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111TH CONGRESS
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S. 728

[Report No. 111-71]

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

SEPTEMBER 2, 2009

Reported under authority of the order of the Senate of August 7, 2009, by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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’ Benefits Enhancement Act of 2009”.~~

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

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

4 Except as otherwise expressly provided, whenever in
 5 this Act an amendment or repeal is expressed in terms
 6 of an amendment to, or repeal of, a section or other provi-
 7 sion, the reference shall be considered to be made to a
 8 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 (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 (e) 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(e)(2)(D)
3 and” and inserting “5503, 5507(e)(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 (e) 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 nee-
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 (e) **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).”;

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 nee-~~
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.

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

16 (a) *SHORT TITLE.*—This Act may be cited as the “Vet-
 17 erans’ Benefits Enhancement Act of 2009”.

18 (b) *TABLE OF CONTENTS.*—The table of contents for
 19 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. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 102. Adjustment of coverage of dependents under Servicemembers’ Group Life Insurance.

- Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.*
- Sec. 104. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.*
- Sec. 105. Enhancement of veterans' mortgage 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. Clarification of additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities.*
- Sec. 204. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.*
- Sec. 205. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.*
- Sec. 206. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.*
- Sec. 207. Applicability of limitation to pension payable to certain children of veterans of a period of war.*
- Sec. 208. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.*

TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS

- Sec. 301. Repeal of limitation on number of veterans enrolled in programs of independent living services and assistance.*
- Sec. 302. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.*
- Sec. 303. Enhancement of automobile assistance allowance for veterans.*
- Sec. 304. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.*

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

- Sec. 401. Waiver of sovereign immunity under the 11th Amendment with respect to enforcement of USERRA.*
- Sec. 402. Clarifying the definition of "successor in interest".*
- Sec. 403. Clarifying that USERRA prohibits wage discrimination against members of the Armed Forces.*
- Sec. 404. Requirement that Federal agencies provide notice to contractors of potential USERRA obligations.*
- Sec. 405. Comptroller General of the United States study on effectiveness of Federal programs of education and outreach on employer obligations under USERRA.*

Sec. 406. *Technical amendments.*

TITLE V—BURIAL AND MEMORIAL MATTERS

Sec. 501. *Supplemental benefits for veterans for funeral and burial expenses.*

Sec. 502. *Supplemental plot allowances.*

TITLE VI—OTHER MATTERS

Sec. 601. *National Academies review of best treatments for Gulf War Illness.*

Sec. 602. *Extension of National Academy of Sciences reviews and evaluations regarding illness and service in Persian Gulf War.*

Sec. 603. *Extension of authority for regional office in Republic of the Philippines.*

Sec. 604. *Aggregate amount of educational assistance available to individuals who receive both survivors' and dependents educational assistance and other veterans and related educational assistance.*

Sec. 605. *Technical correction.*

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

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

7 TITLE I—INSURANCE MATTERS

8 SEC. 101. INCREASE IN AMOUNT OF SUPPLEMENTAL INSUR-
 9 **ANCE FOR TOTALLY DISABLED VETERANS.**

10 *Section 1922A(a) is amended by striking “\$20,000”*
 11 *and inserting “\$30,000”.*

12 SEC. 102. ADJUSTMENT OF COVERAGE OF DEPENDENTS
 13 **UNDER SERVICEMEMBERS' GROUP LIFE IN-**
 14 **SURANCE.**

15 *Clause (ii) of section 1968(a)(5)(B) is amended to read*
 16 *as follows:*

17 *“(ii)(I) in the case of a member of the*
 18 *Ready Reserve of a uniformed service who*

1 *meets the qualifications set forth in sub-*
 2 *paragraph (B) or (C) of section 1965(5) of*
 3 *this title, 120 days after separation or re-*
 4 *lease from such assignment; or*

5 *“(II) in the case of any other member*
 6 *of the uniformed services, 120 days after the*
 7 *date of the member’s separation or release*
 8 *from the uniformed services; or”.*

9 **SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR**
 10 **RETROACTIVE BENEFITS FROM TRAUMATIC**
 11 **INJURY PROTECTION COVERAGE UNDER**
 12 **SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

13 *(a) IN GENERAL.—Paragraph (1) of section 501(b) of*
 14 *the Veterans’ Housing Opportunity and Benefits Improve-*
 15 *ment Act of 2006 (Public Law 109–233; 120 Stat. 414; 38*
 16 *U.S.C. 1980A note) is amended by striking “, if, as deter-*
 17 *mined by the Secretary concerned, that loss was a direct*
 18 *result of a traumatic injury incurred in the theater of oper-*
 19 *ations for Operation Enduring Freedom or Operation Iraqi*
 20 *Freedom”.*

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

24 *(c) EFFECTIVE DATE.—The amendments made by this*
 25 *section shall take effect on October 1, 2010.*

1 **SEC. 104. CONSIDERATION OF LOSS OF DOMINANT HAND IN**
 2 **PRESCRIPTION OF SCHEDULE OF SEVERITY**
 3 **OF TRAUMATIC INJURY UNDER**
 4 **SERVICEMEMBERS' GROUP LIFE INSURANCE.**

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

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

8 (2) by adding at the end the following new para-
 9 graph:

10 “(2) As the Secretary considers appropriate, the sched-
 11 ule required by paragraph (1) may distinguish in speci-
 12 fying payments for qualifying losses between the severity
 13 of a qualifying loss of a dominant hand and a qualifying
 14 loss of a nondominant hand.”.

