

need to also continue to expand avenues of research and opportunities for new fuel breakthroughs. I continue to believe that America's ingenuity is our greatest strength and we can look to ways in which we can utilize that ingenuity to find ways so we might conquer this addiction, as it might be called, to refined fuel. We must do better. We also have to help the American family to get away from \$3 and \$4 a gallon for gasoline. It is time we find a way to help the American family.

Beyond that, I think there is one thing every American can do today, and that is to conserve. If we were to conserve fuel and do that in a significant way, I know we would lower the prices of gas, not only of fuel in the barrel but also at the pump. I think all Americans have an interest in conservation and we should seek and lead our people to do more and more conservation, because until we have alternative fuels available, this may be the very best way in which we can lower our fuel prices.

We need leadership. We look for leadership from the majority party, and we hope part of that will include opening additional sources of exploration in America, where possible and where prudent, in compatibility with our environment; creating more options for fewer fuel blends, and more refining capacity; also, looking to cellulosic, but also conserving more energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I yield back any morning business time.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1315, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

Pending:

Burr amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States.

AMENDMENT NO. 4572

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, there is 60 minutes of debate equally divided on the Burr amendment. Who yields time?

The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I see that my colleague is here, Senator INOUE

of Hawaii. Before I make my statement on S. 1315, I yield time to the senior Senator from Hawaii, Mr. INOUE.

The PRESIDING OFFICER. The senior Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, in 1898, when the United States defeated Spain in the Spanish-American War, we found ourselves suddenly becoming a colonial power. In opposition was the Philippines. Until the end of the war, World War II, we exercised jurisdiction over the Philippines like a colonial power.

However, in July of 1941, when we noted the presence of war clouds over the Pacific and Asia, we called upon the Filipinos to consider volunteering to serve the United States under American command. Thirteen days after December 7, we issued a command order inviting Filipinos to volunteer—it was a crucial time—and 470,000 Filipinos volunteered. From that number, we developed the Commonwealth Army of the Philippines—200,000. We set aside 200,000 of them to serve as guerrilla fighters and about 50,000 to serve as guards and patrols on the shore and along the borders.

History now shows us the Japanese attack, and as a result we had two tragic battles, Corregidor and Bataan. Before these battles were determined and ended, General MacArthur, the commander, was ordered to leave the Philippines, and he left with his staff and arrived in Australia. The Filipinos were left to do their part without proper armament, proper medicine, and with inadequate food. But they fought.

I think all of us remember the Bataan Death March when 75,000 were ordered to march 65 miles without food, medicine, or water. Along that trip, only 54,000 survived—the rest died. I think all of us recall the heroic movies that were filmed as a result of that march. The Bataan Death March became part of the vocabulary of the United States.

We saw Americans being bayoneted, hit, and killed. But the facts show that of the over 75,000 who had to undergo and suffer the Bataan Death March, 15,000 were Americans and 60,000 were Filipinos. They are the ones who got bayoneted. They are the ones who were slaughtered and killed.

Well, these Filipinos were willing to fight for the United States, to stand in harm's way on our behalf. They fought throughout the war as guerrilla fighters. They suffered thousands of casualties. Those who were fighting for America's cause and fighting under the command of American officers, strangely, could not receive American medals.

Now, if one should go to Baghdad, if he is wounded, he gets a Purple Heart. If he does something heroic, he gets a Bronze Star or Silver Star or DSC. Once in a while, someone gets a Medal of Honor. Well, in this case, these matters were not recognized.

The war ended on September 2, 1945, when the Japanese signed the surrender on the deck of the USS *Missouri*.

At that moment, we did not have an ambassador nor an embassy, but we had a high commissioner who was not authorized to accept applications for citizenship. Remember, one of the promises was citizenship.

So about December, Washington sent an official of the Immigration and Naturalization Service to receive applications from Filipinos. Well, he had no staff; he had to do it all on his own. But within a month, Washington decided to recall him. So here we had line upon line of Filipinos waiting to submit their application but no one to receive it.

Then, in early February of 1946, the Congress of the United States passed a measure signed by the President repealing and rescinding the act that we passed in July of 1941, and the Executive order that was issued right after December 7, in which we promised Filipinos if they fought for us, shed their blood, risked their lives and limbs, if they wished they could become citizens of the United States and get all of the veterans' benefits.

Keep in mind Manila was the most devastated city in World War II, so there were no veterans hospitals. That came later.

Well, this veterans bill has a provision in it—a provision of honor—in which, finally, after over 65 years, we will restore our honor and tell the Filipinos: It is late, but please forgive us. There are few remaining of the hundreds of thousands of Filipinos who volunteered and risked their lives. At this moment, I think there are about 18,000 left. As I speak, I am certain some are on their deathbed and dying.

This provision has some rather insulting provisions, but the Filipinos are willing to take it. Some of my colleagues have suggested that the cost of living in the Philippines is less than the cost of living here, so their pension should be one-third of an American GI's, who did the same thing, with the same injury—but one-third. That is all right. But to suggest only those who were in combat, I don't know what that means.

For example, in Iraq, whether you are out on the street or on the boulevard in a truck or in the so-called Green Zone, you are on the front line. Bombs can hit you anywhere. It is the same thing with a guerrilla fighter. Where is the front line for a guerrilla fighter? Is it the jungle? Is it the city? Is it his home?

My colleagues, I hope we will take this opportunity today to restore the honor of the United States and undo the broken promise and make it good. There are a few Filipino World War II veterans left. At least we can face them and say: Yes, it took us a little while, but we are going to carry out our promise. Let's do that.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Hawaii has 20 minutes remaining.

Mr. AKAKA. Mr. President, I am very pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans' Benefits Enhancement Act of 2007, is finally before the Senate for consideration and action.

I want to express my huge gratitude to the majority leader, also the minority leader, and especially to my friend, the ranking member, for coming to an agreement for our offering today.

This comprehensive legislation would improve benefits and services for veterans both old and young.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in August of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. Now we have a good agreement.

As I have described in detail this week, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

Mr. President, the people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in World War II. This bill, at long last, recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the U.S. Armed Forces of the Far East.

According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war.

Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Philippines, throughout the war, suffered great loss of life and tremendous physical damage.

By the end of the war, the capital city of Manila was in ruins and up to one million Filipinos had been killed.

In October 1945, General Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescissions Act of 1946, withdrew veteran status from certain Filipino veterans of World War II.

Upon passage of the Rescissions Act, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated:

There can be no question, but that the Philippine veteran who is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side.

The action by Congress in 1946 to strip Filipino veterans who served under the American flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years.

I wish to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill.

Veterans' pension benefits are provided to allow veterans to live in dignity and meet their basic needs. The amounts proposed in this legislation would permit Filipino veterans who have been denied their rightful status as United States veterans for too long to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years.

I, like President Truman, believe it is the obligation of the United States to care for those who have fought under the U.S. flag. It is past time to right that wrong.

As my fellow World War II veteran, the senior Senator from Alaska, said only yesterday, this is about honor. I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside the U.S. troops during World War II.

The soldier's creed is to leave no fellow warrior behind. I believe in that creed. I believe it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield me time, please?

