

111TH CONGRESS
1ST SESSION

S. 728

To amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Veterans’ Insurance and Benefits Enhancement Act of
6 2009”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 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. Supplemental insurance for totally disabled veterans.
- Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
- Sec. 104. Enhancement of veterans' mortgage life insurance.
- Sec. 105. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

TITLE II—COMPENSATION AND PENSION MATTERS

- Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
- Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.
- Sec. 203. Adjustments in amounts of dependency and indemnity compensation payable to disabled surviving spouses and to parents of deceased veterans.
- Sec. 204. Increase and annual adjustment in limitation on pension payable to hospitalized veterans and others.

TITLE III—BURIAL AND MEMORIAL MATTERS

- Sec. 301. Supplemental benefits for veterans for funeral and burial expenses.
- Sec. 302. Supplemental plot allowances.

TITLE IV—OTHER MATTERS

- Sec. 401. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
- Sec. 402. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.

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

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

1 **TITLE I—INSURANCE MATTERS**

2 **SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR**
3 **VETERANS WITH SERVICE-CONNECTED DIS-**
4 **ABILITIES.**

5 (a) IN GENERAL.—Chapter 19 is amended by insert-
6 ing after section 1922A the following new section:

7 **“§ 1922B. Level-premium term life insurance for vet-**
8 **erans with service-connected disabilities**

9 “(a) IN GENERAL.—In accordance with the provi-
10 sions of this section, the Secretary shall grant insurance
11 to each eligible veteran who seeks such insurance against
12 the death of such veteran occurring while such insurance
13 is in force.

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

17 “(c) AMOUNT OF INSURANCE.—(1) Subject to para-
18 graph (2), the amount of insurance granted an eligible vet-
19 eran under this section shall be \$50,000 or such lesser
20 amount as the veteran shall elect. The amount of insur-
21 ance so elected shall be evenly divisible by \$10,000.

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

1 “(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR
2 OLDER.—In the case of a veteran insured under this sec-
3 tion who turns age 70, the amount of insurance of such
4 veteran under this section after the date such veteran
5 turns age 70 shall be the amount equal to 20 percent of
6 the amount of insurance of the veteran under this section
7 as of the day before such date.

8 “(e) PREMIUMS.—(1) Premium rates for insurance
9 under this section shall be based on the 2001 Commis-
10 sioners Standard Ordinary Basic Table of Mortality and
11 interest at the rate of 4.5 per centum per annum.

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

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

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

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

21 “(4) Insurance granted under this section shall be on
22 a nonparticipating basis and all premiums and other col-
23 lections therefor shall be credited directly to a revolving
24 fund in the Treasury of the United States, and any pay-

1 ments on such insurance shall be made directly from such
2 fund. Appropriations to such fund are hereby authorized.

3 “(5) Administrative costs to the Government for the
4 costs of the program of insurance under this section shall
5 be paid from premiums credited to the fund under para-
6 graph (4), and payments for claims against the fund
7 under paragraph (4) for amounts in excess of amounts
8 credited to such fund under that paragraph (after such
9 administrative costs have been paid) shall be paid from
10 appropriations to the fund.

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

15 “(1) the end of the two-year period beginning
16 on the date on which the Secretary notifies the vet-
17 eran that the veteran has a service-connected dis-
18 ability; and

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

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

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

1 (c) **EXCHANGE OF SERVICE DISABLED VETERANS’**
 2 **INSURANCE.**—During the one-year period beginning on
 3 the effective date of this section under subsection (d), any
 4 veteran insured under section 1922 of title 38, United
 5 States Code, who is eligible for insurance under section
 6 1922B of such title (as added by subsection (a)), may ex-
 7 change insurance coverage under such section 1922 for
 8 insurance coverage under such section 1922B.

9 (d) **EFFECTIVE DATE.**—This section, and the amend-
 10 ments made by this section, shall take effect on April 1,
 11 2010.

12 **SEC. 102. SUPPLEMENTAL INSURANCE FOR TOTALLY DIS-**
 13 **ABLED VETERANS.**

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

16 (b) **EFFECTIVE DATE.**—The amendment made by
 17 subsection (a) shall take effect on January 1, 2010.