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

17 (1) *IN GENERAL.*—The Secretary of Veterans Af-
 18 fairs shall prescribe in regulations mechanisms for
 19 payments under section 1980A of title 38, United
 20 States Code, for qualifying losses incurred before the
 21 date of the enactment of this Act by reason of the re-
 22 quirements of paragraph (2) of subsection (d) of such
 23 section (as added by subsection (a)(2) of this section).

24 (2) *QUALIFYING LOSS DEFINED.*—In this sub-
 25 section, the term “qualifying loss” means—

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

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

7 **SEC. 105. ENHANCEMENT OF VETERANS' MORTGAGE LIFE**
 8 **INSURANCE.**

9 (a) *IN GENERAL.*—Section 2106(b) is amended by
 10 striking “\$90,000” and inserting “\$150,000, or \$200,000
 11 after January 1, 2012,”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 13 section (a) shall take effect on October 1, 2010.

14 **TITLE II—COMPENSATION AND**
 15 **PENSION MATTERS**

16 **SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DE-**
 17 **PENDENCY AND INDEMNITY COMPENSATION**
 18 **PAYABLE FOR SURVIVING SPOUSES WITH DE-**
 19 **PENDENT CHILDREN UNDER THE AGE OF 18.**

20 Section 1311(f) is amended—

21 (1) in paragraph (1), by inserting “(as increased
 22 from time to time under paragraph (4))” after
 23 “\$250”;

24 (2) by redesignating paragraph (4) as para-
 25 graph (5); and

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

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

15 **SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR**
 16 **OLDER FOR SERVICE PENSION FOR A PERIOD**
 17 **OF WAR.**

18 (a) *IN GENERAL.*—Section 1513 is amended—

19 (1) in subsection (a), by striking “by section
 20 1521” and all that follows and inserting “by sub-
 21 section (b), (c), (f)(1), (f)(5), or (g) of that section, as
 22 the case may be and as increased from time to time
 23 under section 5312 of this title.”;

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

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

3 “(b) The conditions in subsections (h) and (i) of sec-
4 tion 1521 of this title shall apply to determinations of in-
5 come and maximum payments of pension for purposes of
6 this section.”.

7 (b) *APPLICABILITY.*—The amendments made by this
8 section shall apply with respect to any claim for pension
9 filed on or after the date of the enactment of this Act.

10 **SEC. 203. CLARIFICATION OF ADDITIONAL REQUIREMENTS**
11 **FOR CONSIDERATION TO BE AFFORDED TIME,**
12 **PLACE, AND CIRCUMSTANCES OF SERVICE IN**
13 **DETERMINATIONS REGARDING SERVICE-CON-**
14 **NECTED DISABILITIES.**

15 (a) *IN GENERAL.*—Subsection (a) of section 1154 is
16 amended to read as follows:

17 “(a) The Secretary shall include in the regulations per-
18 taining to service-connection of disabilities the following:

19 “(1) Provisions requiring that, in each case
20 where a veteran is seeking service-connection for any
21 disability, due consideration shall be given to the
22 places, types, and circumstances of such veteran’s
23 service as shown by—

24 “(A) such veteran’s service record;

1 “(B) the official history of each organiza-
2 tion in which such veteran served;

3 “(C) such veteran’s medical records; and

4 “(D) all pertinent medical and lay evi-
5 dence.

6 “(2) Provisions generally recognizing cir-
7 cumstances in which lay evidence consistent with the
8 place, conditions, dangers, or hardships associated
9 with particular military service does not require con-
10 firmatory official documentary evidence in order to
11 establish the occurrence of an event or exposure dur-
12 ing active military, naval, or air service.

13 “(3) The provisions required by section 5 of the
14 Veterans’ Dioxin and Radiation Exposure Compensa-
15 tion Standards Act (Public Law 98–542; 98 Stat.
16 2727).”.

17 (b) REGULATIONS.—

18 (1) IN GENERAL.—Not later than 210 days after
19 the date of the enactment of this Act, the Secretary of
20 Veterans Affairs shall promulgate regulations to im-
21 plement section 1154(a)(2) of title 38, United States
22 Code, as added by subsection (a).

23 (2) INTERIM REGULATIONS.—In the case that the
24 Secretary is unable to promulgate final regulations
25 under paragraph (1) on or before the date that is 210

1 (A) by striking “at levels, or with complica-
2 tions,” and inserting “with factors”;

3 (B) by striking “so near the hip as to” and
4 inserting “with factors that”; and

5 (C) by striking “so near the shoulder and
6 hip as to” and inserting “with factors that”; and

7 (3) in subsection (o), by striking “so near the
8 shoulder as to” and inserting “with factors that”.