Mr. BURR. Mr. President, I yield the Senator what time he may use.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Veterans Benefits Enhancement Act of 2007 would recognize the service and sacrifice of Filipino veterans who fought under our flag in World War II. I join my good friends and fellow World War II veterans, Senator INOUE and Senator AKAKA, in supporting the restoration of veterans benefits to these heroic individuals.

Filipino troops fought as American nationals, under the American flag, alongside American soldiers, and under the command of American GEN Douglas MacArthur, earning themselves the status of U.S. veterans.

Like most American troops, Filipino soldiers were effectively drafted into the U.S. military.

When war with Japan became imminent, President Franklin Roosevelt ordered the military forces of the Philippines into the service of the U.S. Armed Forces. The President held this authority because the Philippine Islands were a U.S. possession and the power was written into our law.

The position of these Filipino soldiers was similar to the thousands of courageous Alaskans who volunteered to serve in the Alaska Territorial Guard and protect Alaska before it became a state.

Nearly 60 years later, in 2000, Congress determined that the service of the Alaska Territorial Guard was "active duty" service, making them eligible for the same veterans benefits Filipino veterans now seek.

Just 10 hours after the attack on the U.S. at Pearl Harbor, Japan invaded the Philippines. In the years of war that followed, Filipino soldiers fought alongside American troops with uncommon valor and loyalty to the United States.

Stories of their heroism and sacrifice are abundant. Outnumbered by the Japanese and forced out of Manila, Filipino soldiers and U.S. troops held

their ground for months before being forced to surrender on the Bataan Peninsula and in Corregidor.

Nearly 80,000 Filipino and U.S. soldiers were taken prisoner and forced to walk to a prison camp over 65 miles away in what became known as the infamous "Death March." As many as one in three of these men, weakened by disease and malnutrition and tortured by their captors, died before reaching their destination.

After their American leader, GEN Douglas MacArthur, was ordered to Australia, thousands of Filipino guerrilla soldiers continued resisting Japanese occupation for nearly 3 years. When MacArthur and allied forces returned, Filipino soldiers fought fiercely until Japan's surrender.

One million Filipino combatants and noncombatants died in World War II. In comparison, approximately 400,000 U.S. troops lost their lives in all theaters of the war.

As President Truman would later say of the Filipino troops: "Their assignment was as bloody and difficult as any in which our American soldiers engaged."

Congress should remember the vital contributions of Filipino veterans to the success of the allied forces. Their resistance distracted the Japanese in the Islands, preventing them from deploying elsewhere and possibly reaching the U.S. mainland.

These soldiers bought precious time for General MacArthur to mount a successful counterstrike.

After the war, the U.S. Veterans' Administration determined these service members met the definition of "active Service" in the U.S. Armed Forces and were eligible for full VA benefits.

Under the Rescission Acts of 1946, however, many Filipino veterans' World War II service no longer qualified as 'active duty' service. Congress stripped these soldiers of the benefits they had earned. Filipino veterans and their advocates have fought for the Restoration of these benefits for more than 60 years.

This bill contains provisions that would restore U.S. veteran status to all Filipino World War II Veterans, increase service-connected disability compensation, and provide a reduced flat rate pension to many Filipino veterans residing in the Philippines.

Nonservice-connected pension and death pension benefits are available to all qualifying U.S. veterans regardless of race, national origin, or citizenship status.

Many Filipino World War II veterans and their survivors have been excluded from receiving these benefits. This bill proposes a reasonable and fair way to assist to these veterans.

The expense of this reduced benefit is justified by the contribution of Filipino veterans to this country. If not for their service, the fate of the United States could have been very different. For this, they should be treated as American veterans.

The proposed benefit would cost only a fraction of what it would have if pensions were made available to all Filipino veterans who were entitled. The Embassy of the Philippines claims there were 470,000 Filipino veterans after the war.

Today only about 18,000 of these veterans—most in their eighties—still survive.

Filipino World War II veterans residing in the Philippines have been denied eligibility for pension benefits for more than 60 years. A pension benefit about one third the size of that available to veterans in the United States is not overly generous.

I hope Congress will recognize the service of all our Filipino World War II Veterans just as we have for the Alaska Territorial Guard.

It is time we show our Nation's gratitude for the role Filipino World War II veterans played in our history, fighting alongside soldiers from the U.S. and helping us secure victory over tyranny.

Mr. President, I am grateful to the Senator from Hawaii, Mr. AKAKA, for the comments he made. I do believe this is a matter of honor. I understand how some of the younger Senators might view this as being costly, but I wish to put it in perspective.

As I pointed out, there were approximately 1 million Filipinos killed in action in the defense of our country in World War II. Approximately a half a million survived. Actually, during the war, as I have also pointed out, President Roosevelt said all Filipinos were subject to service in our Armed Forces; in effect, he conscripted the Filipinos to serve.

Those who survived were treated at first as our veterans on the mainland. Subsequently, it was determined that those who came to our country, to the mainland, would be treated fully as veterans of all types in the country were treated. We have to remember, this was an all-male military, primarily a draftee Army of over 16 million men.

First the VA determined all Filipino veterans were subject to the same laws as in the United States. If a person came to the United States as a veteran from the Philippines, he was automatically given citizenship and entitled to full benefits of all the veterans laws, including the GI bill, the right to have money to build a home, and a lot of other benefits were involved in those actions taken by Congress to try and deal with the returning veterans and help them regain their lives.

Later, it was determined that those benefits would not be paid to many of those who stayed in the Philippines. We have been trying for many years to restore those payments. I commend the Senators from Hawaii for trying to do so.

Actually, we had a parallel situation in the Alaska Guard. The Alaska Guard was primarily made up of Eskimos and Alaska Native people who patrolled the borders of Alaska. I remind the Senate

that we have half the coastline of the United States. Those people who were in the Alaska Guard patrolled with their dogsleds without any uniforms being issued to them. It took us a period of time until we were able to recognize them, and we did so. We finally awarded those people in the National Guard their rights as veterans of the United States military forces.

This is something we have to do, as far as I am concerned. The provision in this bill restores the benefits these Filipino veterans have earned. I do believe, as I pointed out the other night on the floor, the Senate should know that Senator INOUE and I went to the Philippines this year and met with some of these people. I am 85 this year and my friend is 84, and we were the youngsters at the meeting. These Filipino veterans who are surviving are our age or older. Most of them are infirm. There are 18,000 left out of the 470,000 plus, almost half a million survivors. This bill restores their benefits.

How long can they last? People who have talked about the cost of this benefit I think misunderstand the situation. This is not a cost of today's economy. This is not a cost for today's taxpayers. This is a burden that should have been borne before.

These people have not had these benefits during all of these years, and they have asked us now, as a matter of honor, to restore their rights before they leave this planet.

I, for one, appeal to the Senate. As I said, there are now only five of us from World War II left in the Senate. When I came here, there were more than 70. There would be no question—I didn't know this actually happened, I have to tell you. We discovered a year ago, when Senator AKAKA raised it, that this situation exists in the Philippines. I do believe it is an action that must be taken. These people not only now are our allies, but they have warmly supported our efforts throughout the world. I do believe to recognize the service and sacrifice of these Filipino veterans who fought under our flag in World War II is absolutely essential. These benefits are going to the heroes of the Philippines who are now surviving.

