSURANCE MATTERS

### SEC. 401. 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 have severe and acute 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. 402. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

38 USC 1965.

(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. 403. 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 402 of this Act), that begins on or after the date of the enactment of this Act.

38 USC 1967  
note.

38 USC 1968  
note.

(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). 38 USC 1969 note.

(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. 38 USC 1973 note.

**SEC. 404. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.**

Section 1922(a) is amended by striking “directly from such fund” and inserting “directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund”. 38 USC 1922.

## **TITLE V—HOUSING MATTERS**

**SEC. 501. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.** 38 USC 3703 note.

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. 502. 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.

**SEC. 503. REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS.**

38 USC 2103.

Deadline.

Section 2103 is amended—

(1) by striking “The Secretary” and inserting “(a) PLANS AND SPECIFICATIONS.—The Secretary”; and

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

“(b) HANDBOOK FOR DESIGN.—The Secretary shall make available to veterans eligible for assistance under this chapter, without cost to the veterans, a handbook containing appropriate designs for specially adapted housing. The Secretary shall update such handbook at least once every six years to take into account any new or unique disabilities, including vision impairments, impairments specific to the upper limbs, and burn injuries.”.

**SEC. 504. 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 “100 percent”.

**SEC. 505. EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS.**

(a) EXTENSION OF DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of title 38, United States Code, is amended by striking “2008” and inserting “2012”.

(b) EXTENSION OF DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) of such title is amended by striking “2008” and inserting “2012”.

## **TITLE VI—COURT MATTERS**

**SEC. 601. 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.

Effective dates.

“(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. 602. 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.

Regulations.

“(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. 603. 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”.

38 USC 7257.

(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.”.

38 USC 7296.

(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. 604. 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.”.

**SEC. 605. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.**

Section 7285(a) is amended—

(1) in the first sentence, by inserting “reasonable” after “impose a”;

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

38 USC 7285.

(3) in the third sentence, by inserting “reasonable” after “impose a”.

## **TITLE VII—ASSISTANCE TO UNITED STATES PARALYMPIC INTEGRATED ADAPTIVE SPORTS PROGRAM**

38 USC 322 note.

### **SEC. 701. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 1998, Congress enacted the Olympic and Amateur Sports Act Amendments of 1998 (33 U.S.C. 101 note), which amended chapter 2205 of title 36, United States Code, and included a statement that the purpose of the Act was “to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes”.

(2) The United States Olympic Committee manages and administers the Paralympic Program for physically disabled athletes.

(3) The Department of Veterans Affairs provides health care to veterans and administers recreational activities for patients including the Golden Age Games, the National Veterans Wheelchair Games, and the Winter Sports Clinic.

(4) In 2005, the United States Olympic Committee entered into a memorandum of understanding with the Secretary of Veterans Affairs to increase interest in and access to Paralympic sports programs for veterans with physical disabilities by coordinating the activities of the United States Olympic Committee with the Department of Veterans Affairs.

(5) The Paralympic Program has a significant positive effect on the quality of life of disabled veterans and disabled members of the Armed Forces who participate in the program, including helping to improve the mobility, vitality, and physical, psychological, and social well-being of such participants and reducing the incidence of secondary medical conditions in those participants.

(6) Because of Operation Iraqi Freedom and Operation Enduring Freedom, the number of disabled veterans and disabled members of the Armed Forces has increased substantially and it is therefore desirable to supplement the rehabilitation and recreation programs of the Department of Veterans Affairs through sports for disabled veterans and members of the Armed Forces.

(b) **PURPOSE.**—The purposes of this title are as follows:

(1) To promote the lifelong health of disabled veterans and disabled members of the Armed Forces through regular participation in physical activity and sports.

(2) To enhance the recreation activities provided by the Department of Veterans Affairs by promoting disabled sports from the local level through elite levels and by creating partnerships among organizations specializing in supporting, training, and promoting programs for disabled veterans.

(3) To provide training and support to national and local organizations to provide Paralympic sports training to disabled veterans and disabled members of the Armed Forces in their own communities.

(4) To provide support to the United States Paralympics, Inc., to increase the participation of disabled veterans and disabled members of the Armed Forces in sports.

