

In the House of Representatives, U. S.,

September 22, 2008.

Resolved, That the bill from the Senate (S. 1315) entitled “An Act to amend title 38, United States Code, to enhance veterans’ insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes”,

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
3 *erans’ Benefits Enhancement Act of 2008”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

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

TITLE I—INSURANCE MATTERS

Sec. 101. Administrative costs of service disabled veterans’ insurance.

Sec. 102. Modification of Servicemembers’ Group Life Insurance coverage.

*Sec. 103. Designation of fiduciary for traumatic injury protection coverage under
Servicemembers’ Group Life Insurance in case of lost mental ca-
pacity or extended loss of consciousness.*

TITLE II—HOUSING MATTERS

*Sec. 201. Home improvements and structural alterations for totally disabled
members of the Armed Forces before discharge or release from the
Armed Forces.*

TITLE III—LABOR AND EDUCATION MATTERS

*Sec. 301. Coordination of approval activities in the administration of education
benefits.*

Sec. 302. *Waiver of residency requirement for Directors for Veterans' Employment and Training.*

Sec. 303. *Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.*

TITLE IV—COURT MATTERS

Sec. 401. *Recall of retired judges of the United States Court of Appeals for Veterans Claims.*

Sec. 402. *Additional discretion in imposition of practice and registration fees.*

Sec. 403. *Annual reports on workload of United States Court of Appeals for Veterans Claims.*

Sec. 404. *Report on expansion of facilities for United States Court of Appeals for Veterans Claims.*

TITLE V—OTHER MATTERS

Sec. 501. *Clarification of purpose of the outreach services program of the Department of Veterans Affairs.*

Sec. 502. *Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.*

Sec. 503. *Maintenance, management, and availability for research of assets of Air Force Health Study.*

Sec. 504. *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. 505. *Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.*

1 **SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 **TITLE I—INSURANCE MATTERS**

8 **SEC. 101. ADMINISTRATIVE COSTS OF SERVICE DISABLED** 9 **VETERANS' INSURANCE.**

10 *Section 1922(a) is amended by striking “directly from*
 11 *such fund” and inserting “directly from such fund; and (5)*
 12 *administrative costs to the Government for the costs of the*

1 *program of insurance under this section shall be paid from*
 2 *premiums credited to the fund under paragraph (4), and*
 3 *payments for claims against the fund under paragraph (4)*
 4 *for amounts in excess of amounts credited to such fund*
 5 *under that paragraph (after such administrative costs have*
 6 *been paid) shall be paid from appropriations to the fund”.*

7 **SEC. 102. MODIFICATION OF SERVICEMEMBERS’ GROUP**
 8 **LIFE INSURANCE COVERAGE.**

9 *(a) EXPANSION OF SERVICEMEMBERS’ GROUP LIFE*
 10 *INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDI-*
 11 *VIDUAL READY RESERVE.—*

12 *(1) IN GENERAL.—Paragraph (1)(C) of section*
 13 *1967(a) is amended by striking “section 1965(5)(B)*
 14 *of this title” and inserting “subparagraph (B) or (C)*
 15 *of section 1965(5) of this title”.*

16 *(2) CONFORMING AMENDMENT.—Paragraph*
 17 *(5)(C) of such section 1967(a) is amended by striking*
 18 *“section 1965(5)(B) of this title” and inserting “sub-*
 19 *paragraph (B) or (C) of section 1965(5) of this title”.*

20 *(b) REDUCTION IN PERIOD OF COVERAGE FOR DE-*
 21 *PENDENTS AFTER MEMBER SEPARATES.—Section*
 22 *1968(a)(5)(B)(ii) is amended by striking “120 days after”.*

1 **SEC. 103. DESIGNATION OF FIDUCIARY FOR TRAUMATIC IN-**
2 **JURY PROTECTION COVERAGE UNDER**
3 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
4 **IN CASE OF LOST MENTAL CAPACITY OR EX-**
5 **TENDED LOSS OF CONSCIOUSNESS.**