Lastly, I again point out to the Senate, those who lived through that time know if they had not made this sacrifice, if they had not lost two-thirds of their men in World War II, we would not have had the time to rebuild America. We would not have had the time to bring in the forces, to train the people who finally carried the war throughout the world to two tyrants, to Hitler and to the Japanese.

We have not had a world war since that time, and I do hope the world will never see another world war. But these people were the keys to the Pacific. Without them, we would have certainly been at war another couple of years at least and certainly would have seen an exchange of atomic weapons by that time. They gave us the time to survive,

and I think we ought to give them their rights before they leave this planet.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, I yield myself as much time as I may consume.

Chairman AKAKA is a good man and a fair man. He is a wonderful chairman. He has produced a bill which has a tremendous amount of good. I am in deep respect of Senator INOUE and Senator STEVENS. This country owes both, as well as all World War II veterans, a tremendous thanks for their commitment.

As Senator STEVENS mentioned ages, it made me think, on Monday my dad turned 87. He fought in the Pacific. He did it because it was the right thing to do. I believe protection of our veterans is the right thing to do.

Let me, if I may, focus everybody on what S. 1315 is. I ask a chart be put up. One might hear this debate and think this is all about a special pension for Philippine veterans who live in the Philippines who have no service-connected disability. There is a difference. This bill is so much more.

It is \$332 million in Philippine benefits, of which \$221 million is devoted to a new special pension that does not exist. There is a term life insurance program for our veterans of \$83 million over 5 years and \$326 million over 10 years; state approving agencies, \$60 million; mortgage life insurance for our veterans, \$51 million, retroactive traumatic injury, on-the-job training benefits, supplemental insurance, housing grants for burned injured, auto grants for burned injured, COLA for surviving spouses, and much more.

I wanted to highlight those items that are mandatory spending in the bill.

This is a good bill. Regardless of the outcome of my amendment, I want my colleagues to support final passage of this bill.

Having said that, I highlight the fact that we do have a difference as it relates to the pensions. Before I get into the specifics of why I believe, not as some have portrayed it that I believe it is too costly, I believe that, one, there was not a promise made. We did not imply it. It was not an impression that people had; that, in fact, when we look back at those individuals who served in this Chamber who made the decision on the Rescissions Act, they looked at the history very well. They looked at what Franklin Roosevelt said and the documents that backed it up. They looked at what General MacArthur said and the documents that backed it up. And they felt this was not the way for us to go.

Mr. President, I wish to yield a short period of time to my colleague, Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate Senator BURR's leadership on this

issue. I, too, express my appreciation, and I have to say our two Senators from Hawaii are beloved by all Members of this Senate and people whom we respect enormously, as well as the Senator from Alaska.

My father was a veteran of World War II, and the service each of these veterans has provided for our country and for our freedom and security is something we can never thank them for enough.

I agree with Senator BURR that this bill is largely a very good bill, and I am proud to have contributed some provisions that helped enhance veterans' benefits, primarily by cutting redtape that would allow disabled Active-Duty Military personnel to get housing benefits before they officially retire from Active Duty; making family members eligible for housing grants if they are caring for a wounded warrior—and I especially want to recognize the good work of Rosie Babin, the mother of Alan Babin, of Round Rock, TX, who brought this to my attention, and so now we have this provision—and ensuring that burn victims are eligible for housing grants—and this is an area where I want to recognize the work of Christy Patten, the wife of Everett Patten, from Kentucky, who was hospitalized at the Brooke Army Medical Center with burns he received from an IED, and I thank them for the help they provided me in working with the Veterans' Affairs Committee to make sure they were provided for here.

I appreciate the good work our Filipino allies contributed to our effort in the Far East, but I have to say that the problem I have with this bill, and the reason why I agree with Senator BURR, is that the U.S. Treasury is not bottomless, and the funding that is being provided to create this new pension for these Filipino allies, which were of course fighting not only with us but for themselves and for the freedom of their country, is that it would literally be at the expense of U.S. veterans.

The \$221 million that is addressed by Senator BURR's amendment would actually go back in to supplement benefits for United States veterans. And while we appreciate and honor and do nothing but show our respect to all of our allies who fought alongside of us in World War II, certainly that doesn't mean we are going to grant pension benefits to all of our allies, starting with the Filipino veterans, or the British, or the Australians, and all the other allies that fought with us in defeating Hitler and the threat in Japan.

Frankly, I can't see our priorities are correct if we do this at the expense of American veterans. That is why I support the amendment by Senator BURR, and I hope our colleagues will vote for it, because certainly our American veterans should be our priority.

I yield the floor.

Mr. BURR. Mr. President, I thank the Senator from Texas.

Let me highlight one area from these 11 points of the substance of Senator

AKAKA's bill, and it is the creation of a new special pension of \$300 a month to Filipino veterans who live in the Philippines who have no service-connected disability and who did not serve in the United States services.

Now, the reason I want to draw that distinction—and I will ask for the next chart—is there are four groups of Filipino veterans. It is important to understand that the group we refer to as Old Scouts enlisted in the U.S. Army. Because they enlisted in the U.S. Army, they are extended every benefit a U.S. veteran has. We had three other groups, though, the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Philippine Scouts. Of those three categories, none were enlisted in the U.S. service.

Senator INOUE was correct, they were under U.S. command. There were a lot of people in the Second World War who were under the U.S. command. But the official account lists this as the Commonwealth Army of the Philippines. Now, the question that is at the heart of the matter here is: Were Filipino veterans promised VA benefits? According to the information provided in a 1998 congressional hearing, the Department of the Army examined its holdings on General McArthur and President Roosevelt and found no reference by either of these wartime leaders to post-war benefits for Filipino veterans.

Let me draw a distinction. For any Philippine veteran who has a service-connected disability, they are compensated today, whether they live in the United States or whether they live in the Philippines. For the soldier in the Commonwealth Army of the Philippines, those whom Senator STEVENS referred to from the Bataan Death March or side by side in the foxhole, and who had a service-connected disability, they receive compensation from the U.S. Government today, and have continually. The reference that they only got part of what the U.S. vet gets is, in fact, accurate. Because of the difference in the two economies, it was structured to recognize their economy and not to provide more than an equal share to U.S. veterans.

In this bill, we make a change, and that is why, when I alluded to the fact there is \$320 some million designated for Filipinos but only \$221 million designated to the special new pension, the other \$100 million Senator AKAKA has recognized that 50 cents on the dollar is very difficult to substantiate. What he does is he raises it dollar for dollar with U.S. veterans.

Let me put that in perspective. For a 100-percent disabled veteran in the Philippines today, it means today they get \$1,200 a month. After this bill passes, they will get \$2,400 a month, in an economy where the average annual income is \$2,800 a month. We will take every servicemember, regardless of which of those three branches of the commonwealth army they served in, and they will be in the elite class from

a standpoint of income. I support that. I support Senator AKAKA's change in the law.

