

S 3023

Veterans' Benefits Improvement Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 15, 2008

Current Status: Became Public Law No: 110-389.

Latest Action: Became Public Law No: 110-389. (Oct 10, 2008)

Law: 110-389 (Enacted Oct 10, 2008)

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Sponsor

Name: Sen. Akaka, Daniel K. [D-HI]

Party: Democratic • State: HI • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Snowe, Olympia J. [R-ME]	R · ME		Sep 26, 2008

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Sep 9, 2008

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
110 S 3376	Related bill	Jul 31, 2008: Read twice and referred to the Committee on Veterans' Affairs.
110 S 3299	Related bill	Jul 22, 2008: Read twice and referred to the Committee on Veterans' Affairs.

(This measure has not been amended since it was passed by the House on September 24, 2008. The summary of that version is repeated here.)

Veterans' Benefits Improvement Act of 2008 - **Title I: Compensation and Pension Matters** - (Sec. 101) Directs the Secretary of Veterans Affairs (Secretary) to prescribe regulations specifying the contents of a currently-required notice to claimants of a complete or substantially complete application, including regarding: (1) different contents for notice depending on whether the claim is an original claim, a claim for reopening a prior decision on a claim, or a claim for increased benefits; (2) appropriate contents depending on the benefit or services sought; (3) for each type of claim for benefits, the general information and evidence required; and (4) applicable time limitations.

(Sec. 102) Authorizes the U.S. Court of Appeals for Veterans Claims to review actions taken by the Secretary with respect to the adoption and revision of the Department of Veterans Affairs (VA) schedule for the rating of veterans' disabilities.

(Sec. 103) Makes a technical correction to the Wounded Warrior Act.

(Sec. 104) Directs the Secretary to report to the congressional veterans committees on progress in addressing the causes of variances in compensation payments for veterans for service-connected disabilities.

(Sec. 105) Amends the Veterans Benefits Act of 2003 to extend through 2010 VA authority to contract with non-VA physicians to perform veterans' medical disability examinations.

(Sec. 106) Adds osteoporosis to the list of disabilities presumed to be service-connected (and therefore compensable through VA disability compensation) in the case of veterans who are former prisoners of war, if the Secretary determines that such veteran has post-traumatic stress disorder (PTSD).

Title II: Modernization of Department of Veterans Affairs Disability Compensation System - Subtitle A: Benefits Matters - (Sec. 211) Directs the Secretary to assign a temporary disability rating to a veteran who: (1) has served on active duty no more than 365 days, has one or more disabilities for which a rating of total is not immediately assignable, and has one or more severe disabilities, or wounds or injuries, which materially impair employability; (2) has a mental disorder severe enough to bring about discharge or release from active duty; (3) has a service-connected disability requiring hospital treatment or observation in excess of 21 days; or (4) has a service-connected disability that has required convalescent care or treatment under hospital discharge or outpatient release conditions. Provides limits to the temporary rating period (depending on the category), but authorizes the Secretary to extend such period when appropriate.

(Sec. 212) Permits a survivor who would be eligible to receive accrued benefits under a claim, within one year after the death of the claimant, to request to be substituted as the claimant for claim purposes, if the claimant dies while a claim for benefits or appeal of a claim decision is pending.

(Sec. 213) Directs the Secretary to report to Congress on the compensation of veterans for loss of earning capacity and quality of life as a result of service-connected disabilities, and on long-term transition payments to veterans undergoing rehabilitation due to such disabilities.

(Sec. 214) Establishes in the VA the Advisory Committee on Disability Compensation to advise the Secretary with

respect to the maintenance and periodic readjustment of the VA schedule for rating veteran disabilities. Requires the Advisory Committee to take into special account the needs of veterans who have served in a theater of combat operations. Directs the: (1) Advisory Committee to report biennially to the Secretary on VA programs and activities relating to the payment of disability compensation; and (2) Secretary to transmit such reports to the veterans committees, together with comments and recommendations.