6 (a) *IN GENERAL.*—*The Secretary of Defense shall, in*
7 *consultation with the Secretary of Veterans Affairs, develop*
8 *a form for the designation of a recipient for the funds dis-*
9 *tributed under section 1980A of title 38, United States*
10 *Code, as the fiduciary of a member of the Armed Forces*
11 *in cases where the member is mentally incapacitated (as*
12 *determined by the Secretary of Defense in consultation with*
13 *the Secretary of Veterans Affairs) or experiencing an ex-*
14 *tended loss of consciousness.*

15 (b) *ELEMENTS.*—*The form under subsection (a) shall*
16 *require that a member may elect that—*

17 (1) *an individual designated by the member be*
18 *the recipient as the fiduciary of the member; or*

19 (2) *a court of proper jurisdiction determine the*
20 *recipient as the fiduciary of the member for purposes*
21 *of this subsection.*

22 (c) *COMPLETION AND UPDATE.*—*The form under sub-*
23 *section (a) shall be completed by an individual at the time*
24 *of entry into the Armed Forces and updated periodically*
25 *thereafter.*

1 **TITLE II—HOUSING MATTERS**

2 **SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTER-**
3 **ATIONS FOR TOTALLY DISABLED MEMBERS**
4 **OF THE ARMED FORCES BEFORE DISCHARGE**
5 **OR RELEASE FROM THE ARMED FORCES.**

6 *Section 1717 is amended by adding at the end the fol-*
7 *lowing new subsection:*

8 “(d)(1) *In the case of a member of the Armed Forces*
9 *who, as determined by the Secretary, has a disability per-*
10 *manent in nature incurred or aggravated in the line of duty*
11 *in the active military, naval, or air service, the Secretary*
12 *may furnish improvements and structural alterations for*
13 *such member for such disability or as otherwise described*
14 *in subsection (a)(2) while such member is hospitalized or*
15 *receiving outpatient medical care, services, or treatment for*
16 *such disability if the Secretary determines that such mem-*
17 *ber is likely to be discharged or released from the Armed*
18 *Forces for such disability.*

19 “(2) *The furnishing of improvements and alterations*
20 *under paragraph (1) in connection with the furnishing of*
21 *medical services described in subparagraph (A) or (B) of*
22 *subsection (a)(2) shall be subject to the limitation specified*
23 *in the applicable subparagraph.”.*

1 **TITLE III—LABOR AND**
 2 **EDUCATION MATTERS**

3 **SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE**
 4 **ADMINISTRATION OF EDUCATION BENEFITS.**

5 (a) *COORDINATION.*—

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

7 (A) *by redesignating subsection (b) as sub-*
 8 *section (c); and*

9 (B) *by inserting after subsection (a) the fol-*
 10 *lowing new subsection (b):*

11 “(b) *COORDINATION OF ACTIVITIES.*—*The Secretary*
 12 *shall take appropriate actions to ensure the coordination*
 13 *of approval activities performed by State approving agen-*
 14 *cies under this chapter and chapters 34 and 35 of this title*
 15 *and approval activities performed by the Department of*
 16 *Labor, the Department of Education, and other entities in*
 17 *order to reduce overlap and improve efficiency in the per-*
 18 *formance of such activities.”.*

19 (2) *CONFORMING AND CLERICAL AMENDMENTS.*—

20 (A) *HEADING.*—*The heading of such section*
 21 *is amended to read as follows:*

22 **“§ 3673. Approval activities: cooperation and coordi-**
 23 **nation of activities”.**

24 (B) *TABLE OF SECTIONS.*—*The table of sec-*
 25 *tions at the beginning of chapter 36 is amended*

1 *by striking the item relating to section 3673 and*
2 *inserting the following new item:*

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

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

5 (A) *in subsection (a), by inserting “CO-*
6 *OPERATION IN ACTIVITIES.—” after “(a)”;* and

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

11 (b) *REPORT.—Not later than 120 days after the date*
12 *of the enactment of this Act, the Secretary of Veterans Af-*
13 *fairs shall submit to the Committee on Veterans’ Affairs of*
14 *the Senate and the Committee on Veterans’ Affairs of the*
15 *House of Representatives a report setting forth the fol-*
16 *lowing:*