But the root issue raised is: They were promised something more. Was it Congress's intent to grant full VA benefits to Filipino veterans? First, it is important to note that it was a 1942 VA legal opinion which concluded that Filipino veterans had served "in the active military or naval service of the United States" and on that basis were eligible for VA benefits. Senator Carl Hayden, who in 1946 was the chairman of the Subcommittee on Appropriations, had this to say about VA's legal determination regarding Philippine Army veterans during the committee proceedings in March of that year:

There is nothing to indicate that there was any discussion of the meaning of that term, probably because it is generally well recognized and has been used in many statutes having to do with members or former members of the American armed forces. It would normally be construed to include persons regularly enlisted or inducted in the regular manner in the military and naval service of the United States.

He goes on to say:

But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted—under the GI Bill of Rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent.

He goes further to say:

It is certainly unthinkable that Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that the Servicemen's Readjustment Act of 1940 applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports.

Maybe this is the debate in Congress. This issue was raised in 1997, and in June of that year, when the Clinton administration was asked to testify on this, Stephen Lemons, Acting Under Secretary for Benefits, was quoted in the hearing as saying this:

History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the government's responsibilities toward them.

They testified against extending that benefit.

In 1948, there was a House hearing, and in that House hearing there was an exchange between witnesses and Members of the House. There was a Father Haggarty who came to testify, and I read from the official accounts of that hearing. This is Father Haggarty:

It was constantly promised, as the ambassador mentioned, in radio broadcasts, official American broadcasts to the Philippines in the war. It was definitely promised by General McArthur, General Wainwright, and also it has been acknowledged, I believe, that the Philippine groups recognized the guerrillas, acting as members of the United States Armed Forces, were entitled at one time to complete GI bill of rights. That is, they were included. I believe that is correct, and were later left out.

Mr. Allen, Member:

May I say there, Father, I know you are sincere about it, but I think you are in error. Because there are three or four of us here on the committee who were present when the GI bill was written, and I don't think that ever entered into it.

So the individuals who wrote the GI bill in a committee hearing are verifying that was not even discussed, much less their intent.

There are a number of documents that have existed as committees have held hearings over a period of time from the Department of the Army, from the Roosevelt library. There have been searches everywhere to try to find any documentation that would lead one to believe that there was a promise, that there was an insinuation, and the fact is, whether it is Roosevelt documents, whether it is Army documents, whether it is General MacArthur's personal documents, no one can find anything, other than "we believe this existed."

What factors influenced Congress's decision to limit certain VA benefits to Philippine veterans in what is known as the Rescissions Act of 1946, where it was made perfectly clear in legislation that this was going to happen? Well, you have heard it from the authors of the GI bill. "We never intended this to be extended." The Congressional Research Service testimony in April of 2007 provided the following conclusion based on its review of the congressional history.

It seems clear that Congress considered the Rescissions Act in the context of providing for the comprehensive economic development of the soon to be sovereign Republic of the Philippines.

President Truman, in signing the Rescissions Act, reminded everyone in the United States that we shared responsibility with the Philippine Government for the welfare of Philippine veterans, but recognized that certain practical difficulties exist in applying the GI bill of rights to the Philippines.

Again, the second President in the line suggesting that this was not the intent.

As I said earlier, we extend disability compensation to any Filipino veteran, regardless of Commonwealth Army or of the U.S. Army, who was injured in service or disabled because of service. Now, what have we done? What specifically has the United States done since we left the Philippines?

After the war, the U.S. provided \$620 million—in today's dollars that is \$6.7 billion—for repair of public property and war damage claims and assistance to the Philippine Government. VA compensation for service-related disabilities, as I said, and survivor compensation was also provided, and again paid at a rate that reflected differences in the cost of living.

We are changing that. We are raising it to 100 percent. The United States provided \$22.5 million—\$196 million in today's dollars—for the construction and equipping of a hospital in the Phil-

ippines for the care of Filipino veterans. In addition, the U.S. Government provides annual grants to support the operation of the hospital, which was later donated to the Philippine Government. The grants continue to exist today.

Survivors of the Filipino veterans who died as a result of service are eligible for educational assistance benefits. Filipino veterans legally residing in the United States are eligible for full-rate disability compensation, full-rate cash burial benefits, full access to the VA health care clinics, medical centers, and burial in our national cemeteries.

I am not sure anybody can leave this debate and say we have not done our share. So we are back to one issue: the special pension. We are back to the creation of a special pension for some number of Filipinos who served or were affiliated with the Commonwealth Army of the Philippines that would place them in a pension category of \$300 a month.

I will ask for the last chart to go up. I made this case 2 days ago extremely hard, and I want my colleagues to listen. The proposal to raise \$300 is on top of what is currently paid by the Filipino Government to every veteran. That is \$120 a month. That \$120 a month in the Philippines puts every veteran 400 percent above the poverty line in the Philippines. Let me put it in perspective to the United States. For our veterans who receive a special pension because of income, that pension equates to 10 percent above the poverty line. Today, the \$120 a month equates to 400 percent above the poverty line.

What we are being asked to do in 1315, and what I am cutting from 1315 and allocating to our veterans, is \$300 a month, which would raise the Filipino veterans to 1400 percent over poverty.

Mr. President, that is 27 percent over the median annual income of a Filipino.

I might once again say, for U.S. veterans under special pensions, they are 10 percent above poverty; they are at 21 percent of median income—under, not over. This one change, this one creation of a new program, puts the whole group at 1400 percent over the poverty line and 27 percent over the median income. This is on top of the \$1,200, if they are fully disabled, that they are currently getting each month. What Senator AKAKA will do in his bill, and I support, raises that to \$2,400 if they are 100 percent disabled.

I say to my colleagues, we are not here to create another class in the Philippines. I hold Senator INOUE's and Senator STEVENS' belief that we owe these individuals so much—but so do we to our veterans, to my dad who just turned 87 who fought in the Pacific. Senator CRAIG, in the committee markup, attempted to reach a compromise. He offered \$100 versus \$300. It was rejected. The chairman knows I do not have any ill will over that; a decision was made, and it was rejected on a party-line vote.

I hope—and I say this to the chairman today—I hope this is the last time while I am here when the Veterans' Affairs Committee brings a bill to the floor that does not have the bipartisan consensus that history has proven, and I think he and I can accomplish that.

We inherited something on which we were incapable of coming to some compromise, so we have a tough decision to make. That decision today is about, frankly, our veterans or their veterans. Are we going to enhance the benefits for housing grants and for car grants or are we going to create a new special pension for Filipino veterans who live in the Philippines who have no service-connected disability? It is an issue of, is it equitable?

What my amendment does is simple. It eliminates this new special pension and takes the \$221 million and increases the grants that we have in adaptive housing for our burned veterans and for car grants.

We respect and we are grateful for the brave Filipino fighters, but this is about today, not yesterday. It is about the needs of our veterans, the equity of our generosity. It is not about broken promises, it is about recognizing priorities. It is not about young Members looking and saying that is too much money. No, it is about young Members looking and saying: You know what, when you can't fund everything you have to prioritize.