**SEC. 702. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ASSISTANCE TO UNITED STATES PARALYMPICS, INC.**

(a) PROVISION OF ASSISTANCE AUTHORIZED.—Subchapter II of chapter 5 is amended by inserting after section 521 the following new section:

**“§ 521A. Assistance for United States Paralympics, Inc.**

“(a) AUTHORIZATION TO PROVIDE ASSISTANCE.—The Secretary may award grants to the United States Paralympics, Inc., to plan, develop, manage, and implement an integrated adaptive sports program for disabled veterans and disabled members of the Armed Forces.

“(b) OVERSIGHT BY SECRETARY.—As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall permit the Secretary to conduct such oversight of the use of grant funds as the Secretary determines is appropriate. The United States Paralympics, Inc., shall be responsible for the use of grant funds provided under this section.

“(c) APPLICATION REQUIREMENT.—(1) Before the Secretary may award a grant to the United States Paralympics, Inc., under this section, the United States Paralympics, Inc., shall submit to the Secretary an application that describes the activities to be carried out with the grant, including information on specific measurable goals and objectives to be achieved using grant funds.

“(2) The application shall include—

“(A) a detailed description of all partnerships referred to in paragraph (3) at the national and local levels that will be participating in such activities and the amount of grant funds that the United States Paralympics, Inc., proposes to make available for each of such partnerships; and

“(B) for any fiscal year for which a grant is sought, the amount of private donations received by the United States Paralympics, Inc., expected to be expended to support operations during that fiscal year.

“(3) Partnerships referred to in this paragraph are agreements between the United States Paralympics, Inc., and organizations with significant experience in the training and support of disabled athletes and the promotion of disabled sports at the local and national levels. Such organizations may include Disabled Sports USA, Blaze Sports, Paralyzed Veterans of America, and Disabled American Veterans. The agreements shall detail the scope of activities and funding to be provided by the United States Paralympics, Inc., to the partner.

“(d) USE OF FUNDS.—(1) The United States Paralympics, Inc., with the assistance and cooperation of the Secretary and the heads of other appropriate Federal and State departments and agencies and partnerships referred to in subsection (c)(3), shall use a grant under this section to reimburse grantees with which the United States Paralympics, Inc., has entered into a partnership under

Grants.

subsection (c) for the direct costs of recruiting, supporting, equipping, encouraging, scheduling, facilitating, supervising, and implementing the participation of disabled veterans and disabled members of the Armed Forces in the activities described in paragraph (3) by supporting a program described in paragraph (2).

“(2) A program described in this paragraph is a sports program that—

“(A) promotes basic physical activity, games, recreation, training, and competition;

“(B) is approved by the Secretary; and

“(C)(i) provides services and activities described in paragraph (3) for disabled veterans and disabled members of the Armed Forces; and

“(ii) may also provide services and activities described in paragraph (3) for individuals with disabilities who are not veterans or members of the Armed Forces, or both; except that funds made available to carry out this section may not be used to support those individuals with disabilities who are not veterans or members of the Armed Forces.

“(3) Activities described in this paragraph are—

“(A) instruction, participation, and competition in Paralympic sports;

“(B) training and technical assistance to program administrators, coaches, recreational therapists, instructors, Department employees, and other appropriate individuals; and

“(C) coordination, Paralympic classification of athletes, athlete assessment, sport-specific training techniques, program development (including programs at the local level), sports equipment, supplies, program evaluation, and other activities related to the implementation and operation of the program.

“(4) A grant made under this section may include, at the discretion of the Secretary, an amount for the administrative expenses of the United States Paralympics, Inc., but not to exceed five percent of the amount of the grant.

“(5) Funds made available by the United States Paralympics, Inc., to a grantee under subsection (c) may include an amount for administrative expenses, but not to exceed ten percent of the amount of such funds.

“(e) OUTREACH REQUIREMENT.—As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree to conduct a joint outreach campaign with the Secretary of Veterans Affairs to inform all eligible veterans and separating members of the Armed Forces with physical disabilities about the existence of the integrated adaptive sports program, as appropriate, and shall provide for, facilitate, and encourage participation of such veterans and separating members of the Armed Forces in programs under this section to the extent possible.

“(f) COORDINATION.—The Secretary shall ensure access to and use of appropriate Department sports, recreation, and fitness facilities by disabled veterans and disabled members of the Armed Forces participating in the integrated adaptive sports program to the maximum extent possible. The Secretary shall ensure that such access does not adversely affect any other assistance provided to veterans.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$8,000,000 for each of fiscal years 2010 through 2013 to carry out this section. Amounts appropriated pursuant

to this subsection shall remain available without fiscal year limitation.