Subtitle B: Assistance and Processing Matters - (Sec. 221) Directs the Secretary to carry out a one-year pilot program at 10 VA regional offices to assess the feasibility and advisability of providing expeditious treatment of fully-developed VA compensation or pension claims to ensure that such claims are adjudicated within 90 days after being submitted.

Directs the Secretary to carry out a pilot program at four VA regional offices to assess the feasibility and advisability of providing to claimants and their representatives a checklist of information and evidence required to substantiate a claim.

Requires an initial, interim, and final report from the Secretary to Congress concerning the implementation and results of each pilot program.

(Sec. 222) Establishes in the VA an Office of Survivors Assistance to advise the Secretary on VA policies, programs, legislative issues, and other initiatives affecting the survivors and dependents of deceased veterans and members of the Armed Forces.

(Sec. 223) Requires a report from the Comptroller General (CG) to the veterans and appropriations committees on the adequacy of VA dependency and indemnity compensation to the surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(Sec. 224) Directs the Secretary to: (1) contract with an independent entity to conduct, over a three-year period, an assessment of the VA quality assurance program; and (2) report the entity's findings and conclusions to Congress.

(Sec. 225) Requires the Secretary to provide for an examination of appropriate Veterans Benefits Administration (VBA) employees and managers responsible for processing VA compensation and pension benefits claims. Directs the CG to: (1) evaluate the training programs administered for such employees; and (2) report evaluation results to the veterans committees.

(Sec. 226) Directs the Secretary to: (1) study the effectiveness of the current VBA employee work credit system and work management system; (2) report study results to Congress; and (3) after such report, establish an updated system for evaluating the performance and accountability of VBA employees responsible for processing claims for VA compensation or pension benefits.

(Sec. 227) Requires the Secretary to: (1) review the use of information technology in the VBA with respect to the processing of compensation and pension benefits claims; (2) develop a plan for the use of such technology in processing such claims; (3) review best practices and lessons learned with respect to the use of such technology, including the technology known as "VistA"; (4) require the plan to include technology that reduces claim processing time; and (5) report to Congress on the review and plan.

(Sec. 228) Directs the Secretary to study, and report to Congress on, the feasibility and advisability of various mechanisms to improve communication between the VBA and Veterans Health Administration (VHA) in providing VBA employees with access to medical advice when needed to perform their duties.

Title III: Labor and Education Matters - Subtitle A: Labor and Employment Matters - (Sec. 311) Amends provisions

concerning servicemembers' employment and reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to require: (1) complainants to be notified of their rights within five days after receipt of the complaint by the Department of Labor's Veterans' Employment and Training Service; (2) complaint investigation and resolution to be completed within 90 days after their receipt; and (3) the Office of Special Counsel or Attorney General, within 60 days after receiving a complaint referral, to determine whether to provide legal representation to the claimant, and to notify the complainant in writing of such decision. Makes inapplicable any statute of limitations against claims under USERRA.

(Sec. 312) Modifies requirements for annual USERRA case reporting by the Secretary of Labor to require the inclusion of: (1) the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board; (2) data of the National Committee for Employer Support of the Guard and Reserve; and (3) data concerning those with disabilities. Requires: (1) quarterly reports to Congress from the Secretary of Labor, the Special Counsel, and the Attorney General on their compliance with the deadlines established in the previous section; and (2) a one-time report from the Comptroller General assessing the information received in the quarterly reports.

(Sec. 313) Directs the head of each federal agency to provide training to its human resources personnel on the rights, benefits, and obligations of servicemembers under USERRA, and the agency's application and administration of USERRA requirements with respect to such servicemembers.

(Sec. 314) Requires the Secretary of Labor to report to the veterans committees an assessment of the employment needs of Native American veterans living in or on tribal lands, Alaska Native villages, and Hawaiian home lands.

