

109TH CONGRESS
1ST SESSION

S. 1235

AN ACT

To amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Veterans Benefits Improvement Act of 2005”.

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

Sec. 1. Short title; table of contents.

TITLE I—INSURANCE MATTERS

Sec. 101. Group Life Insurance.

Sec. 102. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance program.

TITLE II—HOUSING MATTERS

Sec. 201. Adjustable rate mortgages.

Sec. 202. Technical corrections to Veterans Benefits Improvement Act of 2004.

Sec. 203. Permanent authority for housing loans for Native American veterans.

TITLE III—OTHER MATTERS

Sec. 301. Annual plan on outreach activities.

Sec. 302. Extension of reporting requirements on equitable relief cases.

Sec. 303. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.

Sec. 304. Post traumatic stress disorder claims.

3 **TITLE I—INSURANCE MATTERS**

4 **SEC. 101. GROUP LIFE INSURANCE.**

5 (a) SERVICEMEMBERS' GROUP LIFE INSURANCE.—
 6 Section 1967 of title 38, United States Code, as in effect
 7 on October 1, 2005, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2), by adding at the end
 10 the following:

11 “(C) With respect to a policy of insurance covering
 12 an insured member, the Secretary concerned shall make
 13 a good-faith effort to notify the spouse of the member,
 14 at the last address of the spouse in the records of the Sec-
 15 retary concerned, if the member elects, prior to discharge
 16 from the military, naval, or air service, to—

1 “(i) reduce amounts of insurance coverage of
2 the member; or

3 “(ii) name a beneficiary other than the mem-
4 ber’s spouse or child.

5 “(D) The failure of the Secretary concerned to pro-
6 vide timely notification under subparagraph (C) shall not
7 affect the validity of an election by a member.

8 “(E) If an unmarried member marries after having
9 made one or more elections to reduce or decline insurance
10 coverage or to name beneficiaries, the Secretary concerned
11 is not required to notify the spouse of such marriage of
12 such elections. Elections made after such marriage are
13 subject to the notice requirements under subparagraph
14 (C).”; and

15 (B) in paragraph (3)—

16 (i) in subparagraph (A), by striking
17 clause (i) and inserting the following:

18 “(i) In the case of a member, \$400,000.”; and

19 (ii) in subparagraph (B), by striking
20 “member or spouse” and inserting “mem-
21 ber, be evenly divisible by \$50,000 and, in
22 the case of a member’s spouse”; and

23 (2) in subsection (d), by striking “\$250,000”
24 and inserting “\$400,000”.

1 (b) DURATION OF COVERAGE.—Section 1968(a) of
2 title 38, United States Code, is amended—

3 (1) in paragraph (1)(A), by striking “one year”
4 and inserting “2 years”; and

5 (2) in paragraph (4), by striking “one year”
6 and inserting “2 years”.

7 (c) VETERANS’ GROUP LIFE INSURANCE.—Section
8 1977(a) of title 38, United States Code, is amended by
9 striking “\$250,000” each place it appears and inserting
10 “\$400,000”.

11 (d) CONSTRUCTION OF CERTAIN OTHER AMEND-
12 MENTS.—Notwithstanding subsection (h) of section 1012
13 of Public Law 109–13, the amendments made by sub-
14 sections (a)(1), (c), (d), (e)(2), (f), and (g) of such section
15 shall not go into effect on September 1, 2005, as otherwise
16 provided by such subsection (h), and shall not be treated
17 for any purposes as having gone into effect on that date.

18 (e) EFFECTIVE DATE.—(1) The amendments made
19 by subsection (a) of this section shall take effect on Sep-
20 tember 1, 2005.

21 (2) The amendments made by subsections (b) and (c)
22 of this section shall take effect on October 1, 2005, imme-
23 diately after the execution of section 1012(i) of Public
24 Law 109–13.

1 (3) If the date of the enactment of this Act occurs
 2 after September 1, 2005, and before October 1, 2005, the
 3 provisions of paragraph (2) of section 1967(a) of title 38,
 4 United States Code, shall, for purposes of the execution
 5 of the amendments made by subsection (a) of this section,
 6 be such provisions as in effect on May 10, 2005, the day
 7 before the date of the enactment of Public Law 109–13.