18 **SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR**
 19 **RETROACTIVE BENEFITS FROM TRAUMATIC**
 20 **INJURY PROTECTION COVERAGE UNDER**
 21 **SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

22 (a) **IN GENERAL.**—Paragraph (1) of section 501(b)
 23 of the Veterans’ Housing Opportunity and Benefits Im-
 24 provement Act of 2006 (Public Law 109–233; 120 Stat.

1 414; 38 U.S.C. 1980A note) is amended by striking “,
2 if, as determined by the Secretary concerned, that loss was
3 a direct result of a traumatic injury incurred in the the-
4 ater of operations for Operation Enduring Freedom or
5 Operation Iraqi Freedom”.

6 (b) CONFORMING AMENDMENT.—The heading of
7 such section is amended by striking “IN OPERATION EN-
8 DURING FREEDOM AND OPERATION IRAQI FREEDOM”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on January 1, 2010.

11 **SEC. 104. ENHANCEMENT OF VETERANS’ MORTGAGE LIFE**
12 **INSURANCE.**

13 Section 2106(b) is amended by striking “\$90,000”
14 and inserting “\$150,000, or \$200,000 after January 1,
15 2012,”.

16 **SEC. 105. ADJUSTMENT OF COVERAGE OF DEPENDENTS**
17 **UNDER SERVICEMEMBERS’ GROUP LIFE IN-**
18 **SURANCE.**

19 Clause (ii) of section 1968(a)(5)(B) is amended to
20 read as follows:

21 “(ii) 120 days after the date of the
22 member’s separation or release from the
23 uniformed services; or”.

1 **TITLE II—COMPENSATION AND**
 2 **PENSION MATTERS**

3 **SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DE-**
 4 **PENDENCY AND INDEMNITY COMPENSATION**
 5 **PAYABLE FOR SURVIVING SPOUSES WITH DE-**
 6 **PENDENT CHILDREN UNDER THE AGE OF 18.**

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

9 “(5) Whenever there is an increase in benefit
 10 amounts payable under title II of the Social Security Act
 11 (42 U.S.C. 401 et seq.) as a result of a determination
 12 made under section 215(i) of such Act (42 U.S.C. 415(i)),
 13 the Secretary shall, effective on the date of such increase
 14 in benefit amounts, increase the amount payable under
 15 paragraph (1), as such amount was in effect immediately
 16 prior to the date of such increase in benefit amounts, by
 17 the same percentage as the percentage by which such ben-
 18 efit amounts are increased. Any increase in a dollar
 19 amount under this paragraph shall be rounded down to
 20 the next lower whole dollar amount.”.

21 **SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR**
 22 **OLDER FOR SERVICE PENSION FOR A PERIOD**
 23 **OF WAR.**

24 (a) IN GENERAL.—Section 1513 is amended—

1 (1) in subsection (a), by striking “by section
 2 1521” and all that follows and inserting “by sub-
 3 section (b), (c), (f)(1), (f)(5), or (g) of that section,
 4 as the case may be and as increased from time to
 5 time under section 5312 of this title.”;

6 (2) by redesignating subsection (b) as sub-
 7 section (c); and

8 (3) by inserting after subsection (a) the fol-
 9 lowing new subsection (b):

10 “(b) The conditions in subsections (h) and (i) of sec-
 11 tion 1521 of this title shall apply to determinations of in-
 12 come and maximum payments of pension for purposes of
 13 this section.”.

14 (b) APPLICATION.—The amendments made by this
 15 section shall apply with respect to claims for pensions filed
 16 on or after the date of the enactment of this Act.

17 **SEC. 203. ADJUSTMENTS IN AMOUNTS OF DEPENDENCY**
 18 **AND INDEMNITY COMPENSATION PAYABLE**
 19 **TO DISABLED SURVIVING SPOUSES AND TO**
 20 **PARENTS OF DECEASED VETERANS.**

21 (a) INCREASE IN DIC PAYABLE TO DISABLED SUR-
 22 VIVING SPOUSES.—Section 1311 is amended—

23 (1) in subsection (c), by striking “\$271” and
 24 inserting “\$325”; and

1 (2) in subsection (d), by striking “\$128” and
2 inserting “\$146”.