17 (1) *The actions taken to establish outcome-ori-*
18 *ented performance standards for State approving*
19 *agencies created or designated under section 3671 of*
20 *title 38, United States Code, including a description*
21 *of any plans for, and the status of the implementation*
22 *of, such standards as part of the evaluations of State*
23 *approving agencies required by section 3674A of title*
24 *38, United States Code.*

1 (2) *The actions taken to implement a tracking*
 2 *and reporting system for resources expended for ap-*
 3 *proval and outreach activities by such agencies.*

4 (3) *Any recommendations for legislative action*
 5 *that the Secretary considers appropriate to achieve*
 6 *the complete implementation of the standards de-*
 7 *scribed in paragraph (1).*

8 **SEC. 302. WAIVER OF RESIDENCY REQUIREMENT FOR DI-**
 9 **RECTORS FOR VETERANS' EMPLOYMENT AND**
 10 **TRAINING.**

11 *Section 4103(a)(2) is amended—*

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

13 (2) *by adding at the end the following new sub-*
 14 *paragraph:*

15 *“(B) The Secretary may waive the requirement in sub-*
 16 *paragraph (A) with respect to a Director for Veterans' Em-*
 17 *ployment and Training if the Secretary determines that the*
 18 *waiver is in the public interest. Any such waiver shall be*
 19 *made on a case-by-case basis.”.*

20 **SEC. 303. MODIFICATION OF SPECIAL UNEMPLOYMENT**
 21 **STUDY TO COVER VETERANS OF POST 9/11**
 22 **GLOBAL OPERATIONS.**

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

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

4 (2) *by redesignating subparagraph (A) as sub-*
5 *paragraph (F);*

6 (3) *by striking subparagraph (B) and inserting*
7 *the following new subparagraphs:*

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

11 “(B) *Veterans who served in combat or in a war*
12 *zone in the Post 9/11 Global Operations theaters.”;*
13 *and*

14 (4) *in subparagraph (C)—*

15 (A) *by striking “Vietnam era” and insert-*
16 *ing “Post 9/11 Global Operations period”; and*

17 (B) *by striking “the Vietnam theater of op-*
18 *erations” and inserting “the Post 9/11 Global*
19 *Operations theaters”.*

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

22 “(c) *In this section:*

23 “(1) *The term ‘Post 9/11 Global Operations pe-*
24 *riod’ means the period of the Persian Gulf War begin-*
25 *ning on September 11, 2001, and ending on the date*

1 *thereafter prescribed by Presidential proclamation or*
 2 *law.*

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

7 ***TITLE IV—COURT MATTERS***

8 ***SEC. 401. RECALL OF RETIRED JUDGES OF THE UNITED***
 9 ***STATES COURT OF APPEALS FOR VETERANS***
 10 ***CLAIMS.***

11 (a) *REPEAL OF LIMIT ON SERVICE OF RECALLED RE-*
 12 *TIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90*
 13 *DAYS.—Section 7257(b)(2) is amended by striking “or for*
 14 *more than a total of 180 days (or the equivalent) during*
 15 *any calendar year”.*

16 (b) *NEW JUDGES RECALLED AFTER RETIREMENT RE-*
 17 *CEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD*
 18 *OF RECALL.—*

19 (1) *IN GENERAL.—Section 7296(c) is amended*
 20 *by striking paragraph (1) and inserting the following*
 21 *new paragraph:*

22 “(1)(A) *A judge who is appointed on or after the date*
 23 *of the enactment of the Veterans’ Benefits Enhancement Act*
 24 *of 2008 and who retires under subsection (b) and elects*
 25 *under subsection (d) to receive retired pay under this sub-*

1 *section shall (except as provided in paragraph (2)) receive*
2 *retired pay as follows:*

3 “(i) *In the case of a judge who is a recall-eligible*
4 *retired judge under section 7257 of this title, the re-*
5 *tired pay of the judge shall (subject to section*
6 *7257(d)(2) of this title) be the rate of pay applicable*
7 *to that judge at the time of retirement, as adjusted*
8 *from time to time under subsection (f)(3).*