8 **SEC. 102. TREATMENT OF STILLBORN CHILDREN AS INSUR-**
 9 **ABLE DEPENDENTS UNDER**
 10 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
 11 **PROGRAM.**

12 (a) TREATMENT.—Section 1965(10) of title 38,
 13 United States Code, is amended by adding at the end the
 14 following new subparagraph:

15 “(C) The member’s stillborn child.”.

16 (b) CONFORMING AMENDMENT.—Section 101(4)(A)
 17 of such title is amended by striking “section 1965(10)(B)”
 18 in the matter preceding clause (i) and inserting “subpara-
 19 graph (B) or (C) of section 1965(10)”.

20 **TITLE II—HOUSING MATTERS**

21 **SEC. 201. ADJUSTABLE RATE MORTGAGES.**

22 Section 3707A(c)(4) of title 38, United States Code,
 23 is amended by striking “1 percentage point” and inserting
 24 “such percentage as the Secretary may prescribe”.

1 **SEC. 202. TECHNICAL CORRECTIONS TO VETERANS BENE-**
2 **FITS IMPROVEMENT ACT OF 2004.**

3 (a) IN GENERAL.—Section 2101 of title 38, United
4 States Code, as amended by section 401 of the Veterans
5 Benefits Improvement Act of 2004 (Public Law 108–454),
6 is further amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d);

9 (2) by inserting after subsection (b) a new sub-
10 section (c) consisting of the text of subsection (c) of
11 such section 2101 as in effect immediately before
12 the enactment of such Act, modified—

13 (A) by inserting after “(c)” the following:
14 “ASSISTANCE TO MEMBERS OF THE ARMED
15 FORCES.—”;

16 (B) in paragraph (1)—

17 (i) in the first sentence, by striking
18 “paragraph (1), (2), or (3)” and inserting
19 “subparagraph (A), (B), (C), or (D) of
20 paragraph (2)”; and

21 (ii) in the second sentence, by striking
22 “the second sentence” and inserting “para-
23 graph (3)”; and

24 (C) in paragraph (2)—

1 (i) in the first sentence, by striking
2 “paragraph (1)” and inserting “paragraph
3 (2)”; and

4 (ii) in the second sentence, by striking
5 “paragraph (2)” and inserting “paragraph
6 (3)”; and

7 (3) in subsection (a)(3), by striking “subsection
8 (c)” in the matter preceding subparagraph (A) and
9 inserting “subsection (d)”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect immediately after the en-
12 actment of the Veterans Benefits Improvement Act of
13 2004 (Public Law 108–454).

14 **SEC. 203. PERMANENT AUTHORITY FOR HOUSING LOANS**
15 **FOR NATIVE AMERICAN VETERANS.**

16 (a) PERMANENT AUTHORITY.—Section 3761 of title
17 38, United States Code, is amended to read as follows:

18 **“§ 3761. Authority for housing loans for Native Amer-**
19 **ican veterans**

20 “(a) The Secretary shall make direct housing loans
21 to Native American veterans in accordance with the provi-
22 sions of this subchapter.

23 “(b) The purpose of loans under this subchapter is
24 to permit Native American veterans to purchase, con-
25 struct, or improve dwellings on trust land.”.

1 (b) CONFORMING AMENDMENTS.—Section 3762 of
2 such title is amended—

3 (1) in subsection (a), by inserting “under this
4 subchapter” after “Native American veteran” in the
5 matter preceding paragraph (1);

6 (2) in subsection (b)(1)(E), by striking “in
7 order to ensure” and all that follows and inserting
8 a period;

9 (3) in subsection (c)(1)(B), by striking “shall
10 be the amount” and all that follows in the second
11 sentence and inserting “shall be such amount as the
12 Secretary considers appropriate for the purpose of
13 this subchapter.”;

14 (4) in subsection (d)(1), by striking the second
15 sentence;

16 (5) in subsection (i)—

17 (A) in paragraph (1), by striking “of the
18 pilot program” and all that follows and insert-
19 ing “of the availability of direct housing loans
20 for Native American veterans under this sub-
21 chapter.”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (A), by striking
24 “under the pilot program” and all that fol-

1 lows and inserting “under this sub-
2 chapter”; and

3 (ii) in subparagraph (E), by striking
4 “in participating in the pilot program” and
5 inserting “in participating in the making
6 of direct loans under this subchapter”; and

7 (6) by striking subsection (j).