9 (b) *VETERANS WITH SERVICE-CONNECTED DISABIL-*
10 *ITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR*
11 *RESIDUALS OF TRAUMATIC BRAIN INJURY.—*

12 (1) *IN GENERAL.—Such section is further*
13 *amended—*

14 (A) in subsection (p), by striking the semi-
15 colon at the end and inserting a period; and

16 (B) by adding at the end the following new
17 subsection:

18 “(t) Subject to section 5503(c) of this title, if any vet-
19 eran, as the result of service-connected disability, is in need
20 of regular aid and attendance for the residuals of traumatic
21 brain injury, is not eligible for compensation under sub-
22 section (r)(2), and in the absence of such regular aid and
23 attendance would require hospitalization, nursing home
24 care, or other residential institutional care, the veteran
25 shall be paid, in addition to any other compensation under

1 *this section, a monthly aid and attendance allowance equal*
 2 *to the rate described in subsection (r)(2), which for purposes*
 3 *of section 1134 of this title shall be considered as additional*
 4 *compensation payable for disability. An allowance author-*
 5 *ized under this subsection shall be paid in lieu of any allow-*
 6 *ance authorized by subsection (r)(1).”.*

7 (2) *CONFORMING AMENDMENT.—Section 5503(c)*
 8 *is amended by striking “in section 1114(r)” and in-*
 9 *serting “in subsection (r) or (t) of section 1114”.*

10 (c) *EFFECTIVE DATE.—The amendments made by this*
 11 *section shall take effect on August 31, 2010.*

12 **SEC. 206. COMMENCEMENT OF PERIOD OF PAYMENT OF**
 13 **ORIGINAL AWARDS OF COMPENSATION FOR**
 14 **VETERANS RETIRED OR SEPARATED FROM**
 15 **THE UNIFORMED SERVICES FOR CATA-**
 16 **STROPHIC DISABILITY.**

17 (a) *COMMENCEMENT OF PERIOD OF PAYMENT.—Sub-*
 18 *section (a) of section 5111 is amended—*

19 (1) *by inserting “(1)” after “(a)”;*

20 (2) *in paragraph (1), as designated by para-*
 21 *graph (1) of this subsection, by striking “in sub-*
 22 *section (c) of this section” and inserting “in para-*
 23 *graph (2) of this subsection and subsection (c)”;* and

24 (3) *by adding at the end the following new para-*
 25 *graph:*

1 “(2)(A) *In the case of a veteran who is retired or sepa-*
2 *rated from the active military, naval, or air service for a*
3 *catastrophic disability or disabilities, payment of monetary*
4 *benefits based on an award of compensation based on an*
5 *original claim shall be made as of the date on which such*
6 *award becomes effective as provided under section 5110 of*
7 *this title or another applicable provision of law.*

8 “(B) *In this paragraph, the term ‘catastrophic dis-*
9 *ability’, with respect to a veteran, means a permanent, se-*
10 *verely disabling injury, disorder, or disease that com-*
11 *promises the ability of the veteran to carry out the activities*
12 *of daily living to such a degree that the veteran requires*
13 *personal or mechanical assistance to leave home or bed, or*
14 *requires constant supervision to avoid physical harm to self*
15 *or others.’.*”

16 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
17 *section (a) shall take effect on the date of the enactment*
18 *of this Act and shall apply with respect to awards of com-*
19 *ensation based on original claims that become effective on*
20 *or after that date.*

21 **(c) TECHNICAL CORRECTION REGARDING WAIVER OF**
22 **RETIRED PAY.**—*Section 5305 is amended by striking “sec-*
23 *tion 1414” and inserting “sections 1212(d)(2) and 1414”.*

1 **SEC. 207. APPLICABILITY OF LIMITATION TO PENSION PAY-**
 2 **ABLE TO CERTAIN CHILDREN OF VETERANS**
 3 **OF A PERIOD OF WAR.**

4 *Section 5503(d)(5) is amended—*

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

6 *(2) by adding at the end the following new sub-*
 7 *paragraph:*

8 *“(B) The provisions of this subsection shall*
 9 *apply with respect to a child entitled to pension*
 10 *under section 1542 of this title in the same man-*
 11 *ner as they apply to a veteran having neither*
 12 *spouse nor child.”.*

13 **SEC. 208. PAYMENT OF DEPENDENCY AND INDEMNITY COM-**
 14 **PENSATION TO SURVIVORS OF FORMER PRIS-**
 15 **ONERS OF WAR WHO DIED ON OR BEFORE**
 16 **SEPTEMBER 30, 1999.**

17 *Section 1318(b)(3) is amended by striking “who died*
 18 *after September 30, 1999,”.*

19 **TITLE III—READJUSTMENT AND**
 20 **RELATED BENEFIT MATTERS**

21 **SEC. 301. REPEAL OF LIMITATION ON NUMBER OF VET-**
 22 **ERANS ENROLLED IN PROGRAMS OF INDE-**
 23 **PENDENT LIVING SERVICES AND ASSIST-**
 24 **ANCE.**

25 *(a) IN GENERAL.—Section 3120 is amended—*

26 *(1) by striking subsection (e); and*

1 (2) by redesignating subsection (f) as subsection
2 (e).

3 (b) *CONFORMING AMENDMENT.*—Subsection (a) of
4 such section is amended by striking “described in subsection
5 (f)” and inserting “described in subsection (e)”.

6 **SEC. 302. ELIGIBILITY OF DISABLED VETERANS AND MEM-**
7 **BERS OF THE ARMED FORCES WITH SEVERE**
8 **BURN INJURIES FOR AUTOMOBILES AND**
9 **ADAPTIVE EQUIPMENT.**

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

12 (1) in subparagraph (A)—

13 (A) in the matter preceding clause (i), by
14 striking “in subclause (i), (ii), or (iii) below”
15 and inserting “in clause (i), (ii), (iii), or (iv) of
16 this subparagraph”; and

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

19 “(iv) A severe burn injury (as determined
20 pursuant to regulations prescribed by the Sec-
21 retary).”; and

22 (2) in subparagraph (B), by striking “subclause
23 (i), (ii), or (iii) of clause (A) of this paragraph” and
24 inserting “clause (i), (ii), (iii), or (iv) of subpara-
25 graph (A)”.