9 “(ii) *In the case of a judge other than a recall-*
10 *eligible retired judge, the retired pay of the judge shall*
11 *be the rate of pay applicable to that judge at the time*
12 *of retirement.*

13 “(B) *A judge who retired before the date of the enact-*
14 *ment of the Veterans’ Benefits Enhancement Act of 2008*
15 *and elected under subsection (d) to receive retired pay under*
16 *this subsection, or a judge who retires under subsection (b)*
17 *and elects under subsection (d) to receive retired pay under*
18 *this subsection, shall (except as provided in paragraph (2))*
19 *receive retired pay as follows:*

20 “(i) *In the case of a judge who is a recall-eligible*
21 *retired judge under section 7257 of this title or who*
22 *was a recall-eligible retired judge under that section*
23 *and was removed from recall status under subsection*
24 *(b)(4) of that section by reason of disability, the re-*

1 *tired pay of the judge shall be the pay of a judge of*
2 *the court.*

3 *“(ii) In the case of a judge who at the time of*
4 *retirement did not provide notice under section 7257*
5 *of this title of availability for service in a recalled*
6 *status, the retired pay of the judge shall be the rate*
7 *of pay applicable to that judge at the time of retire-*
8 *ment.*

9 *“(iii) In the case of a judge who was a recall-*
10 *eligible retired judge under section 7257 of this title*
11 *and was removed from recall status under subsection*
12 *(b)(3) of that section, the retired pay of the judge*
13 *shall be the pay of the judge at the time of the re-*
14 *moval from recall status.”.*

15 *(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED*
16 *PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—*
17 *Section 7296(f)(3)(A) is amended by striking “para-*
18 *graph (2) of subsection (c)” and inserting “paragraph*
19 *(1)(A)(i) or (2) of subsection (c)”.*

20 *(3) PAY DURING PERIOD OF RECALL.—Sub-*
21 *section (d) of section 7257 is amended to read as fol-*
22 *lows:*

23 *“(d)(1) The pay of a recall-eligible retired judge to*
24 *whom section 7296(c)(1)(B) of this title applies is the pay*
25 *specified in that section.*

1 “(2) *A judge who is recalled under this section who*
 2 *retired under chapter 83 or 84 of title 5 or to whom section*
 3 *7296(c)(1)(A) of this title applies shall be paid, during the*
 4 *period for which the judge serves in recall status, pay at*
 5 *the rate of pay in effect under section 7253(e) of this title*
 6 *for a judge performing active service, less the amount of*
 7 *the judge’s annuity under the applicable provisions of chap-*
 8 *ter 83 or 84 of title 5 or the judge’s annuity under section*
 9 *7296(c)(1)(A) of this title, whichever is applicable.”.*

10 (4) *NOTICE.—The last sentence of section*
 11 *7257(a)(1) is amended to read as follows: “Such a no-*
 12 *tice provided by a retired judge to whom section*
 13 *7296(c)(1)(B) of this title applies is irrevocable.”.*

14 (c) *LIMITATION ON INVOLUNTARY RECALLS.—Section*
 15 *7257(b)(3) is amended by adding at the end the following*
 16 *new sentence: “This paragraph shall not apply to a judge*
 17 *to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title*
 18 *applies and who has, in the aggregate, served at least five*
 19 *years of recalled service on the Court under this section.”.*

20 **SEC. 402. ADDITIONAL DISCRETION IN IMPOSITION OF**
 21 **PRACTICE AND REGISTRATION FEES.**

22 Section 7285(a) is amended—

23 (1) *in the first sentence, by inserting “reason-*
 24 *able” after “impose a”;*

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

3 (3) *in the third sentence, by inserting “reason-*
4 *able” after “impose a”.*

5 **SEC. 403. ANNUAL REPORTS ON WORKLOAD OF UNITED**
6 **STATES COURT OF APPEALS FOR VETERANS**
7 **CLAIMS.**

8 (a) *IN GENERAL.—Subchapter III of chapter 72 is*
9 *amended by adding at the end the following new section:*