I urge my colleagues, I implore my colleagues, support my amendment and make sure we put our priorities in the right place. Then vote for passage. Support the chairman in his efforts for passage and know that each one of us will have upheld our responsibilities to our warriors, those individuals who protect us every day we are here.

I yield the floor.

THE PRESIDING OFFICER (Mr. TESTER). The time of the Senator has expired. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, the Veterans' Benefit Enhancement Act we are debating contains a number of important benefits to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, and help disabled veterans make their homes more accessible. That is all worthy.

There is also another issue. In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland and joined us in support of our efforts in the Pacific theater. They fought and died at Corregidor, they were with us on the beaches of Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerrilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace, just as they had come to our aid during times of war.

He guaranteed them equal veterans' benefits—a fair promise, considering their service and considering the law of the land, as they were full members of the U.S. military.

But in 1946 in one of the most misguided legislative actions at the time, Congress took away the benefits that the President of the United States had promised them, benefits they had rightfully earned.

Of the approximately 250,000 Filipino veterans who fought for us in America, only 18,000 are still alive today. Many of them are searching for ways to pay for health care and struggling in ways they never should. These veterans have more yesterdays than tomorrows. They are well into their eighties, and in terms of our budget, what this bill would cost over the next 10 years we are spending in Iraq every 18 hours. Those who say it will cost too much are the same voices who said it would cost too much to do what Democrats did under the leadership of Senator AKAKA when, for the first time, we fully funded the veterans independent budget.

When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises? We need to right an injustice of the past and show our allies, for future purposes as well, when we tell people to join us in our fight against terrorism, to join us in our fight against other challenges in the world, that America honors its obligations to those who fight for the values and principles we collectively share.

This is a critical time to send a message to friends of freedom across the world that we remember our allies, and we pay our debts.

Our distinguished colleagues in this Senate who have served during World War II have said this is not simply a question of budget, this is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line.

Let's just show a fraction of the bravery they did and vote to restore to them what they were promised, what was the law, and what they rightfully earned.

Now, like lawyers, there are some who are picking on points here or there to build a case against these benefits. In my mind it is a case made of sand. Let's vote to bring an honorable ending to this story and in however small a way let us pledge now to give them dignity in the twilight of their lives.

I urge my colleagues to support Senator AKAKA's bill as it is to be able to keep our word in the world.

Mr. President, to reiterate, the Veterans' Benefits Enhancement Act that

we are debating contains a number of important measures to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, help disabled veterans make their homes more accessible. And that is all worthy. But there is also another issue.

In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland, and joined us in support of our efforts in the Pacific Theater. They fought and died at Corregidor. They were with us on the beaches at Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace just as they had come to our aid during times of war. He guaranteed them equal veterans' benefits—a fair promise, considering their service, and considering the law of the land, as they were full members of the U.S. military.

But in 1946, in one of the most misguided legislative actions of the time, Congress took away the benefits that the President of the United States had promised them—benefits they had rightfully earned. Of the approximately 250,000 Filipino veterans who fought for us in America, only about 18,000 are still alive today. Many of them are searching for ways to pay for health care, and are struggling in ways they never should.

These veterans have more yesterdays than tomorrows. They are all well into their eighties. In terms of our budget, what this bill would cost over the course of 10 years, we are spending in Iraq every 18 hours.

So those who say it costs too much are the same voices who said that it would cost too much to do what Democrats did under the leadership of Senator AKAKA, when for the first time we fully funded the veterans independent budget. When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises?

We need to right an injustice of the past and show our allies for future purposes as well; when we tell people join us in our fight against terrorism, join us in our fight against other challenges in the world that America honors its obligation to those who fight for the values and our principles that we collectively share. This is a critical time to send a message to friends of freedom across the world: we remember our allies and we pay our debts.

Our distinguished colleagues in the Senate who have served during World

War II have said, this is not simply a question of budget. This is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line. Let us show them just a fraction of the bravery they did, and vote to restore them what they were promised, what was the law and what they rightfully earned.

Now, like lawyers there are some who are picking on points here and there to build a case against these benefits, in my mind is a case made of sand. Let us vote to bring an honorable ending to this story and in however small a way, let us pledge now to give them dignity in the twilight of their life. I really urge my colleagues to support Senator AKAKA's bill as it is, and be able to keep our word in the world.

If I have any remaining time, I yield it back to Senator AKAKA.

**THE PRESIDING OFFICER.** The Senator from Hawaii.

Mr. AKAKA. Mr. President, I would like to yield 5 minutes to the Senator from Florida, Mr. NELSON.

**THE PRESIDING OFFICER.** The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the underlying bill that the Senators from Hawaii and North Carolina have put together is a step in the right direction: increasing life insurance benefits, increasing disability benefits—particularly for traumatic brain injury—and doing that retroactively.

There is another portion in here that makes a lot of sense. If under current law a veteran who is deployed to a war zone can get out of his apartment rental contract, why should not he be able to get out of his cell phone lease contract? That provision is in here. That is in the underlying bill.

Let me tell you what is not in here—I am going to have to take this up on the Defense authorization bill—taking care of the widows and the orphans in the offset between survivor benefits plans and dependents' indemnity compensation—SVPDIC. The veterans' survivors, the widows and orphans, are entitled under both by law—but by law they offset each other. Thus widows and orphans are suffering. We will address that in the Defense authorization bill.

I want to expand on what the two Senators from Hawaii have said. There is one thing that America should never do, and that is break her word. When we have allies who are side by side with us in war, and they are depending on our word that we are going to take care of them, it is the obligation of America to do that.

I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in support of providing benefits to Filipino veterans who served our Nation during World War II. S. 1315, the Veterans' Benefits Enhancement Act of 2007 introduced by Senator AKAKA, specifically includes a provision that would restore health and pension benefits to Filipino veterans who fought for

the United States during World War II. This provision is based on S.57, the Filipino Veterans Equity Act of 2007 originally introduced by Senator INOUE and which I am proud to cosponsor. I have supported rectifying this injustice since I entered the Senate in 2001.

Senator BURR's amendment would strip the provision benefitting Filipino veterans from S. 1315. I strongly oppose this amendment.

In 1942, President Roosevelt issued an order conscripting Filipino soldiers into the U.S. Armed Forces. More than 250,000 Filipino soldiers joined the U.S. Armed Forces in the months before and days following the attack on Pearl Harbor. These men served on the battlefield and fought courageously alongside American soldiers throughout World War II, took part in the guerilla resistance, and suffered in prisoner-of-war camps including the infamous Bataan Death March in which untold numbers of Americans and Filipinos soldiers suffered and died under brutal conditions.

The United States promised these Filipino veterans the same health and pension benefits as those of American servicemembers, but after World War II ended, Congress passed the Rescission Act of 1946, rescinding benefits that the Filipino soldiers were entitled to receive as U.S. veterans. Since then, these veterans have been fighting for these benefits which were unjustly revoked by the 1946 Rescission Act.

I reiterate the statements I made recently in honor of the 66th anniversary of the Bataan Death March that this is a matter of restoring the honor and dignity of these courageous veterans. I will continue to support and fight for the Filipino veterans equity bill.