3 (b) INCREASE IN CERTAIN DIC AMOUNTS PAYABLE
4 TO PARENTS.—

5 (1) IN GENERAL.—Section 1315 is amended—

6 (A) in subsection (b)—

7 (i) in paragraph (1), by striking
8 “\$163” and inserting “\$661”; and

9 (ii) in paragraph (2), by striking “\$5
10 monthly” and inserting “\$100 monthly, as
11 increased from time to time under section
12 5312 of this title”;

13 (B) in subsection (c)(2), by striking “\$5
14 monthly” and inserting “\$100 monthly, as in-
15 creased from time to time under section 5312
16 of this title”;

17 (C) in subsection (d)(2), by striking “\$5
18 monthly” and inserting “\$100 monthly, as in-
19 creased from time to time under section 5312
20 of this title”; and

21 (D) in subsection (g), by striking “\$85”
22 and inserting “\$395”.

23 (2) ADDITIONAL AMOUNT PAYABLE TO HOUSE-
24 BOUND PARENTS.—Such section is further amended
25 by adding at the end the following new subsection:

1 “(h) The monthly rate of dependency and indemnity
2 compensation payable to a parent shall be increased by
3 \$146, as increased from time to time under section 5312
4 of this title, if such parent—

5 “(1) is, by reason of disability, permanently
6 housebound; and

7 “(2) does not qualify for an increase in depend-
8 ency and indemnity compensation under subsection
9 (g) of this section.”.

10 (c) CODIFICATION OF INCREASE IN RATES OF DIC
11 PAYABLE TO PARENTS.—Section 1315 is further amend-
12 ed—

13 (1) in subsection (b)(3), by striking “\$4,038”
14 and inserting “\$13,456”;

15 (2) in subsection (c)—

16 (A) in paragraph (1), by striking “\$115”
17 and inserting “\$412”; and

18 (B) in paragraph (3), by striking “\$4,038”
19 and inserting “\$13,456”; and

20 (3) in subsection (d)—

21 (A) in paragraph (1), by striking “\$109”
22 and inserting “\$387”; and

23 (B) in paragraph (3), by striking “\$5,430”
24 and inserting “\$18,087”.

1 (d) TECHNICAL AMENDMENT.—Subsection (f)(1)(A)
2 of such section 1315 is amended by striking “the six-
3 months’ death gratuity” and inserting “death gratuity
4 payments by the Secretary concerned under sections 1475
5 through 1480 of title 10 (including payments under sec-
6 tion 307 of the Persian Gulf Conflict Supplemental Au-
7 thorization and Personnel Benefits Act of 1991 (Public
8 Law 102–25; 105 Stat. 82; 10 U.S.C. 1478 note))”.

9 (e) COST-OF-LIVING ADJUSTMENTS.—Section
10 5312(b)(1) is amended by striking “the monthly rate pro-
11 vided in subsection (g), of section 1315 of this title” and
12 inserting “the monthly rates provided in subsections (g)
13 and (h), of section 1315 of this title, the minimum month-
14 ly amounts of dependency and indemnity compensation
15 payable to parents under subsections (b)(2), (c)(2), and
16 (d)(2) of such section,”.

17 (f) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendments made by
19 this section shall take effect on October 1, 2009,
20 and shall apply with respect to dependency and in-
21 demnity compensation payable for months beginning
22 on or after that date.

23 (2) PROHIBITION ON COLA IN FISCAL YEAR
24 2010.—No increase shall be made under section
25 5312(b)(1) of title 38, United States Code, in the

1 minimum monthly amounts of dependency and in-
 2 demnity compensation payable under subsections
 3 (b)(2), (c)(2), and (d)(2) of section 1315 of such
 4 title (as amended by subsection (b)(1) of this sec-
 5 tion) during fiscal year 2010.