10 **“§ 7288. Annual report**

11 “(a) *IN GENERAL.—The chief judge of the Court shall*
12 *submit annually to the appropriate committees of Congress*
13 *a report summarizing the workload of the Court for the last*
14 *fiscal year that ended before the submission of such report.*
15 *Such report shall include, with respect to such fiscal year,*
16 *the following information:*

17 “(1) *The number of appeals filed.*

18 “(2) *The number of petitions filed.*

19 “(3) *The number of applications filed under sec-*
20 *tion 2412 of title 28.*

21 “(4) *The number and type of dispositions.*

22 “(5) *The median time from filing to disposition.*

23 “(6) *The number of oral arguments.*

1 “(7) *The number and status of pending appeals*
 2 *and petitions and of applications described in para-*
 3 *graph (3).*

4 “(8) *A summary of any service performed by re-*
 5 *called retired judges during the fiscal year.*

6 “(b) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 7 *FINED.—In this section, the term ‘appropriate committees*
 8 *of Congress’ means the Committee on Veterans’ Affairs of*
 9 *the Senate and the Committee on Veterans’ Affairs of the*
 10 *House of Representatives.’’.*

11 (b) *CLERICAL AMENDMENT.—The table of sections at*
 12 *the beginning of chapter 72 is amended by inserting after*
 13 *the item related to section 7287 the following new item:*

 “7288. *Annual report.*”.

14 **SEC. 404. REPORT ON EXPANSION OF FACILITIES FOR**
 15 **UNITED STATES COURT OF APPEALS FOR**
 16 **VETERANS CLAIMS.**

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

18 (1) *The United States Court of Appeals for Vet-*
 19 *erans Claims is currently located in the District of*
 20 *Columbia in a commercial office building that is also*
 21 *occupied by other Federal tenants.*

22 (2) *In February 2006, the General Services Ad-*
 23 *ministration provided Congress with a preliminary*
 24 *feasibility analysis of a dedicated Veterans Court-*

1 *house and Justice Center that would house the Court*
2 *and other entities that work with the Court.*

3 (3) *In February 2007, the Court notified Con-*
4 *gress that the “most cost-effective alternative appears*
5 *to be leasing substantial additional space in the cur-*
6 *rent location”, which would “require relocating other*
7 *current government tenants” from that building.*

8 (4) *The February 2006 feasibility report of the*
9 *General Services Administration does not include an*
10 *analysis of whether it would be feasible or desirable*
11 *to locate a Veterans Courthouse and Justice Center at*
12 *the current location of the Court.*

13 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
14 *that—*

15 (1) *the United States Court of Appeals for Vet-*
16 *erans Claims should be provided with appropriate of-*
17 *fice space to meet its needs, as well as to provide the*
18 *image, security, and stature befitting a court that*
19 *provides justice to the veterans of the United States;*
20 *and*

21 (2) *in providing that space, Congress should*
22 *avoid undue disruption, inconvenience, or cost to*
23 *other Federal entities.*

24 (c) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Adminis-
3 trator of General Services shall submit to the Com-
4 mittee on Veterans' Affairs of the Senate and the
5 Committee on Veterans' Affairs of the House of Rep-
6 resentatives a report on the feasibility of—

7 (A) leasing additional space for the United
8 States Court of Appeals for Veterans Claims
9 within the building where the Court was located
10 on the date of the enactment of this Act; and

11 (B) using the entirety of such building as a
12 Veterans Courthouse and Justice Center.

13 (2) *CONTENTS.*—The report required by para-
14 graph (1) shall include a detailed analysis of the fol-
15 lowing:

16 (A) The impact that the matter analyzed in
17 accordance with paragraph (1) would have on
18 Federal tenants of the building used by the
19 Court.

20 (B) Whether it would be feasible to relocate
21 such Federal tenants into office space that offers
22 similar or preferable cost, convenience, and usa-
23 ble square footage.