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

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

5 (2) *in paragraph (1)—*

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

9 (B) *in subparagraph (A)—*

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

13 (ii) *in clauses (i) and (ii), by striking*
 14 *the semicolon at the end and inserting a pe-*
 15 *riod; and*

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

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

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 21 *section shall take effect on October 1, 2010.*

22 **SEC. 303. ENHANCEMENT OF AUTOMOBILE ASSISTANCE AL-**
 23 **LOWANCE FOR VETERANS.**

24 (a) *INCREASE IN AMOUNT OF ALLOWANCE.*—*Sub-*
 25 *section (a) of section 3902 is amended by striking*

1 “\$11,000” and inserting “\$22,500 (as adjusted from time
2 to time under subsection (e))”.

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

5 “(e)(1) *Effective on October 1 of each year (beginning*
6 *in 2011), the Secretary shall increase the dollar amount in*
7 *effect under subsection (a) to an amount equal to 80 percent*
8 *of the average retail cost of new automobiles for the pre-*
9 *ceding calendar year.*

10 “(2) *The Secretary shall establish the method for deter-*
11 *mining the average retail cost of new automobiles for pur-*
12 *poses of this subsection. The Secretary may use data devel-*
13 *oped in the private sector if the Secretary determines the*
14 *data is appropriate for purposes of this subsection.”.*

15 (c) *EFFECTIVE DATE.*—The amendments made by this
16 section shall take effect on October 1, 2010.

17 **SEC. 304. PAYMENT OF UNPAID BALANCES OF DEPARTMENT**
18 **OF VETERANS AFFAIRS GUARANTEED LOANS.**

19 Section 3732(a)(2) is amended—

20 (1) by striking “Before suit” and inserting “(A)
21 Before suit”; and

22 (2) by adding at the end the following new sub-
23 paragraph:

24 “(B) *In the event that a housing loan guaranteed*
25 *under this chapter is modified under the authority provided*

1 *under section 1322(b) of title 11, the Secretary may pay*
 2 *the holder of the obligation the unpaid balance of the obliga-*
 3 *tion due as of the date of the filing of the petition under*
 4 *title 11 plus accrued interest, but only upon the assignment,*
 5 *transfer, and delivery to the Secretary (in a form and man-*
 6 *ner satisfactory to the Secretary) of all rights, interest,*
 7 *claims, evidence, and records with respect to the housing*
 8 *loan.”.*

9 **TITLE IV—EMPLOYMENT AND**
 10 **REEMPLOYMENT RIGHTS OF**
 11 **MEMBERS OF THE UNI-**
 12 **FORMED SERVICES**

13 **SEC. 401. WAIVER OF SOVEREIGN IMMUNITY UNDER THE**
 14 **11TH AMENDMENT WITH RESPECT TO EN-**
 15 **FORCEMENT OF USERRA.**

16 *(a) IN GENERAL.—Section 4323 is amended—*

17 *(1) in subsection (b) by striking paragraph (2)*
 18 *and inserting the following new paragraph:*

19 *“(2) In the case of an action against a State (as an*
 20 *employer) by a person, the action may be brought in the*
 21 *appropriate district court of the United States or State*
 22 *court of competent jurisdiction.”;*

23 *(2) by redesignating subsection (i) as subsection*
 24 *(j); and*

1 (3) *by inserting after subsection (h) the following*
 2 *new subsection (i):*

3 “(i) *WAIVER OF STATE SOVEREIGN IMMUNITY.—(1) A*
 4 *State’s receipt or use of Federal financial assistance for any*
 5 *program or activity of a State shall constitute a waiver*
 6 *of sovereign immunity, under the 11th amendment to the*
 7 *Constitution or otherwise, to a suit brought by—*

8 “(A) *a person who is or was an employee in that*
 9 *program or activity for the rights or benefits author-*
 10 *ized the person by this chapter;*

11 “(B) *a person applying to be such an employee*
 12 *in that program or activity for the rights or benefits*
 13 *authorized the person by this chapter; or*

14 “(C) *a person seeking reemployment as an em-*
 15 *ployee in that program or activity for the rights or*
 16 *benefits authorized the person by this chapter.*

17 “(2) *In this subsection, the term ‘program or activity’*
 18 *has the meaning given that term in section 309 of the Age*
 19 *Discrimination Act of 1975 (42 U.S.C. 6107).”.*

20 (b) *APPLICATION.—The amendments made by sub-*
 21 *section (a) shall apply to—*

22 (1) *any failure to comply with a provision of or*
 23 *any violation of chapter 43 of title 38, United States*
 24 *Code, that occurs before, on, or after the date of the*
 25 *enactment of this Act; and*

1 (2) *all actions or complaints filed under such*
 2 *chapter 43 that are commenced after the date of the*
 3 *enactment of this Act.*

4 **SEC. 402. CLARIFYING THE DEFINITION OF “SUCCESSOR IN**
 5 **INTEREST”.**

6 (a) *IN GENERAL.*—Section 4303(4) is amended by
 7 *adding at the end the following new subparagraph:*