“(h) SEPARATE ACCOUNTING.—The Department shall have a separate line item in budget proposals of the Department for funds to be appropriated to carry out this section. Funds appropriated to carry out this section shall not be commingled with any other funds appropriated to the Department.

“(i) LIMITATION ON USE OF FUNDS.—Except as provided in paragraphs (4) and (5) of subsection (d), funds appropriated to carry out this section may not be used to support or provide services to individuals who are not disabled veterans or disabled members of the Armed Forces.

“(j) ANNUAL REPORT TO SECRETARY.—(1) As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree that by not later than 60 days after the last day of a fiscal year for which a grant is provided under this section, the United States Paralympics, Inc., shall submit to the Secretary a report setting forth in detail the use of the grant funds during that fiscal year, including the number of veterans who participated in the integrated adaptive sports program, including any programs carried out through a partnership under subsection (c)(3), and the administrative expenses of the integrated adaptive sports program.

“(2) A report under this subsection may be audited by the Secretary.

“(3) For any fiscal year after fiscal year 2010, the eligibility of the United States Paralympics, Inc., to receive a grant under this section shall be contingent upon the submission of the report under paragraph (1) for the preceding fiscal year.

“(k) ANNUAL REPORT TO CONGRESS.—For any fiscal year during which the Secretary provides assistance under this section, the Secretary shall submit to Congress a report on the use of funds provided under this section.

“(l) TERMINATION.—The Secretary may only provide assistance under this section during fiscal years 2010 through 2013.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 521 the following new item:

“521A. Assistance for United States Paralympics, Inc.”.

(c) DEADLINE FOR MEMORANDUM OF UNDERSTANDING.—The Secretary of Veterans Affairs may not award a grant under section 521A of title 38, United States Code, as added by subsection (a), until the United States Paralympics, Inc., and the Secretary have entered into a memorandum of understanding or cooperative agreement regarding implementation of the integrated adaptive sports program under that section. To the extent feasible, such memorandum or agreement shall be concluded not later than 240 days after the date of the enactment of this Act.

38 USC 521A  
note.

**SEC. 703. DEPARTMENT OF VETERANS AFFAIRS OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.**

(a) ESTABLISHMENT OF OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.—Chapter 3, as amended by section 222, is amended by adding at the end the following new section:

**“§ 322. Office of National Veterans Sports Programs and Special Events**

“(a) ESTABLISHMENT.—There is in the Department an Office of National Veterans Sports Programs and Special Events. There is at the head of the Office a Director, who shall report to an appropriate official of the Veterans Benefits Administration, as determined by the Secretary, or to the Deputy Secretary or Secretary.

“(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the direction of the Secretary, the Director—

“(1) shall establish and carry out qualifying programs and events;

“(2) may provide for sponsorship by the Department of qualifying programs and events;

“(3) may provide for, facilitate, and encourage participation by disabled veterans in qualifying programs and events;

“(4) shall, to the extent feasible, cooperate with the United States Paralympics, Inc., and its partners to promote the participation of disabled veterans and disabled members of the Armed Forces in sporting events sponsored by the United States Paralympics, Inc., and its partners;

“(5) shall seek sponsorships and donations from the private sector to defray costs of carrying out the responsibilities of the Director to the maximum extent feasible; and

“(6) may carry out such other responsibilities as the Secretary determines are appropriate.

“(c) QUALIFYING PROGRAM OR EVENT.—For purposes of this section, a qualifying program or event is a sports program or other event in which disabled veterans and disabled members of the Armed Forces participate and that is approved by the Secretary as being consistent with the goals and missions of the Department.

“(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) Subject to the availability of appropriations for such purpose, the Secretary may provide a monthly assistance allowance to a veteran with a disability invited by the United States Paralympics, Inc., to compete for a slot on, or selected for, the Paralympic Team for any month in which the veteran is training or competing in any event sanctioned by the United States Paralympics, Inc., or who is residing at a United States Paralympics, Inc., training center.

“(2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.

“(3) In providing assistance under this subsection, the Secretary shall give priority to veterans with service-connected disabilities.

“(4) There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2010 through 2013.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on disabled sports and special events supported by the Department as of the date of the enactment of this section.”.