24 (C) If relocation of such Federal tenants is
25 found to be feasible and desirable, an analysis of

1 *what steps should be taken to convert the build-*
 2 *ing into a Veterans Courthouse and Justice Cen-*
 3 *ter and a timeline for such conversion.*

4 (3) *COMMENT PERIOD.*—*The Administrator shall*
 5 *provide an opportunity to such Federal tenants—*

6 (A) *before the completion of the report re-*
 7 *quired by paragraph (1), to comment on the sub-*
 8 *ject of the report required by such paragraph;*
 9 *and*

10 (B) *before the Administrator submits the re-*
 11 *port required by paragraph (1) to the congres-*
 12 *sional committees specified in such paragraph,*
 13 *to comment on a draft of such report.*

14 **TITLE V—OTHER MATTERS**

15 **SEC. 501. CLARIFICATION OF PURPOSE OF THE OUTREACH** 16 **SERVICES PROGRAM OF THE DEPARTMENT** 17 **OF VETERANS AFFAIRS.**

18 (a) *CLARIFICATION OF INCLUSION OF MEMBERS OF*
 19 *THE NATIONAL GUARD AND RESERVE IN PROGRAM.*—*Sub-*
 20 *section (a)(1) of section 6301 is amended by inserting “,*
 21 *or from the National Guard or Reserve,” after “active mili-*
 22 *tary, naval, or air service”.*

23 (b) *DEFINITION OF OUTREACH.*—*Subsection (b) of*
 24 *such section is amended—*

1 (1) *by redesignating paragraphs (1) and (2) as*
 2 *paragraphs (2) and (3), respectively; and*

3 (2) *by inserting before paragraph (2) the fol-*
 4 *lowing new paragraph (1):*

5 “(1) *the term ‘outreach’ means the act or process*
 6 *of reaching out in a systematic manner to proactively*
 7 *provide information, services, and benefits counseling*
 8 *to veterans, and to the spouses, children, and parents*
 9 *of veterans who may be eligible to receive benefits*
 10 *under the laws administered by the Secretary, to en-*
 11 *sure that such individuals are fully informed about,*
 12 *and assisted in applying for, any benefits and pro-*
 13 *grams under such laws;”.*

14 **SEC. 502. TERMINATION OR SUSPENSION OF CONTRACTS**
 15 **FOR CELLULAR TELEPHONE SERVICE FOR**
 16 **SERVICEMEMBERS UNDERGOING DEPLOY-**
 17 **MENT OUTSIDE THE UNITED STATES.**

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

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

23 “(a) *IN GENERAL.*—*A servicemember who receives or-*
 24 *ders to deploy outside of the continental United States for*
 25 *not less than 90 days may request the termination or sus-*

1 *pension of any contract for cellular telephone service entered*
2 *into by the servicemember before that date if the*
3 *servicemember's ability to satisfy the contract or to utilize*
4 *the service will be materially affected by that period of de-*
5 *ployment. The request shall include a copy of the*
6 *servicemember's military orders.*

7 “(b) *RELIEF.*—Upon receiving the request of a
8 *servicemember under subsection (a), the cellular telephone*
9 *service contractor concerned shall, at the election of the con-*
10 *tractor—*

11 “(1) *grant the requested relief without imposi-*
12 *tion of an early termination fee for termination of the*
13 *contract or a reactivation fee for suspension of the*
14 *contract; or*

15 “(2) *permit the servicemember to suspend the*
16 *contract at no charge until the end of the deployment*
17 *without requiring, whether as a condition of suspen-*
18 *sion or otherwise, that the contract be extended.”.*

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

“Sec. 305A. *Termination or suspension of contracts for cellular telephone serv-*
ice.”.