8 “(D)(i) *Whether the term ‘successor in interest’*
 9 *applies with respect to an entity described in sub-*
 10 *paragraph (A) for purposes of clause (iv) of such sub-*
 11 *paragraph shall be determined on a case-by-case basis*
 12 *using a multi-factor test that considers the following*
 13 *factors:*

14 “(I) *Substantial continuity of business op-*
 15 *erations.*

16 “(II) *Use of the same or similar facilities.*

17 “(III) *Continuity of work force.*

18 “(IV) *Similarity of jobs and working condi-*
 19 *tions.*

20 “(V) *Similarity of supervisory personnel.*

21 “(VI) *Similarity of machinery, equipment,*
 22 *and production methods.*

23 “(VII) *Similarity of products or services.*

24 “(ii) *The entity’s lack of notice or awareness of*
 25 *a potential or pending claim under this chapter at*

1 *the time of a merger, acquisition, or other form of*
2 *succession shall not be considered when applying the*
3 *multi-factor test under clause (i).”.*

4 **(b) APPLICATION.**—*The amendment made by sub-*
5 *section (a) shall apply to—*

6 *(1) any failure to comply with a provision of or*
7 *any violation of chapter 43 of title 38, United States*
8 *Code, that occurs before, on, or after the date of the*
9 *enactment of this Act; and*

10 *(2) all actions or complaints filed under such*
11 *chapter 43 that are pending on or after the date of*
12 *the enactment of this Act.*

13 **SEC. 403. CLARIFYING THAT USERRA PROHIBITS WAGE DIS-**
14 **CRIMINATION AGAINST MEMBERS OF THE**
15 **ARMED FORCES.**

16 **(a) IN GENERAL.**—*Section 4303(2) is amended by*
17 *striking “other than” and inserting “including”.*

18 **(b) APPLICATION.**—*The amendment made by sub-*
19 *section (a) shall apply to—*

20 *(1) any failure to comply with a provision of or*
21 *any violation of chapter 43 of title 38, United States*
22 *Code, that occurs before, on, or after the date of the*
23 *enactment of this Act; and*

1 (2) *all actions or complaints filed under such*
2 *chapter 43 that are pending on or after the date of*
3 *the enactment of this Act.*

4 **SEC. 404. REQUIREMENT THAT FEDERAL AGENCIES PRO-**
5 **VIDE NOTICE TO CONTRACTORS OF POTEN-**
6 **TIAL USERRA OBLIGATIONS.**

7 (a) *CIVILIAN AGENCIES.—The Federal Property and*
8 *Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)*
9 *is amended by adding at the end the following new section:*

10 **“SEC. 318. NOTICE TO CONTRACTORS OF POTENTIAL OBLI-**
11 **GATIONS RELATING TO EMPLOYMENT AND**
12 **REEMPLOYMENT OF MEMBERS OF THE**
13 **ARMED FORCES.**

14 *“Each contract for the procurement of property or*
15 *services that is entered into by the head of an executive*
16 *agency shall include a notice to the contractor that the con-*
17 *tractor may have obligations under chapter 43 of title 38,*
18 *United States Code.”.*

19 (b) *ARMED FORCES.—*

20 (1) *IN GENERAL.—Chapter 137 of title 10,*
21 *United States Code, is amended by adding at the end*
22 *the following new section:*

1 **“§2334. Notice to contractors of potential obligations**
 2 **relating to employment and reemployment**
 3 **of members of the armed forces**

4 “Each contract for the procurement of property or
 5 services that is entered into by the head of an executive
 6 agency shall include a notice to the contractor that the con-
 7 tractor may have obligations under chapter 43 of title 38.”.

8 (2) *CLERICAL AMENDMENT.*—The table of sec-
 9 tions for such chapter is amended by adding at the
 10 end the following new item:

“2334. Notice to contractors of potential obligations relating to employment and
 reemployment of members of the armed forces.”.

11 **SEC. 405. COMPTROLLER GENERAL OF THE UNITED STATES**
 12 **STUDY ON EFFECTIVENESS OF FEDERAL PRO-**
 13 **GRAMS OF EDUCATION AND OUTREACH ON**
 14 **EMPLOYER OBLIGATIONS UNDER USERRA.**

15 (a) *STUDY REQUIRED.*—The Comptroller General of
 16 the United States shall conduct a study on the effectiveness
 17 of Federal programs of education and outreach on employer
 18 obligations under chapter 43 of title 38, United States Code.

19 (b) *CONTENTS OF STUDY.*—In carrying out the study
 20 required by subsection (a), the Comptroller General shall—

21 (1) assess current practices and procedures of
 22 Federal agencies for educating employers about their
 23 obligations under chapter 43 of title 38, United States
 24 Code;

1 (2) *identify best practices for bringing the em-*
 2 *ployment practices of small businesses into compli-*
 3 *ance with such chapter;*

4 (3) *determine whether the Employer Support for*
 5 *the Guard and Reserve, the Small Business Adminis-*
 6 *tration, or other agencies could collaborate to develop*
 7 *a program to educate employers regarding their obli-*
 8 *gations under such chapter; and*

9 (4) *determine the effect on recruitment and re-*
 10 *tention in the National Guard and Reserves of the*
 11 *failure of employers to meet their reemployment obli-*
 12 *gations under such chapter.*

13 (c) *REPORT TO CONGRESS.*—*Not later than June 30,*
 14 *2010, the Comptroller General shall submit to Congress a*
 15 *report on the study conducted under subsection (a), includ-*
 16 *ing the following:*