6 **SEC. 204. INCREASE AND ANNUAL ADJUSTMENT IN LIMITA-**
 7 **TION ON PENSION PAYABLE TO HOSPITAL-**
 8 **IZED VETERANS AND OTHERS.**

9 (a) INCREASE AND ANNUAL ADJUSTMENT.—

10 (1) IN GENERAL.—Section 5503 is amended—

11 (A) in subsection (a)(1)—

12 (i) in subparagraph (A), by striking
 13 “\$90 per month” and inserting “\$100 per
 14 month, as increased from time to time
 15 under section 5312 of this title,”; and

16 (ii) in subparagraphs (B) and (C), by
 17 striking “\$90 per month” each place it ap-
 18 pears and inserting “\$100 per month, as
 19 so increased,”; and

20 (B) in subsection (d)(2), by striking “\$90
 21 per month” and inserting “\$100 per month, as
 22 increased from time to time under section 5312
 23 of this title,”.

1 (2) ANNUAL ADJUSTMENT.—Section
2 5312(b)(1) is amended by striking “5507(c)(2)(D)
3 and” and inserting “5503, 5507(c)(2)(D), and”.

4 (b) APPLICABILITY OF LIMITATION TO PENSION
5 PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PE-
6 RIOD OF WAR.—Section 5503(d)(5) is amended—

7 (1) by inserting “(A)” after “(5)”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) The provisions of this subsection shall also
11 apply with respect to a child entitled to pension under sec-
12 tion 1542 of this title in the same manner as they apply
13 to a veteran having neither spouse nor child.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect October 1, 2009. However
16 no adjustment shall be made during fiscal year 2010
17 under section 5312(b)(1) of title 38, United States Code
18 (as amended by subsection (a)(2)), in the limitation under
19 section 5503 of title 38, United States Code (as amended
20 by subsections (a)(1) and (b)), on amounts of pension pay-
21 able to veterans and others.

1 **TITLE III—BURIAL AND**
2 **MEMORIAL MATTERS**

3 **SEC. 301. SUPPLEMENTAL BENEFITS FOR VETERANS FOR**
4 **FUNERAL AND BURIAL EXPENSES.**

5 (a) FUNERAL EXPENSES.—

6 (1) IN GENERAL.—Chapter 23 is amended by
7 inserting after section 2302 the following new sec-
8 tion:

9 **“§ 2302A. Funeral expenses: supplemental benefits**

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

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

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

1 “(c) ADJUSTMENT.—With respect to deaths that
2 occur in any fiscal year after fiscal year 2009, the supple-
3 mental payment described in subsection (b) shall be equal
4 to the sum of—

5 “(1) the supplemental payment in effect under
6 subsection (b) for the preceding fiscal year (deter-
7 mined after application of this subsection), plus

8 “(2) the sum of the amount described in section
9 2302(a) of this title and the amount under para-
10 graph (1), multiplied by the percentage by which—

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

16 “(B) such Consumer Price Index for the
17 12-month period preceding the 12-month period
18 described in subparagraph (A).

19 “(d) ESTIMATES.—(1) From time to time, the Sec-
20 retary shall make an estimate of—

21 “(A) the amount of funding that would be nec-
22 essary to provide supplemental payments under this
23 section to all eligible recipients for the remainder of
24 the fiscal year in which such an estimate is made;
25 and

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

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

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

10 “(A) April 1 of each year.

11 “(B) July 1 of each year.

12 “(C) September 1 of each year.

13 “(D) The date that is 60 days before the date
14 estimated by the Secretary on which amounts appro-
15 priated for the purposes of this section for a fiscal
16 year will be exhausted.

17 “(e) APPROPRIATE COMMITTEES OF CONGRESS DE-
18 FINED.—In this section, the term ‘appropriate committees
19 of Congress’ means—

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

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

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

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

5 (3) AUTHORIZATION OF APPROPRIATIONS.—
 6 There are authorized to be appropriated to the Sec-
 7 retary of Veterans Affairs such sums as may be nec-
 8 essary to carry out the provisions of section 2302A
 9 of title 38, United States Code (as added by this
 10 subsection).

11 (b) DEATH FROM SERVICE-CONNECTED DIS-
 12 ABILITY.—

13 (1) IN GENERAL.—Chapter 23 is amended by
 14 inserting after section 2307 the following new sec-
 15 tion:

16 **“§ 2307A. Death from service-connected disability:**
 17 **supplemental benefits for burial and fu-**
 18 **neral expenses**

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

1 payment a supplemental payment under this section for
2 the cost of such burial and funeral.