1 **SEC. 503. MAINTENANCE, MANAGEMENT, AND AVAILABILITY**
2 **FOR RESEARCH OF ASSETS OF AIR FORCE**
3 **HEALTH STUDY.**

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

10 (b) *ASSETS FROM AIR FORCE HEALTH STUDY.*—*For*
11 *purposes of this section, the assets transferred to the Medical*
12 *Follow-Up Agency from the Air Force Health Study are*
13 *the assets of the Air Force Health Study transferred to the*
14 *Medical Follow-Up Agency under section 714 of the John*
15 *Warner National Defense Authorization Act for Fiscal Year*
16 *2007 (Public Law 109–364; 120 Stat. 2290), including elec-*
17 *tronic data files and biological specimens on all partici-*
18 *pants in the study (including control subjects).*

19 (c) *MAINTENANCE AND MANAGEMENT OF TRANS-*
20 *FERRED ASSETS.*—*The Medical Follow-Up Agency shall*
21 *maintain and manage the assets transferred to the Agency*
22 *from the Air Force Health Study.*

23 (d) *ADDITIONAL NEAR-TERM RESEARCH.*—

24 (1) *IN GENERAL.*—*The Medical Follow-Up Agen-*
25 *cy may, during the period beginning on October 1,*
26 *2008, and ending on September 30, 2012, conduct*

1 *such additional research on the assets transferred to*
2 *the Agency from the Air Force Health Study as the*
3 *Agency considers appropriate toward the goal of un-*
4 *derstanding the determinants of health, and pro-*
5 *moting wellness, in veterans.*

6 (2) *RESEARCH.—In carrying out research au-*
7 *thorized by this subsection, the Medical Follow-Up*
8 *Agency may, utilizing amounts available under sub-*
9 *section (f)(1)(B), make grants for such pilot studies*
10 *for or in connection with such research as the Agency*
11 *considers appropriate.*

12 (e) *ADDITIONAL MEDIUM-TERM RESEARCH.—*

13 (1) *REPORT.—Not later than March 31, 2012,*
14 *the Medical Follow-Up Agency shall submit to Con-*
15 *gress a report assessing the feasibility and advis-*
16 *ability of conducting additional research on the assets*
17 *transferred to the Agency from the Air Force Health*
18 *Study after September 30, 2012.*

19 (2) *DISPOSITION OF ASSETS.—If the report re-*
20 *quired by paragraph (1) includes an assessment that*
21 *the research described in that paragraph would be*
22 *feasible and advisable, the Agency shall, utilizing*
23 *amounts available under subsection (f)(2), make any*
24 *disposition of the assets transferred to the Agency*

1 *from the Air Force Health Study as the Agency con-*
2 *siders appropriate in preparation for such research.*

3 *(f) FUNDING.—*

4 *(1) IN GENERAL.—From amounts available for*
5 *each of fiscal years 2009 through 2012 for the Depart-*
6 *ment of Veterans Affairs for Medical and Prosthetic*
7 *Research, amounts shall be available as follows:*

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

14 *(B) \$250,000 shall be available in each such*
15 *fiscal year for the conduct of additional research*
16 *authorized by subsection (d), including the fund-*
17 *ing of pilot studies authorized by paragraph (2)*
18 *of that subsection.*

19 *(2) MEDIUM-TERM RESEARCH.—From amounts*
20 *available for fiscal year 2012 for the Department of*
21 *Veterans Affairs for Medical and Prosthetic Research,*
22 *\$200,000 shall be available for the preparation of the*
23 *report required by subsection (e)(1) and for the dis-*
24 *position, if any, of assets authorized by subsection*
25 *(e)(2).*

1 **SEC. 504. NATIONAL ACADEMIES STUDY ON RISK OF DEVEL-**
2 **OPING MULTIPLE SCLEROSIS AS A RESULT**
3 **OF CERTAIN SERVICE IN THE PERSIAN GULF**
4 **WAR AND POST 9/11 GLOBAL OPERATIONS**
5 **THEATERS.**

6 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
7 *shall enter into a contract with the Institute of Medicine*
8 *of the National Academies to conduct a comprehensive epi-*
9 *demiological study for purposes of identifying any in-*
10 *creased risk of developing multiple sclerosis as a result of*
11 *service in the Armed Forces during the Persian Gulf War*
12 *in the Southwest Asia theater of operations or in the Post*
13 *9/11 Global Operations theaters.*