**THE PRESIDING OFFICER.** The Senator from Hawaii.

Mr. AKAKA. Mr. President, how much time do we in the majority have?

**THE PRESIDING OFFICER.** Five minutes. The time of the Senator from North Carolina has expired.

Mr. AKAKA. Mr. President, I thank the Senator from Florida for his remarks.

Mr. President, on July 26, 1941, President Roosevelt issued an Executive Order ordering all military forces of the Commonwealth of the Philippines into service of the Armed Forces of the United States. This happened after a bit of history.

In 1898 the Philippines became a colony of the United States. It was on March 24, 1934, that the Tydings-McDuffie Act passed Congress. That provided for independence for the Philippines. It was mandated in that bill that there would be a 10-year period—that is to 1944—when the Philippines would formalize and shape and develop its entity. But what was mandated was that the United States would provide the control and supervision of the national defense of the Philippines, and also of its foreign affairs.

This was in that bill in 1934. The 10-year period ended in 1944. So the

United States was very much a part of the Philippines. In 1941, under the declaration and Executive Order of President Roosevelt, they served in the U.S. Armed Forces of the Far East. All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II and until the Philippines was granted independence on July 4, 1946.

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war. Philippine veterans of the Second World War are now in their twilight years, and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

I urge my colleagues to stand with me, with my World War II colleagues, Senators Inouye and Stevens, and a majority of the Veterans' Affairs Committee and not accept the amendment of the Senator from North Carolina.

AMENDMENT NO. 4576

Mr. AKAKA. Mr. President, under the agreement entered yesterday, I now call up the managers' technicals package and ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider laid upon the table.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment (No. 4576) was agreed to, as follows:

On page 12, beginning on line 8, strike "June 1, 2008" and insert "April 1, 2009".

On page 13, line 17, strike "January 1, 2008" and insert "January 1, 2009".

On page 14, line 9, strike "January 1, 2008" and insert "January 1, 2009".

On page 29, line 7, strike "October 1, 2007" and insert "October 1, 2008".

On page 29, line 12, strike "December 31, 2008" and insert "December 31, 2009".

On page 30, line 19, strike "December 31, 2008" and insert "December 31, 2009".

On page 35, line 22, add after the period the following: "The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010."

On page 38, beginning on line 21, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 41, line 16, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 18, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 24, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 42, line 1, strike "the date of the enactment of this Act" and insert "that date".

On page 59, line 17, strike "October 1, 2007" and insert "October 1, 2008".

On page 62, line 22, strike "October 1, 2007" and insert "October 1, 2008".

On page 67, line 23, strike "October 1, 2007" and insert "October 1, 2008".

On page 71, beginning on line 9, strike "October 1, 2007, and ending on September 30, 2011" and insert "October 1, 2008, and ending on September 30, 2012".

On page 71, line 23, strike "March 31, 2011" and insert "March 31, 2012".

On page 72, line 3, strike "September 30, 2011" and insert "September 30, 2012".

On page 72, line 14, strike "fiscal years 2008 through 2011" and inserting "fiscal years 2009 through 2012".

On page 73, line 4, strike "fiscal year 2011" and insert "fiscal year 2012".

On page 75, beginning on line 22, strike "December 31, 2010" and insert "December 31, 2011".

Mr. AKAKA. Mr. President, I yield back the remaining time and I ask for the vote.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4572.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—41

Alexander	Corker	Isakson
Allard	Cornyn	Kyl
Barrasso	Craig	Martinez
Bayh	Crapo	McConnell
Bennett	Dole	Roberts
Bond	Domenici	Sessions
Brownback	Ensign	Shelby
Bunning	Enzi	Smith
Burr	Graham	Snowe
Chambliss	Grassley	Sununu
Coburn	Gregg	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Wicker
Collins	Inhofe	

NAYS—56

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Stevens
Conrad	Lincoln	Tester
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Hagel	Murray	

NOT VOTING—3

DeMint McCain Obama

The amendment (No. 4572) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I would like to offer my support for S. 1315, the Veterans' Benefits Enhancement Act of 2007. This is a tremendously important piece of legislation, and I commend Senator AKAKA and the Veterans' Affairs Committee for their work.

This bill says to the men and women who have served and suffered horrible injuries and paid the price of war, "We have not forgotten you. You and your families deserve the respect and care of a grateful Nation, and we will do all that we can to see to it that you live lives of dignity." Among other things, this legislation enhances life insurance benefits to disabled servicemembers, improves benefits for veterans who need to renovate their homes to accommodate their injuries, and increases education benefits so our veterans will have an easier time going back to school and getting good jobs when they finish military service.

But just as important as taking care of our newest generation of veterans, this bill also takes care of some of the oldest veterans who were a part of the "greatest generation."

In 1941, President Roosevelt issued an order that directed the Commonwealth Army of the Philippines to fight alongside our Armed Forces, as he was authorized to do under the Philippine Independence Act of 1934. Some 250,000 Filipinos would swear allegiance to the United States of America in the months before and the days after Pearl Harbor.

Under our flag, they went on to fight and die on the same battlefields as U.S. troops. They gathered intelligence, organized a guerilla resistance against the Japanese invasion of their island home, and assisted in rescue operations of American prisoners of war.

When the fighting stopped, the members of the Filipino Army were to have been eligible for full veterans' benefits, just like American veterans. In October of 1945 GEN Omar Bradley, who at the time was the head of the Veterans' Administration, affirmed that the Filipino soldiers would be treated no differently and were to receive all the benefits that they rightly deserved.

Unfortunately, the Rescission Act of 1946 changed all that. It stated that the Filipinos who fought alongside Americans had not performed "active service" and that they had no standing or claim to any "rights, privileges, or benefits."

Mr. President, there are now only about 18,000 of these heroic Filipinos left. About 13,000 of them are still in the Philippines, where they have waited over 60 years for the United States Government to provide the benefits they were promised and are owed for serving our Nation and defending the cause of freedom. That is what this legislation does. It also extends the benefits available to all U.S. servicemembers to the 5,000 Filipino veterans living here in the United States.

Unfortunately, for the past 9 months, the other side of the aisle has balked at

allowing this legislation to come up for a vote. I am certainly thankful that they have no problem with extending full benefits to Filipino veterans living here. But sadly they feel that \$300 a month for a single person and \$375 for a married person is too high a pension for someone who lives in the Philippines but fought for the United States 60 years ago and hasn't received a penny since. Instead they are insisting on no pension at all for these veterans.

However, I am glad that we have now moved to the bill, and we can debate the merits of this vital legislation that will address the needs of those who have paid the price of war.

Senator INOUE, who has so faithfully lead this effort for the past 16 years and knows what it means to have fought under our flag in World War II, recently stated, "What happened 61 years ago was not right; it was shameful and disgraceful. . . . The legislation is about fairness and dignity—core American values. It is also about correcting an injustice that has stood for way too long."

I could not agree more, and I urge my colleagues to support this bill and bring these well-deserved and urgently needed benefits to those veterans—both young and old—who have fought on our behalf.

The PRESIDING OFFICER. Under the previous order, the amendment in the nature of a substitute, as amended, is agreed to.