17 (1) *The findings of the Comptroller General with*
 18 *respect to such study.*

19 (2) *The recommendations of the Comptroller*
 20 *General for the improvement of education and out-*
 21 *reach for employers with respect to their obligations*
 22 *under chapter 43 of title 38, United States Code.*

23 **SEC. 406. TECHNICAL AMENDMENTS.**

24 (a) *AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY*
 25 *ACT OF 1995.*—*Section 206(b) of the Congressional Ac-*

1 *countability Act of 1995 (2 U.S.C. 1316(b)) is amended by*
 2 *striking “under paragraphs (1), (2)(A), and (3) of section*
 3 *4323(c) of title 38, United States Code” and inserting*
 4 *“under section 4323(d) of title 38, United States Code”.*

5 *(b) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED*
 6 *STATES CODE.—Section 416(b) of title 3, United States*
 7 *Code, is amended by striking “under paragraphs (1) and*
 8 *(2)(A) of section 4323(c) of title 38” and inserting “under*
 9 *section 4323(d) of title 38”.*

10 *(c) AMENDMENT TO SECTION 4324 OF TITLE 38,*
 11 *UNITED STATES CODE.—Section 4324(b)(4) of title 38,*
 12 *United States Code, is amended by inserting before the pe-*
 13 *riod the following: “declining to initiate an action and rep-*
 14 *resent the person before the Merit Systems Protection*
 15 *Board”.*

16 **TITLE V—BURIAL AND** 17 **MEMORIAL MATTERS**

18 **SEC. 501. SUPPLEMENTAL BENEFITS FOR VETERANS FOR** 19 **FUNERAL AND BURIAL EXPENSES.**

20 *(a) FUNERAL EXPENSES.—*

21 *(1) IN GENERAL.—Chapter 23 is amended by in-*
 22 *serting after section 2302 the following new section:*

23 **“§ 2302A. Funeral expenses: supplemental benefits**

24 *“(a) IN GENERAL.—(1) Subject to the availability of*
 25 *funds specifically provided for purposes of this subsection*

1 *in advance in an appropriations Act, whenever the Sec-*
2 *retary makes a payment for the burial and funeral of a*
3 *veteran under section 2302(a) of this title, the Secretary*
4 *is also authorized and directed to pay the recipient of such*
5 *payment a supplemental payment under this section for the*
6 *cost of such burial and funeral.*

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

11 “(b) *AMOUNT.—The amount of the supplemental pay-*
12 *ment required by subsection (a) for any death is \$900 (as*
13 *adjusted from time to time under subsection (c)).*

14 “(c) *ADJUSTMENT.—With respect to deaths that occur*
15 *in any fiscal year after fiscal year 2010, the supplemental*
16 *payment described in subsection (b) shall be equal to the*
17 *sum of—*

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

21 “(2) *the sum of the amount described in section*
22 *2302(a) of this title and the amount under paragraph*
23 *(1), multiplied by the percentage by which—*

24 “(A) *the Consumer Price Index (all items,*
25 *United States city average) for the 12-month pe-*

1 *riod ending on the June 30 preceding the begin-*
2 *ning of the fiscal year for which the increase is*
3 *made, exceeds*

4 *“(B) such Consumer Price Index for the 12-*
5 *month period preceding the 12-month period de-*
6 *scribed in subparagraph (A).*

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

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

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

18 *“(2) On the dates described in paragraph (3), the Sec-*
19 *retary shall submit to the appropriate committees of Con-*
20 *gress the estimates described in paragraph (1).*

21 *“(3) The dates described in this paragraph are the fol-*
22 *lowing:*

23 *“(A) April 1 of each year.*

24 *“(B) July 1 of each year.*

25 *“(C) September 1 of each year.*

1 “(D) *The date that is 60 days before the date es-*
 2 *timated by the Secretary on which amounts appro-*
 3 *priated for the purposes of this section for a fiscal*
 4 *year will be exhausted.*

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

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

10 “(2) *the Committee on Appropriations and the*
 11 *Committee on Veterans’ Affairs of the House of Rep-*
 12 *resentatives.”.*

13 (2) *CLERICAL AMENDMENT.—The table of sec-*
 14 *tions at the beginning of such chapter is amended by*
 15 *inserting after the item related to section 2302 the fol-*
 16 *lowing new item:*

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

17 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
 18 *There are authorized to be appropriated to the Sec-*
 19 *retary of Veterans Affairs such sums as may be nec-*
 20 *essary to carry out the provisions of section 2302A of*
 21 *title 38, United States Code (as added by this sub-*
 22 *section).*

23 (b) *DEATH FROM SERVICE-CONNECTED DISABILITY.—*

24 (1) *IN GENERAL.—Chapter 23 is amended by in-*
 25 *serting after section 2307 the following new section:*

1 **“§2307A. Death from service-connected disability:**
2 **supplemental benefits for burial and fu-**
3 **neral expenses**

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

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

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

19 “(c) *ADJUSTMENT.*—*With respect to deaths that occur*
20 *in any fiscal year after fiscal year 2010, the supplemental*
21 *payment described in subsection (b) shall be equal to the*
22 *sum of—*

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

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

4 “(A) the Consumer Price Index (all items,
5 United States city average) for the 12-month pe-
6 riod ending on the June 30 preceding the begin-
7 ning of the fiscal year for which the increase is
8 made, exceeds

9 “(B) such Consumer Price Index for the 12-
10 month period preceding the 12-month period de-
11 scribed in subparagraph (A).