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

7 “(b) AMOUNT.—The amount of the supplemental
8 payment required by subsection (a) for any death is
9 \$2,100 (as adjusted from time to time under subsection
10 (c)).

11 “(c) ADJUSTMENT.—With respect to deaths that
12 occur in any fiscal year after fiscal year 2009, the supple-
13 mental payment described in subsection (b) shall be equal
14 to the sum of—

15 “(1) the supplemental payment in effect under
16 subsection (b) for the preceding fiscal year (deter-
17 mined after application of this subsection), plus

18 “(2) the sum of the amount described in section
19 2307(1) of this title and the amount under para-
20 graph (1), multiplied by the percentage by which—

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

1 “(B) such Consumer Price Index for the
2 12-month period preceding the 12-month period
3 described in subparagraph (A).

4 “(d) ESTIMATES.—(1) From time to time, the Sec-
5 retary shall make an estimate of—

6 “(A) the amount of funding that would be nec-
7 essary to provide supplemental payments under this
8 section to all eligible recipients for the remainder of
9 the fiscal year in which such an estimate is made;
10 and

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

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

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

20 “(A) April 1 of each year.

21 “(B) July 1 of each year.

22 “(C) September 1 of each year.

23 “(D) The date that is 60 days before the date
24 estimated by the Secretary on which amounts appro-

1 priated for the purposes of this section for a fiscal
2 year will be exhausted.

3 “(e) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term ‘appropriate committees
5 of Congress’ means—

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

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

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of such chapter is amended
13 by inserting after the item related to section 2307
14 the following new item:

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

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to the Sec-
17 retary of Veterans Affairs such sums as may be nec-
18 essary to carry out the provisions of section 2307A
19 of title 38, United States Code (as added by this
20 subsection).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 2009, and shall
23 apply with respect to deaths occurring on or after that
24 date.

1 **SEC. 302. SUPPLEMENTAL PLOT ALLOWANCES.**

2 (a) IN GENERAL.—Chapter 23 is amended by insert-
3 ing after section 2303 the following new section:

4 **“§ 2303A. Supplemental plot allowance**

5 “(a) IN GENERAL.—(1) Subject to the availability of
6 funds specifically provided for purposes of this subsection
7 in advance in an appropriations Act, whenever the Sec-
8 retary makes a payment for the burial and funeral of a
9 veteran under section 2303(a)(1)(A) of this title, or for
10 the burial of a veteran under paragraph (1) or (2) of sec-
11 tion 2303(b) of this title, the Secretary is also authorized
12 and directed to pay the recipient of such payment a sup-
13 plemental payment under this section for the cost of such
14 burial and funeral or burial, as applicable.

15 “(2) No supplemental plot allowance payment shall
16 be made under this subsection if the Secretary has ex-
17 pended all funds that were specifically provided for pur-
18 poses of this subsection in an appropriations Act.

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

22 “(c) ADJUSTMENT.—With respect to deaths that
23 occur in any fiscal year after fiscal year 2009, the supple-
24 mental payment described in subsection (b) shall be equal
25 to the sum of—

1 “(1) the supplemental payment in effect under
2 subsection (b) for the preceding fiscal year (deter-
3 mined after application of this subsection), plus

4 “(2) the sum of the amount described in section
5 2303(a)(1)(A) of this title and the amount under
6 paragraph (1), multiplied by the percentage by
7 which—

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

13 “(B) such Consumer Price Index for the
14 12-month period preceding the 12-month period
15 described in subparagraph (A).

16 “(d) ESTIMATES.—(1) From time to time, the Sec-
17 retary shall make an estimate of—

18 “(A) the amount of funding that would be nec-
19 essary to provide supplemental plot allowance pay-
20 ments under this section to all eligible recipients for
21 the remainder of the fiscal year in which such an es-
22 timate is made; and

23 “(B) the amount that Congress would need to
24 appropriate to provide all eligible recipients with

1 supplemental plot allowance payments under this
2 section in the next fiscal year.

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

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

8 “(A) April 1 of each year.

9 “(B) July 1 of each year.