(Sec. 315) Requires (under current law, authorizes) the appropriate U.S. district court to use its equity powers, including injunctive relief, in any case in which the court determines it appropriate to fully vindicate a veteran's employment or reemployment rights under USERRA with respect to a state or private employer.

(Sec. 316) Authorizes the Secretary to waive, for public interest purposes on a case-by-case basis, the residency requirement for a Director for Veterans' Employment and Training.

(Sec. 317) Includes veterans of the Post 9/11 Global War on Terror within an annual (under current law, biennial) veterans' unemployment study.

Subtitle B: Education Matters - (Sec. 321) Extends from 10 to 20 years the time limit for the use of educational benefits under the VA's survivors' and dependents' educational assistance program by the spouse of a member who dies, or is permanently disabled, as the result of a service-connected disability.

(Sec. 322) Eliminates the requirement that educational institutions providing non-accredited courses report to the VA any credit that was granted by that institution for a veteran's prior training.

(Sec. 323) Reduces from 10 to 5 days the required waiting period prior to a veteran student's affirmation of an enrollment agreement with an institution to pursue a program of education exclusively by correspondence.

(Sec. 324) Eliminates the requirement that a veteran or beneficiary make a separate application with the VA for a program change at an educational institution.

(Sec. 325) Eliminates a minimum wage-earning requirement in the case of self-employment on-job training.

(Sec. 326) Directs the Secretary to ensure the coordination of educational course approval activities by state approving

agencies with such activities performed by the Departments of Labor and Education and other appropriate entities. Requires a report from the Secretary to the veterans committees on actions to establish outcome-oriented performance standards for, and a tracking and reporting system for resources expended by, approving agencies.

Subtitle C: Vocational Rehabilitation Matters - (Sec. 331) Allows the VA program of independent living services and assistance for severely-disabled veterans to extend beyond its normal 24-month limit in the case of veterans who served on active duty during the post-9/11 Global Operations period and whose severe disability was incurred in such service.

(Sec. 332) Increases, from 2500 to 2600, the cap on the number of veterans for which programs of independent living services and assistance may be annually initiated.

(Sec. 333) Directs the Secretary to study, and report to the veterans committees on, measures to assist and encourage veterans in completing their vocational rehabilitation plans.

(Sec. 334) Directs the Secretary, subject to the availability of appropriated funds, to conduct a longitudinal study of each group of individuals who began participating in a veterans' vocational rehabilitation program during FY2010, FY2012, and FY2014. Requires the Secretary to: (1) study each group over at least a 20-year period; and (2) report to the veterans committees during each year covered by the study.

Title IV: Insurance Matters - (Sec. 401) Directs the Secretary to report to the defense and veterans committees an assessment of the feasibility and advisability of including severe and acute PTSD among the conditions covered by the traumatic injury protection coverage under Servicemembers' Group Life Insurance (SGLI).

(Sec. 402) Makes a stillborn child an insurable dependent under SGLI for veterans and their survivors and dependents.

(Sec. 403) Extends full-time and family SGLI coverage to certain members of the Individual Ready Reserve. Terminates a dependent's SGLI coverage 120 days after a member's separation or release from service (rather than 120 days after the member's SGLI coverage terminates). Allows the VA to set premiums for SGLI coverage for the spouses of members of the Individual Ready Reserve based on the spouse's age. Forfeits all rights to Veterans' Group Life Insurance coverage in the case of any individual: (1) found guilty of mutiny, treason, spying, or desertion; or (2) who, because of conscientious objections, refuses to perform military service or wear a military uniform.

(Sec. 404) Allows administrative costs of the Service-Disabled Veterans' Insurance program to be paid through premiums.

Title V: Housing Matters - (Sec. 501) Provides a temporary increase, from the date of enactment of this Act through December 31, 2011, in the maximum veterans' loan guaranty amount for certain housing loans guaranteed by the VA.

(Sec. 502) Requires a report from the Secretary to the veterans committees on the effects of mortgage foreclosures on veterans.