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

14 “(A) the amount of funding that would be nec-
15 essary to provide supplemental payments under this
16 section to all eligible recipients for the remainder of
17 the fiscal year in which such an estimate is made;
18 and

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

23 “(2) On the dates described in paragraph (3), the Sec-
24 retary shall submit to the appropriate committees of Con-
25 gress the estimates described in paragraph (1).

1 “(3) *The dates described in this paragraph are the fol-*
2 *lowing:*

3 “(A) *April 1 of each year.*

4 “(B) *July 1 of each year.*

5 “(C) *September 1 of each year.*

6 “(D) *The date that is 60 days before the date es-*
7 *timated by the Secretary on which amounts appro-*
8 *priated for the purposes of this section for a fiscal*
9 *year will be exhausted.*

10 “(e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
11 *FINED.—In this section, the term ‘appropriate committees*
12 *of Congress’ means—*

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

15 “(2) *the Committee on Appropriations and the*
16 *Committee on Veterans’ Affairs of the House of Rep-*
17 *resentatives.”.*

18 (2) *CLERICAL AMENDMENT.—The table of sec-*
19 *tions at the beginning of such chapter is amended by*
20 *inserting after the item related to section 2307 the fol-*
21 *lowing new item:*

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

22 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
23 *There are authorized to be appropriated to the Sec-*
24 *retary of Veterans Affairs such sums as may be nec-*

1 *essary to carry out the provisions of section 2307A of*
2 *title 38, United States Code (as added by this sub-*
3 *section).*

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

7 **SEC. 502. SUPPLEMENTAL PLOT ALLOWANCES.**

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

10 **“§ 2303A. Supplemental plot allowance**

11 *“(a) IN GENERAL.—(1) Subject to the availability of*
12 *funds specifically provided for purposes of this subsection*
13 *in advance in an appropriations Act, whenever the Sec-*
14 *retary makes a payment for the burial and funeral of a*
15 *veteran under section 2303(a)(1)(A) of this title, or for the*
16 *burial of a veteran under paragraph (1) or (2) of section*
17 *2303(b) of this title, the Secretary is also authorized and*
18 *directed to pay the recipient of such payment a supple-*
19 *mental payment under this section for the cost of such bur-*
20 *ial and funeral or burial, as applicable.*

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

1 “(b) *AMOUNT.*—*The amount of the supplemental pay-*
2 *ment required by subsection (a) for any death is \$445 (as*
3 *adjusted from time to time under subsection (c)).*

4 “(c) *ADJUSTMENT.*—*With respect to deaths that occur*
5 *in any fiscal year after fiscal year 2010, the supplemental*
6 *payment described in subsection (b) shall be equal to the*
7 *sum of—*

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

11 “(2) *the sum of the amount described in section*
12 *2303(a)(1)(A) of this title and the amount under*
13 *paragraph (1), multiplied by the percentage by*
14 *which—*

15 “(A) *the Consumer Price Index (all items,*
16 *United States city average) for the 12-month pe-*
17 *riod ending on the June 30 preceding the begin-*
18 *ning of the fiscal year for which the increase is*
19 *made, exceeds*

20 “(B) *such Consumer Price Index for the 12-*
21 *month period preceding the 12-month period de-*
22 *scribed in subparagraph (A).*

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

1 “(A) *the amount of funding that would be nec-*
2 *essary to provide supplemental plot allowance pay-*
3 *ments under this section to all eligible recipients for*
4 *the remainder of the fiscal year in which such an esti-*
5 *mate is made; and*

6 “(B) *the amount that Congress would need to*
7 *appropriate to provide all eligible recipients with*
8 *supplemental plot allowance payments under this sec-*
9 *tion in the next fiscal year.*

10 “(2) *On the dates described in paragraph (3), the Sec-*
11 *retary shall submit to the appropriate committees of Con-*
12 *gress the estimates described in paragraph (1).*

13 “(3) *The dates described in this paragraph are the fol-*
14 *lowing:*

15 “(A) *April 1 of each year.*

16 “(B) *July 1 of each year.*

17 “(C) *September 1 of each year.*

18 “(D) *The date that is 60 days before the date es-*
19 *timated by the Secretary on which amounts appro-*
20 *priated for the purposes of this section for a fiscal*
21 *year will be exhausted.*

22 “(e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
23 *FINED.—In this section, the term ‘appropriate committees*
24 *of Congress’ means—*

1 *tute of Medicine shall convene a group of medical profes-*
2 *sionals who are experienced in treating individuals diag-*
3 *nosed with Gulf War illness as follows:*

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

7 (2) *Members of the Armed Forces who served in*
8 *the Post 9/11 Global Operations theaters.*

9 (c) *REPORTS.—The contract required by subsection (a)*
10 *shall require the Institute of Medicine to submit to the Sec-*
11 *retary and to the appropriate committees of Congress a re-*
12 *port on the review required under subsection (a) not later*
13 *than December 31, 2011. The final report shall include such*
14 *recommendations for legislative or administrative action as*
15 *the Institute considers appropriate in light of the results*
16 *of the review.*

17 (d) *FUNDING.—The Secretary shall provide the Insti-*
18 *tute of Medicine with such funds as are necessary to ensure*
19 *the timely completion of the review required under sub-*
20 *section (a).*