10 “(C) September 1 of each year.

11 “(D) The date that is 60 days before the date
12 estimated by the Secretary on which amounts appro-
13 priated for the purposes of this section for a fiscal
14 year will be exhausted.

15 “(e) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term ‘appropriate committees
17 of Congress’ means—

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

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

1 after the item related to section 2303 the following new
2 item:

“2303A. Supplemental plot allowance.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on October 1, 2009, and shall
5 apply with respect to deaths occurring on or after that
6 date.

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

12 **TITLE IV—OTHER MATTERS**

13 **SEC. 401. ELIGIBILITY OF DISABLED VETERANS AND MEM-** 14 **BERS OF THE ARMED FORCES WITH SEVERE** 15 **BURN INJURIES FOR AUTOMOBILES AND** 16 **ADAPTIVE EQUIPMENT.**

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

19 (1) in subparagraph (A)—

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

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

1 “(iv) A severe burn injury (as determined
2 pursuant to regulations prescribed by the Sec-
3 retary).”; and

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

6 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-
7 ther amended—

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

10 (2) in paragraph (1)—

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

14 (B) in subparagraph (A)—

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

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

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

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

1 **SEC. 402. SUPPLEMENTAL ASSISTANCE FOR PROVIDING**
2 **AUTOMOBILES OR OTHER CONVEYANCES TO**
3 **CERTAIN DISABLED VETERANS.**

4 (a) IN GENERAL.—Chapter 39 is amended by insert-
5 ing after section 3902 the following new section:

6 **“§ 3902A. Supplemental assistance for providing auto-**
7 **mobiles or other conveyances**

8 “(a) IN GENERAL.—(1) Subject to the availability of
9 funds specifically provided for purposes of this subsection
10 in advance in an appropriations Act, whenever the Sec-
11 retary makes a payment for the purchase of an automobile
12 or other conveyance for an eligible person under section
13 3902 of this title, the Secretary is also authorized and di-
14 rected to pay the recipient of such payment a supple-
15 mental payment under this section for the cost of such
16 purchase.

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

21 “(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Sup-
22 plemental payment required by subsection (a) is equal to
23 the excess of—

24 “(1) the payment which would be determined
25 under section 3902 of this title if the amount de-
26 scribed in section 3902 of this title were increased

1 to the adjusted amount described in subsection (c),
2 over

3 “(2) the payment determined under section
4 3902 of this title without regard to this section.

5 “(c) ADJUSTED AMOUNT.—The adjusted amount is
6 \$22,484 (as adjusted from time to time under subsection
7 (d)).

8 “(d) ADJUSTMENT.—(1) Effective on October 1 of
9 each year (beginning in 2009), the Secretary shall increase
10 the adjusted amount described in subsection (c) to an
11 amount equal to 80 percent of the average retail cost of
12 new automobiles for the preceding calendar year.

13 “(2) The Secretary shall establish the method for de-
14 termining the average retail cost of new automobiles for
15 purposes of this subsection. The Secretary may use data
16 developed in the private sector if the Secretary determines
17 the data is appropriate for purposes of this subsection.

18 “(e) ESTIMATES.—(1) From time to time, the Sec-
19 retary shall make an estimate of—

20 “(A) the amount of funding that would be nec-
21 essary to provide supplemental payment under this
22 section for every eligible person for the remainder of
23 the fiscal year in which such an estimate is made;
24 and

1 “(B) the amount that Congress would need to
2 appropriate to provide every eligible person with sup-
3 plemental payment under this section in the next fis-
4 cal year.

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

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

10 “(A) April 1 of each year.

11 “(B) July 1 of each year.

12 “(C) September 1 of each year.

13 “(D) The date that is 60 days before the date
14 estimated by the Secretary on which amounts appro-
15 priated for the purposes of this section for a fiscal
16 year will be exhausted.

17 “(f) APPROPRIATE COMMITTEES OF CONGRESS DE-
18 FINED.—In this section, the term ‘appropriate committees
19 of Congress’ means—

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

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

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

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

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

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 2009, and shall
12 apply with respect to payments made in accordance with
13 section 3902 of title 38, United States Code, on or after
14 that date.

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