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

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

22 (2) *Identify the incidence and prevalence of di-*
23 *agnosed neurological diseases, including multiple scler-*
24 *osis, Parkinson’s disease, amyotrophic lateral scler-*
25 *osis, and brain cancers, as well as central nervous*

1 *system abnormalities that are difficult to precisely di-*
2 *agnose, in each group as follows:*

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

6 *(B) Members of the Armed Forces who*
7 *served in the Post 9/11 Global Operations thea-*
8 *ters.*

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

13 *(3) Compare the incidence and prevalence of the*
14 *named diagnosed neurological diseases and*
15 *undiagnosed central nervous system abnormalities*
16 *among veterans who served during the Persian Gulf*
17 *War in the Southwest Asia theater of operations, or*
18 *in the Post 9/11 Global Operations theaters, in var-*
19 *ious locations during such periods, as determined by*
20 *the Institute of Medicine.*

21 *(4) Collect information on risk factors, such as*
22 *pesticide and other toxic exposures, to which veterans*
23 *were exposed while serving during the Persian Gulf*
24 *War in the Southwest Asia theater of operations or*

1 *the Post 9/11 Global Operations theaters, or there-*
2 *after.*

3 (c) *REPORTS.*—

4 (1) *INTERIM REPORT.*—*The contract required by*
5 *subsection (a) shall require the Institute of Medicine*
6 *to submit to the Secretary, and to appropriate com-*
7 *mittees of Congress, interim progress reports on the*
8 *study required under subsection (a). Such reports*
9 *shall not be required to include a description of in-*
10 *terim results on the work under the study.*

11 (2) *FINAL REPORT.*—*The contract shall require*
12 *the Institute of Medicine to submit to the Secretary,*
13 *and to appropriate committees of Congress, a final re-*
14 *port on the study by not later than December 31,*
15 *2011. The final report shall include such rec-*
16 *ommendations for legislative or administrative action*
17 *as the Institute considers appropriate in light of the*
18 *results of the study.*

19 (d) *FUNDING.*—*The Secretary shall provide the Insti-*
20 *tute of Medicine with such funds as are necessary to ensure*
21 *the timely completion of the study required under subsection*
22 (i).

23 (e) *DEFINITIONS.*—*In this section:*

24 (1) *The term “appropriate committees of Con-*
25 *gress” means—*

1 (A) the Committee on Veterans' Affairs of
2 the Senate; and

3 (B) the Committee on Veterans' Affairs of
4 the House of Representatives.

5 (2) The term "Persian Gulf War" has the mean-
6 ing given that term in section 101(33) of title 38,
7 United States Code.

8 (3) The term "Post 9/11 Global Operations thea-
9 ters" means Afghanistan, Iraq, or any other theater
10 in which the Global War on Terrorism Expeditionary
11 Medal is awarded for service.

12 **SEC. 505. COMPTROLLER GENERAL REPORT ON ADEQUACY**
13 **OF DEPENDENCY AND INDEMNITY COM-**
14 **PENSATION TO MAINTAIN SURVIVORS OF**
15 **VETERANS WHO DIE FROM SERVICE-CON-**
16 **NECTED DISABILITIES.**

17 (a) *REPORT REQUIRED.*—Not later than 10 months
18 after the date of the enactment of this Act, the Comptroller
19 General of the United States shall submit to the Committees
20 on Veterans' Affairs and Appropriations of the Senate and
21 the Committees on Veterans' Affairs and Appropriations of
22 the House of Representatives a report on the adequacy of
23 dependency and indemnity compensation payable under
24 chapter 13 of title 38, United States Code, to surviving
25 spouses and dependents of veterans who die as a result of

1 *a service-connected disability in replacing the deceased vet-*
2 *eran's income.*

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

5 (1) *a description of the current system for the*
6 *payment of dependency and indemnity compensation*
7 *to surviving spouses and dependents described in sub-*
8 *section (a), including a statement of the rates of such*
9 *compensation so payable;*

10 (2) *an assessment of the adequacy of such pay-*
11 *ments in replacing the deceased veteran's income; and*

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

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

S. 1315

AMENDMENT