(Sec. 503) Directs the Secretary to make available to veterans eligible for specially adapted housing assistance for disabled veterans, without cost to the veterans, a handbook containing appropriate designs for specially adapted housing. Requires the Secretary, at least every six years, to update the handbook to take into account any new or unique disabilities, including vision impairments, impairments specific to the upper limbs, and burn injuries.

(Sec. 504) Increases, for veterans with home loans, the maximum percentage of an existing loan that the VA will refinance.

(Sec. 505) Extends through FY2012 VA demonstration projects involving adjustable rate and hybrid adjustable rate mortgages.

Title VI: Court Matters - (Sec. 601) Increases, as of December 31, 2009, from seven to nine the maximum number of judges on the U.S. Court of Appeals for Veterans Claims (Court). Provides that, as of January 1, 2013, no appointment may be made to the Court that would result in there being more than nine judges.

(Sec. 602) Directs the Court to prescribe rules to protect privacy and security concerns relating to all filing of documents and the public availability of documents retained by, or filed electronically with, the Court.

(Sec. 603) Repeals the 180-day limit on the number of days per year a recall-eligible retired Court judge may voluntarily serve on the Court in a recall status. Establishes a three-tiered retirement pay structure with respect to Court judges appointed on or after the date of enactment of this Act, with tier one representing retired judges recalled to active service, tier two representing recall-eligible retired judges, and tier three representing non-recall-eligible retired judges. Exempts current and future recall-eligible retired judges from involuntary recall once they have served an aggregate of five years of recall service.

(Sec. 604) Requires the Court's chief judge to report annually to the veterans committees on the Court's workload.

(Sec. 605) Removes the \$30 annual limit on practice and registration fees for those admitted to practice before the Court. Requires any fees charged to be reasonable.

Title VII: Assistance to United States Paralympic Integrated Adaptive Sports Program - (Sec. 702) Authorizes the Secretary, during FY2010-FY2013, to award grants to the United States Paralympics, Inc. (USPI), to plan, develop, manage, and implement an integrated adaptive sports program for disabled veterans and disabled members of the Armed Forces. Requires the USPI to conduct a joint outreach campaign with the Secretary to inform eligible veterans and members of the program, and to encourage their participation. Authorizes appropriations. Requires an annual report during such fiscal years from the USPI to the Secretary, and the Secretary to Congress, on the use of grant funds.

(Sec. 703) Establishes in the VA an Office of National Veterans Sports Programs and Special Events, headed by a Director, to carry out qualifying programs and events for disabled veterans and members. Authorizes the Director to provide an allowance for a disabled veteran for each month in which the veteran is training or competing in a USPI-sanctioned event or residing at a USPI training center. Authorizes appropriations. Requires the Secretary to direct the VA's Under Secretary for Health to: (1) make VA medical staff available to facilitate veteran participation in USPI sporting events; and (2) allow such personnel to provide support in USPI programs without requiring the use of personal leave.

(Sec. 704) Requires a report from the CG to Congress on the grants provided and the activities of the Office established under this title.

Title VIII: Other Matters - (Sec. 801) Authorizes the Secretary to: (1) suspend or terminate the collection of debts owed to the United States by individuals who die while serving on active duty; and (2) refund to the estate of an individual any debt previously paid under such circumstances.

(Sec. 802) Extends through FY2011 VA authority to obtain information from the Internal Revenue Service (IRS) and the Social Security Administration for income verification purposes for VA needs-based benefits.

(Sec. 803) Directs the Medical Follow-Up Agency of the Institute of Medicine of the National Academies to maintain and manage the assets (including electronic data files and biological specimens of study participants) transferred to the

Agency from the Air Force Health Study. Authorizes the Agency, during FY2009-FY2012, to conduct additional research on such assets toward the goal of understanding the determinants of health, and promoting wellness, in veterans. Requires an Agency report to Congress assessing the feasibility and advisability of conducting additional research on such assets after the end of FY2012. Provides funding.