The clerk will read the bill for the third and final time.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. AKAKA. Mr. President, I ask for the yeas and nays on final passage and urge my colleagues to support the pending measure.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—96

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Barrasso	Boxer	Cardin
Baucus	Brown	Carper
Bayh	Brownback	Casey
Bennett	Bunning	Chambliss



Clinton	Hutchison	Nelson (NE)
Coburn	Inhofe	Pryor
Cochran	Inouye	Reed
Coleman	Isakson	Reid
Collins	Johnson	Roberts
Conrad	Kennedy	Rockefeller
Corker	Kerry	Salazar
Cornyn	Klobuchar	Sanders
Craig	Kohl	Schumer
Crapo	Kyl	Sessions
Dodd	Landrieu	Shelby
Dole	Lautenberg	Smith
Domenici	Leahy	Snowe
Dorgan	Levin	Specter
Durbin	Lieberman	Stabenow
Ensign	Lincoln	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Tester
Feinstein	McCaskill	Thune
Graham	McConnell	Voinovich
Grassley	Menendez	Warner
Gregg	Mikulski	Webb
Hagel	Murkowski	Whitehouse
Harkin	Murray	Wicker
Hatch	Nelson (FL)	Wyden

NAYS—1

Vitter

NOT VOTING—3

DeMint McCain Obama

The bill (S. 1315), as amended, was passed, as follows:

S. 1315

*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 Enhancement Act of 2007”.

(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—INSURANCE MATTERS**

- Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
- Sec. 102. Administrative costs of service disabled veterans’ insurance.
- Sec. 103. Modification of servicemembers’ group life insurance coverage.
- Sec. 104. Supplemental insurance for totally disabled veterans.
- Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers’ Group Life Insurance.
- Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers’ Group Life Insurance.
- Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers’ Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
- Sec. 108. Enhancement of veterans’ mortgage life insurance.

**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.
- Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.

- Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
- Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
- Sec. 205. Supplemental specially adapted housing benefits for disabled veterans.
- Sec. 206. Report on specially adapted housing for disabled individuals.
- Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

**TITLE III—LABOR AND EDUCATION MATTERS**

- Sec. 301. Coordination of approval activities in the administration of education benefits.
- Sec. 302. Modification of rate of reimbursement of State and local agencies administering veterans education benefits.
- Sec. 303. Waiver of residency requirement for Directors for Veterans’ Employment and Training.
- Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
- Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.

**TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS**

- Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.
- Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

**TITLE V—COURT MATTERS**

- Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
- Sec. 502. Additional discretion in imposition of practice and registration fees.
- Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.
- Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

**TITLE VI—COMPENSATION AND PENSION MATTERS**

- Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.
- Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
- Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

**TITLE VII—BURIAL AND MEMORIAL MATTERS**

- Sec. 701. Supplemental benefits for veterans for funeral and burial expenses.
- Sec. 702. Supplemental plot allowances.

**TITLE VIII—OTHER MATTERS**

- Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

- Sec. 802. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.
- Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
- Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
- Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.
- Sec. 806. 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. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

**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—INSURANCE MATTERS**

**SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

(a) **IN GENERAL.**—Chapter 19 is amended by inserting after section 1922A the following new section:

**“§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities**

“(a) **IN GENERAL.**—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

“(b) **ELIGIBLE VETERANS.**—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

“(c) **AMOUNT OF INSURANCE.**—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be \$50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by \$10,000.

“(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed \$50,000.

“(d) **REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.**—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

“(e) **PREMIUMS.**—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

“(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

“(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

“(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

“(B) A veteran who is 70 years of age or older.

“(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

“(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.

“(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

“(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

“(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

“1922B. Level-premium term life insurance for veterans with service-connected disabilities.”

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2009.

#### SEC. 102. 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”.

#### SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) 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 AMENDMENT.—Paragraph (5)(C) of such section 1967(a) 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 COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—

Section 1968(a)(5)(B)(ii) is amended by striking “120 days after”.

#### SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

#### SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

#### SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking “Payments under” and inserting “(1) Payments under”; and

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

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.”

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

#### SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

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

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

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

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

#### SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or \$200,000 after January 1, 2012.”

### 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.

Section 1717 is amended by adding at the end the following new subsection:

“(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

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

#### SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 is amended by inserting after section 2101 the following new section:

“§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

“(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

“(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

“(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise

eligible for such benefits and assistance who resides outside the United States.

“(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

“(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

“(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

“(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking “veteran” each place it appears and inserting “individual”; and

(ii) in paragraph (3), by striking “veteran’s” and inserting “individual’s”;

(B) in subsection (b)(1), by striking “a veteran” and inserting “an individual”;

(C) in subsection (c)—

(i) by striking “a veteran” and inserting “an individual”; and

(ii) by striking “the veteran” each place it appears and inserting “the individual”; and

(D) in subsection (d), by striking “a veteran” each place it appears and inserting “an individual”.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking “veteran” each place it appears (other than in subsection (b)) and inserting “individual”;

(B) in subsection (a), by striking “veteran’s” each place it appears and inserting “individual’s”; and

(C) in subsection (b), by striking “a veteran” each place it appears and inserting “an individual”.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking “veterans” both places it appears and inserting “individuals”.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking “veteran” each place it appears and inserting “individual”; and

(B) in subsection (b)—

(i) in the first sentence, by striking “A veteran” and inserting “An individual”;

(ii) in the second sentence, by striking “a veteran” and inserting “an individual”; and

(iii) by striking “such veteran” each place it appears and inserting “such individual”.

(6) VETERANS’ MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking “any eligible veteran” and inserting “any eligible individual”; and

(ii) by striking “the veterans” and inserting “the individual’s”;

(B) in subsection (b), by striking “an eligible veteran” and inserting “an eligible individual”;

(C) in subsection (e), by striking “an eligible veteran” and inserting “an individual”;

(D) in subsection (h), by striking “each veteran” and inserting “each individual”;

(E) in subsection (i), by striking “the veteran’s” each place it appears and inserting “the individual’s”;

(F) by striking “the veteran” each place it appears and inserting “the individual”; and

(G) by striking “a veteran” each place it appears and inserting “an individual”.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

“§ 2101. Acquisition and adaptation of housing: eligible veterans”.

(B) The heading of section 2102A is amended to read as follows:

“§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member”.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

“2101. Acquisition and adaptation of housing: eligible veterans.”;

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

“2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.”;

and

(C) by striking the item relating to section 2102A and inserting the following new item:

“2102A. Assistance for individuals residing temporarily in housing owned by a family member.”.

**SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.**

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

“(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subsection (b)(2)—

(A) by striking “either” and inserting “any”; and

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

“(C) The disability is due to a severe burn injury (as so determined).”.

**SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.**

Section 2102A(e) is amended by striking “after the end of the five-year period that begins on the date of the enactment of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006” and inserting “after December 31, 2011”.

**SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.**

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

“§ 2102B. Supplemental assistance

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

“(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

“(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

“(B) the payment determined without regard to this section.

“(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

“(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

“(B) the payment determined without regard to this section.

“(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is \$60,000 (as adjusted from time to time under subsection (d)).