8 (c) CLERICAL AMENDMENTS.—(1) The heading of
9 subchapter V of chapter 37 of such title is amended to
10 read as follows:

11 **“Subchapter V—Housing Loans for Native**
12 **American Veterans”.**

13 (2) The table of contents for such chapter is
14 amended—

15 (A) by striking the matter relating to the sub-
16 chapter heading of subchapter V and inserting the
17 following new item:

 “SUBCHAPTER V—HOUSING LOANS FOR NATIVE AMERICAN VETERANS”;

18 and

19 (B) by striking the item relating to section
20 3761 and inserting the following new item:

 “3761. Authority for housing loans for Native American veterans.”.

1 **TITLE III—OTHER MATTERS**

2 **SEC. 301. ANNUAL PLAN ON OUTREACH ACTIVITIES.**

3 (a) ANNUAL PLAN REQUIRED.—Subchapter II of
4 chapter 5 of title 38, United States Code, is amended by
5 inserting after section 523 the following new section:

6 **“§ 523A. Annual plan on outreach activities**

7 “(a) ANNUAL PLAN REQUIRED.—The Secretary shall
8 prepare each year a plan for the outreach activities of the
9 Department for the following year.

10 “(b) ELEMENTS.—Each annual plan under sub-
11 section (a) shall include the following:

12 “(1) Plans for efforts to identify veterans who
13 are not enrolled or registered with the Department
14 for benefits or services under the programs adminis-
15 tered by the Secretary.

16 “(2) Plans for informing veterans and their de-
17 pendents of modifications of the benefits and serv-
18 ices under the programs administered by the Sec-
19 retary, including eligibility for medical and nursing
20 care and services.

21 “(c) COORDINATION IN DEVELOPMENT.—In devel-
22 oping an annual plan under subsection (a), the Secretary
23 shall consult with the following:

1 “(1) Directors or other appropriate officials of
2 organizations approved by the Secretary under sec-
3 tion 5902 of this title.

4 “(2) Directors or other appropriate officials of
5 State and local education and training programs.

6 “(3) Representatives of non-governmental orga-
7 nizations that carry out veterans outreach programs.

8 “(4) Representatives of State and local veterans
9 employment organizations.

10 “(5) Businesses and professional organizations.

11 “(6) Other individuals and organizations that
12 assist veterans in adjusting to civilian life.

13 “(d) INCORPORATION OF ASSESSMENT OF PREVIOUS
14 ANNUAL PLANS.—In developing an annual plan under
15 subsection (a), the Secretary shall take into account the
16 lessons learned from the implementation of previous an-
17 nual plans under such subsection.

18 “(e) INCORPORATION OF RECOMMENDATIONS TO IM-
19 PROVE OUTREACH AND AWARENESS.—In developing an
20 annual plan under subsection (a), the Secretary shall in-
21 corporate the recommendations for the improvement of
22 veterans outreach and awareness activities included in the
23 report submitted to Congress by the Secretary pursuant
24 to section 805 of the Veterans Benefits Improvement Act
25 of 2004 (Public Law 108–454).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 523 the following new
 4 item:

“523A. Annual plan on outreach activities.”.

5 **SEC. 302. EXTENSION OF REPORTING REQUIREMENTS ON**
 6 **EQUITABLE RELIEF CASES.**

7 Section 503(c) of title 38, United States Code, is
 8 amended by striking “December 31, 2004” and inserting
 9 “December 31, 2009”.

10 **SEC. 303. INCLUSION OF ADDITIONAL DISEASES AND CON-**
 11 **DITIONS IN DISEASES AND DISABILITIES**
 12 **PRESUMED TO BE ASSOCIATED WITH PRIS-**
 13 **ONER OF WAR STATUS.**

14 Section 1112(b)(3) of title 38, United States Code,
 15 is amended by adding at the end the following new sub-
 16 paragraphs:

17 “(L) Atherosclerotic heart disease or hyper-
 18 tensive vascular disease (including hypertensive
 19 heart disease) and their complications (including
 20 myocardial infarction, congestive heart failure and
 21 arrhythmia).

22 “(M) Stroke and its complications.”.

1 **SEC. 304. POST TRAUMATIC STRESS DISORDER CLAIMS.**

2 The Secretary shall develop and implement policy and
3 training initiatives to standardize the assessment of post
4 traumatic stress disorder disability compensation claims.

Passed the Senate September 28, 2005.

Attest:

Secretary.

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