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

22 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
23 *The term “appropriate committees of Congress”*
24 *means—*

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

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

5 (2) *GULF WAR ILLNESS.*—*The term “Gulf War*
6 *Illness” means a medically unexplained chronic*
7 *multisymptom illness, such as chronic fatigue syn-*
8 *drome, fibromyalgia, and irritable bowel syndrome,*
9 *that is defined by a cluster of signs or symptoms re-*
10 *lating to service in the Persian Gulf War or Post 9/*
11 *11 Global Operations theaters.*

12 (3) *PERSIAN GULF WAR.*—*The term “Persian*
13 *Gulf War” has the meaning given that term in sec-*
14 *tion 101(33) of title 38, United States Code.*

15 (4) *POST 9/11 GLOBAL OPERATIONS THEATERS.*—
16 *The term “Post 9/11 Global Operations theaters”*
17 *means Afghanistan, Iraq, or any other theater in*
18 *which the Global War on Terrorism Expeditionary*
19 *Medal is awarded for service.*

20 **SEC. 602. EXTENSION OF NATIONAL ACADEMY OF SCIENCES**

21 **REVIEWS AND EVALUATIONS REGARDING ILL-**

22 **NESS AND SERVICE IN PERSIAN GULF WAR.**

23 (a) *REVIEW AND EVALUATION OF TOXIC DRUGS AND*
24 *ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR.*—*Sec-*
25 *tion 1603(j) of the Persian Gulf War Veterans Act of 1998*

1 (38 U.S.C. 1117 note) is amended by striking “October 1,
2 2010” and inserting “October 1, 2015”.

3 (b) *REVIEW AND EVALUATION OF AVAILABLE EVI-*
4 *DENCE REGARDING ILLNESS AND SERVICE IN PERSIAN*
5 *GULF WAR.*—

6 (1) *IN GENERAL.*—Section 101(j) of the Veterans
7 *Programs Enhancement Act of 1998 (Public Law*
8 *105–368; 112 Stat. 3321)* is amended by striking “11
9 *years after*” and all that follows through “under sub-
10 *section (b)*” and inserting “on October 1, 2018”.

11 (2) *CONFORMING AMENDMENT.*—Section 1604 of
12 *the Persian Gulf War Veterans Act of 1998 (Public*
13 *Law 105–277; 38 U.S.C. 1117 note)* is repealed.

14 **SEC. 603. EXTENSION OF AUTHORITY FOR REGIONAL OF-**
15 **FICE IN REPUBLIC OF THE PHILIPPINES.**

16 Section 315(b) is amended by striking “December 31,
17 2009” and inserting “December 31, 2011”.

18 **SEC. 604. AGGREGATE AMOUNT OF EDUCATIONAL ASSIST-**
19 **ANCE AVAILABLE TO INDIVIDUALS WHO RE-**
20 **CEIVE BOTH SURVIVORS’ AND DEPENDENTS**
21 **EDUCATIONAL ASSISTANCE AND OTHER VET-**
22 **ERANS AND RELATED EDUCATIONAL ASSIST-**
23 **ANCE.**

24 (a) *AGGREGATE AMOUNT AVAILABLE.*—Section 3695
25 *is amended—*

1 (1) *in subsection (a)(4), by striking “35,”; and*
2 (2) *by adding at the end the following new sub-*
3 *section:*

4 “(c) *The aggregate period for which any person may*
5 *receive assistance under chapter 35 of this title, on the one*
6 *hand, and any of the provisions of law referred to in sub-*
7 *section (a), on the other hand, may not exceed 81 months*
8 *(or the part-time equivalent thereof).”.*

9 (b) *APPLICABILITY.—The amendment made by sub-*
10 *section (a) shall take effect on October 1, 2010, and shall*
11 *not operate to revive any entitlement to assistance under*
12 *chapter 35 of title 38, United States Code, or the provisions*
13 *of law referred to in section 3695(a) of such title, as in*
14 *effect on the day before such date, that was terminated by*
15 *reason of the operation of section 3695(a) of such title, as*
16 *so in effect, before such date.*

17 (c) *REVIVAL OF ENTITLEMENT REDUCED BY PRIOR*
18 *UTILIZATION OF CHAPTER 35 ASSISTANCE.—*

19 (1) *IN GENERAL.—Subject to paragraph (2), in*
20 *the case of an individual whose period of entitlement*
21 *to assistance under a provision of law referred to in*
22 *section 3695(a) of title 38, United States Code (other*
23 *than chapter 35 of such title), as in effect on Sep-*
24 *tember 30, 2010, was reduced under such section*
25 *3695(a), as so in effect, by reason of the utilization*

1 *of entitlement to assistance under chapter 35 of such*
2 *title before October 1, 2010, the period of entitlement*
3 *to assistance of such individual under such provision*
4 *shall be determined without regard to any entitlement*
5 *so utilized by the individual under chapter 35 of such*
6 *title.*

7 (2) *LIMITATION.—The maximum period of enti-*
8 *tlement to assistance of an individual under para-*
9 *graph (1) may not exceed 81 months.*

10 **SEC. 605. TECHNICAL CORRECTION.**

11 *Section 5503(c) is amended by striking “veterans’”*
12 *and inserting “veteran’s”.*

Calendar No. 155

111TH CONGRESS
1ST Session

S. 728

[Report No. 111-71]

A BILL

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

SEPTEMBER 2, 2009

Reported with an amendment