“(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is \$12,000 (as adjusted from time to time under subsection (d)).

“(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

“(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

“(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

“(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

“2102B. Supplemental assistance.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

**SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.**

(a) IN GENERAL.—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 that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

**SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.**

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 advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

**TITLE III—LABOR AND EDUCATION MATTERS**

**SEC. 301. 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 120 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).

**SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.**

Section 3674(a)(4) is amended by striking “\$13,000,000” and all that follows through “fiscal year 2007.”.

**SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS’ EMPLOYMENT AND TRAINING.**

Section 4103(a)(2) is amended—

(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. 304. 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”;

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) 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.”; and

(4) in subparagraph (C)—

(A) by striking “Vietnam era” and inserting “Post 9/11 Global Operations period”; and

(B) by striking “the Vietnam theater of operations” and inserting “the Post 9/11 Global Operations theaters”.

(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.”.

**SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.**

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454; 118 Stat. 3600) is amended by striking “2008” each place it appears and inserting “2010”. The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.

**TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS**

**SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.**

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

**“§ 107. Certain service with Philippine forces deemed to be active service**

“(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

“(b) SERVICE DESCRIBED.—Service described in this subsection is service—

“(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

“(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

“(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of \$0.50 for each dollar authorized.

“(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

“(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

“(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

“(e) UNITED STATES DEFINED.—In this section, the term ‘United States’ means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

“107. Certain service with Philippine forces deemed to be active service.”

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

“§ 1514. Certain recipients residing outside the United States

“(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

“(A) For such an individual who is married, at a rate of \$4,500 per year (as increased from time to time under section 5312 of this title).

“(B) For such an individual who is not married, at a rate of \$3,600 per year (as increased from time to time under section 5312 of this title).

“(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of \$2,400 per year (as increased from time to time under section 5312 of this title).

“(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

“(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

“(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

“(c) UNITED STATES DEFINED.—In this section, the term ‘United States’ means the

States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

“1514. Certain recipients residing outside the United States.”

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting “1514,” before “1521,” each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting “1514,” before “1521.”

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting “1514,” before “1521,” the first place it appears; and

(B) in subsection (c)(1), by inserting “1514,” before “1521.”

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after April 1, 2009. The amendments made by paragraphs (3), (4), and (5) shall take effect on April 1, 2009.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as of that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking “except that—” and all that follows and inserting “except that a reference to a State approving agency shall be deemed to refer to the Secretary.”

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

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

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

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

“(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans’ Benefits Enhancement Act of 2007 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 Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

“(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

“(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

“(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.”

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

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

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

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

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: “Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.”

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

SEC. 502. 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

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

**SEC. 503. ANNUAL REPORTS ON WORKLOAD OF 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 annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

- “(1) The number of appeals filed.
- “(2) The number of petitions filed.
- “(3) The number of applications filed under section 2412 of title 28.
- “(4) The number and type of dispositions.
- “(5) The median time from filing to disposition.
- “(6) The number of oral arguments.
- “(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).
- “(8) A summary of any service performed by recalled retired judges during the fiscal year.

“(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means the Committee on Veterans’ Affairs of the Senate and 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. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

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

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the “most cost-effective alternative appears to be leasing substantial additional space in the current location”, which would “require relocating other current government tenants” from that building.

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

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

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

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

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services 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 feasibility of—

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

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

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

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

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

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

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

**TITLE VI—COMPENSATION AND PENSION MATTERS**

**SEC. 601. 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:

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

**SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.**

Section 1311(f) is amended by adding at the end the following new paragraph:

“(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”

**SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.**

Section 1513 is amended—

(1) in subsection (a), by striking “by section 1521” and all that follows and inserting “by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.”;

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

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

“(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to

determinations of income and maximum payments of pension for purposes of this section.”

**TITLE VII—BURIAL AND MEMORIAL MATTERS**

**SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.**

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

**“§ 2302A. Funeral expenses: supplemental benefits**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$900 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

“2302A. Funeral expenses: supplemental benefits.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

**“§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$2,100 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

“2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

**SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.**

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

**“§ 2303A. Supplemental plot allowance**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

“(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$445 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appro-

priate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

“2303A. Supplemental plot allowance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

**TITLE VIII—OTHER MATTERS**

**SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.**

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “or (iii) below” and inserting “(iii), or (iv)”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “or (iii)” and inserting “(iii), or (iv)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

**SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.**

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

**“§ 3902A. Supplemental assistance for providing automobiles or other conveyances**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

“(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

“(2) the payment determined under section 3902 of this title without regard to this section.

“(c) ADJUSTED AMOUNT.—The adjusted amount is \$22,484 (as adjusted from time to time under subsection (d)).

“(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

“(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

“3902A. Supplemental assistance for providing automobiles or other conveyances.”

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

**SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting “, or from the National Guard or Reserve,” after “active military, naval, or air service”.

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

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

(2) by inserting before paragraph (2) the following new paragraph (1):

“(1) the term ‘outreach’ means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;”

**SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.**

(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 may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember’s ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. 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, at the election of the contractor—

“(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) 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.”

(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. 805. 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. 806. 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.

(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, amyotrophic lateral sclerosis, 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, 2011. 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. 807. 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.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The title was amended so as to read:

“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.”

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 493, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 493 be modified to provide that following disposition of S. 1315, the time until 2:15 p.m. be equally divided and controlled, as previously ordered, and the Senate proceed to vote on passage of H.R. 493, with the remaining provisions of the previous order remaining in effect.

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

Mr. KENNEDY. Mr. President, for the information of our membership, we will be having a rollcall vote, then, at 2:15 p.m., and the time, now, will be divided between Senator ENZI and myself on the issue of the genetic non-discrimination legislation.

Mr. President, I yield myself such time as I might use.

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

Mr. KENNEDY. Mr. President, today, the Senate is considering the first major new civil rights bill of the new century. Five years ago this week, we celebrated a milestone that once seemed unimaginable: the completion of the Human Genome Project, which sequenced and mapped all the genes in the human body. This Friday is DNA Day, when we pay tribute to this amazing accomplishment, which was the dawn of a new era in the life sciences. Mapping the human genome has provided extraordinary insights for modern medicine, and it has opened the door to immense new opportunities to prevent, diagnosis, treat, and cure disease. Its discovery may well affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century.

But with this invaluable new information comes a tremendous responsibility. A person's unique genetic code contains the most personal aspects of their identity. As we begin to decipher this information, Americans have legitimate fears about how this deeply private information will be used. Surveys show that people are already declining to take medically valuable tests out of fear that they will face discrimination or invasion of their personal privacy. These fears are not unwarranted. As Francis Collins, the leader of the NIH project to sequence the human genome, has said:

Genetic information and genetic technology can be used in ways that are fundamentally unjust. Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

The remarkable medical advances of the genetic age will be valuable only if people are not afraid to take advantage of them. The promise of this new science will be in jeopardy if our laws fail to contain adequate protections against abuse and misuse of genetic information.

The bipartisan bill now before the Senate takes a substantial step to preserve the value of new genetic technology and to protect the basic rights