(Sec. 804) Requires: (1) the Secretary to contract with the Institute, above, to conduct a comprehensive epidemiological study to identify any increased risk of developing multiple sclerosis as a result of service in the Persian Gulf War or in the Post 9/11 global operations theaters; and (2) an interim and final results report from the Institute to the Secretary and the veterans' committees.

(Sec. 805) Amends the Servicemembers Civil Relief Act to allow members of the Armed Forces who receive orders to deploy outside the United States for not less than 90 days, or for a permanent change of duty station within the United States, to terminate or suspend their cell phone contracts without incurring early termination or reactivation fees, if their ability to fulfill the service contract or to utilize the service will be materially affected by such deployment or permanent change.

(Sec. 806) Provides that if, after December 31, 2008, the Secretary enters into a contract or other arrangement with a governmental entity to acquire goods or services, the Secretary shall include in such contract or arrangement a requirement that such entity complies, to the maximum extent feasible, with VA contracting goals and preferences for veteran-owned small businesses.

(Sec. 807) Amends the Servicemembers Civil Relief Act to provide penalties against creditors for violations of interest rate limits for servicemembers.

(Sec. 808) Extends through 2014 (under current law, terminates at the end of 2009) the Advisory Committee on Minority Veterans.

(Sec. 809) Authorizes the Secretary to purchase advertising in national media outlets to promote awareness of veterans' benefits, including assistance for homeless veterans, the promotion of veteran-owned small businesses, opportunities for employment in the VA, and for VA education, training, compensation, pension, vocational rehabilitation, and health care benefits, as well as mental health care (including the prevention of suicide among veterans).

(Sec. 810) Extends eligibility for memorial headstones or markers to deceased remarried surviving spouses of veterans, whether or not the remarriage ended by death or divorce.

Actions Timeline

- **Oct 10, 2008:** Signed by President.
- **Oct 10, 2008:** Became Public Law No: 110-389.
- **Oct 2, 2008:** Presented to President.
- **Sep 27, 2008:** Resolving differences -- Senate actions: Senate agreed to the House amendment to the bill by Unanimous Consent.(consideration: CR S10016-10017; text as Senate agreed to House amendment: CR S10016)
- **Sep 27, 2008:** Senate agreed to the House amendment to the bill by Unanimous Consent. (consideration: CR S10016-10017; text as Senate agreed to House amendment: CR S10016)
- **Sep 27, 2008:** Message on Senate action sent to the House.
- **Sep 27, 2008:** Cleared for White House.
- **Sep 25, 2008:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Sep 24, 2008:** Mr. Filner moved to suspend the rules and pass the bill, as amended.
- **Sep 24, 2008:** Considered under suspension of the rules. (consideration: CR H9387-9405)
- **Sep 24, 2008:** DEBATE - The House proceeded with forty minutes of debate on S. 3023.
- **Sep 24, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H9387-9400)
- **Sep 24, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H9387-9400)
- **Sep 24, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 17, 2008:** Received in the House.
- **Sep 17, 2008:** Message on Senate action sent to the House.
- **Sep 17, 2008:** Held at the desk.
- **Sep 16, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S8875-8889; text of measure as reported in Senate: CR S8876-8881)
- **Sep 16, 2008:** The committee substitute as amended agreed to by Unanimous Consent.
- **Sep 16, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.(text: CR S8884-8889)
- **Sep 16, 2008:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent. (text: CR S8884-8889)
- **Sep 9, 2008:** Committee on Veterans' Affairs. Reported by Senator Akaka with an amendment in the nature of a substitute and an amendment to the title. With written report No. 110-449. Supplemental views filed.
- **Sep 9, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 947.
- **Jun 26, 2008:** Committee on Veterans' Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 15, 2008:** Introduced in Senate
- **May 15, 2008:** Sponsor introductory remarks on measure. (CR S4284)
- **May 15, 2008:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S4284)