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

“322. Office of National Veterans Sports Programs and Special Events.”.

Appropriation  
authorization.

(c) ASSISTANCE AT SPORTING EVENTS.—The Secretary of Veterans Affairs shall direct the Under Secretary for Health of the Department of Veterans Affairs—

(1) to make available, to the extent determined appropriate by the Secretary, recreational therapists, physical therapists, and other medical staff to facilitate participation of veterans in sporting events conducted under the auspices of the United States Paralympics, Inc.; and

(2) to allow such personnel to provide support to the programs of the United States Paralympics, Inc., without requiring the use of personal leave.

**SEC. 704. COMPTROLLER GENERAL REPORT.**

Not later than the last day of fiscal year 2012, the Comptroller General shall submit to Congress a report on the assistance provided to the United States Paralympics, Inc., under section 521A of title 38, United States Code, as added by section 702, and the activities of the Office of National Veterans Sports Programs and Special Events under section 322 of such title, as added by section 703. Such report shall include a description of how the United States Paralympics, Inc., used grants provided by the Department of Veterans Affairs, the number of disabled veterans who benefitted from such grants, and how such veterans benefitted.

## **TITLE VIII—OTHER MATTERS**

**SEC. 801. 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.

38 USC 5302A  
note.

**SEC. 802. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.**

Section 5317(g) is amended by striking “September 30, 2008” 38 USC 5317. and inserting “September 30, 2011”.

**SEC. 803. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.**

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

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

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

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasibility and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

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

(B) \$250,000 shall be available in each such fiscal year for the conduct of additional research authorized by

subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, \$200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

**SEC. 804. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.**

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

Contracts.

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

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

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

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

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

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

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a).

Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2012. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—  
 (A) the Committee on Veterans’ Affairs of the Senate; and

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

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

(3) The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

**SEC. 805. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR CERTAIN SERVICEMEMBERS.**

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

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

“(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days or for a permanent change of duty station within the United States may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before the date of the commencement of such deployment or permanent change if the servicemember’s ability to satisfy the contract or to utilize the service will be materially affected by such deployment or permanent change. The request shall include a copy of the servicemember’s military orders.

“(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall—

“(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

“(2) in the case that such servicemember is deployed outside the continental United States as described in subsection (a), permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.

“(c) CELLULAR TELEPHONE SERVICE DEFINED.—In this section, the term ‘cellular telephone service’ has the meaning given the

term ‘commercial mobile service’ in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).”.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

“Sec. 305A. Termination or suspension of contracts for cellular telephone service.”.

**SEC. 806. CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNs.**

Section 8127 is amended—

- (1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and
- (2) by inserting after subsection (i) the following new subsection (j):

“(j) APPLICABILITY OF REQUIREMENTS TO CONTRACTS.—(1) If after December 31, 2008, the Secretary enters into a contract, memorandum of understanding, agreement, or other arrangement with any governmental entity to acquire goods or services, the Secretary shall include in such contract, memorandum, agreement, or other arrangement a requirement that the entity will comply, to the maximum extent feasible, with the provisions of this section in acquiring such goods or services.

“(2) Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided under the Small Business Act (15 U.S.C. 631 et seq.).”.

**SEC. 807. PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended by adding at the end the following new subsections:

“(e) PENALTY.—Whoever knowingly violates subsection (a) shall be fined as provided in title 18, United States Code, imprisoned for not more than one year, or both.

“(f) PRESERVATION OF OTHER REMEDIES.—The penalties provided under subsection (e) are in addition to and do not preclude any other remedy available under law to a person claiming relief under this section, including any award for consequential or punitive damages.”.

**SEC. 808. FIVE-YEAR EXTENSION OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS.**

Subsection (e) of section 544 is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

**SEC. 809. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY.**

(a) AUTHORITY TO ADVERTISE.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

**“§ 532. Authority to advertise in national media**

“The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in

38 USC 8127.

the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 531 the following:

“532. Authority to advertise in national media.”.

**SEC. 810. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.**

38 USC 2306.

(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”.

38 USC 2306  
note.

(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.

Approved October 10, 2008.

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**LEGISLATIVE HISTORY—S. 3023:**

SENATE REPORTS: No. 110-449 (Comm. on Veterans' Affairs).  
CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 16, considered and passed Senate.

Sept. 24, considered and passed House, amended.

Sept. 27, Senate concurred in House amendment.

