

## S 728

Veterans' Benefits Enhancement Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** Mar 26, 2009

**Current Status:** See also H.R. 1037.

**Latest Action:** See also H.R. 1037. (Oct 7, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/728>

### Sponsor

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

**Party:** Democratic • **State:** HI • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Sep 2, 2009

### Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
111 HR 1037	Related document	<b>Oct 8, 2009:</b> Message on Senate action sent to the House.

Veterans' Benefits Enhancement Act of 2009 - **Title I: Insurance Matters** - (Sec. 101) Increases from \$20,000 to \$30,000 the maximum amount of supplemental insurance provided through the Department of Veterans Affairs (VA) for totally disabled veterans.

(Sec. 102) Limits the duration of a dependent's coverage under Servicemembers' Group Life Insurance (SGLI) to 120 days after the member's separation or release from service or assignment.

(Sec. 103) Amends the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 to remove the requirement of service in either Operation Iraqi Freedom or Enduring Freedom as a condition for retroactive benefits under the traumatic injury coverage of SGLI.

(Sec. 104) Permits the VA to distinguish, in specifying payments for qualifying SGLI traumatic injury losses, between the severity of a qualifying loss of a dominant hand and a qualifying loss of a nondominant hand.

(Sec. 105) Increases the maximum loan guarantee amount under the veterans' mortgage life insurance program from \$90,000 to \$150,000, then to \$200,000 after January 1, 2012.

**Title II: Compensation and Pension Matters** - (Sec. 201) Establishes an annual cost-of-living adjustment, based on increases in amounts payable under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act, for the temporary payment of dependency and indemnity compensation (DIC) to a veteran's surviving spouse with one or more children under the age of 18.

(Sec. 202) Revises eligibility requirements for the payment of a special monthly pension based on disability for veterans of a period of war who already qualify for a service pension based and who are over age 65.

(Sec. 203) Directs the Secretary of Veterans Affairs to promulgate regulations which recognize circumstances, consistent with the place, conditions, dangers, or hardships associated with particular military service, that do not require confirming or documenting evidence in order to establish the occurrence of an event or exposure during active military service.

(Sec. 204) Extends through FY2014 the expiration date for the reduction of VA pensions for certain beneficiaries with no dependents who are covered by Medicaid plans for services furnished by nursing facilities.

(Sec. 205) Authorizes higher levels of veterans' disability compensation for certain veterans who experience difficulty using prostheses after the loss of hands, arms, or legs and those in need of regular aid and attendance after suffering a severe traumatic brain injury.

(Sec. 206) Requires that, in the case of a veteran who is retired or separated from active duty due to a catastrophic disability, payment of VA disability benefits based on an original claim shall be made on the date the award becomes effective (thereby eliminating certain procedural delays in such payments).

(Sec. 207) Requires a reduction in VA death pension benefits with respect to surviving adult-disabled children of veterans who are Medicaid recipients residing in nursing homes.

(Sec. 208) Requires the payment of DIC to the survivors of former prisoners-of-war (POWs) who died on or before September 30, 1999, on the same basis as survivors of former POWs who die after such date. (Expands payment of such benefits to provide the same coverage regardless of the date of death.)

**Title III: Readjustment and Related Benefit Matters** - (Sec. 301) Repeals the current limitation (2600 per year) on the number of veterans who may enroll in a VA program of independent living services and assistance.

(Sec. 302) Authorizes the VA to provide automobile and adaptive equipment assistance to disabled veterans and veterans with severe burn injuries.

(Sec. 303) Increases from \$11,000 to \$22,500 per veteran the VA authority to assist severely disabled veterans in purchasing automobiles or other equipment to accommodate such disabilities. Requires such amount to be adjusted annually to coincide with new automobile cost increases.

(Sec. 304) Authorizes the Secretary, in the event that a VA-guaranteed home loan is modified under bankruptcy proceedings, to pay the mortgagor the unpaid balance of the loan, but only upon the assignment and delivery to the Secretary of all rights, interests, and claims with respect to the loan.

**Title IV: Employment and Reemployment Rights of Members of the Uniformed Services** - (Sec. 401) Provides that a state's receipt or use of federal financial assistance for any program or activity shall constitute a waiver of state sovereign immunity with respect to actions brought to enforce employment or reemployment rights or benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

(Sec. 402) Provides additional factors for determining whether an entity is a "successor in interest" for purposes of USERRA enforcement against employers.

(Sec. 403) Includes within USERRA a specific prohibition against wage discrimination against members of the Armed Forces.

(Sec. 404) Amends the Federal Property and Administrative Services Act of 1949 to require non-military federal agencies to notify their contractors of potential USERRA obligations.

(Sec. 405) Directs the Comptroller General to study and report to Congress on the effectiveness of federal programs of education and outreach on employer obligations under USERRA.

**Title V: Burial and Memorial Matters** - (Sec. 501) Authorizes and directs the Secretary, subject to the availability of funds specifically provided for purposes of this section in advance appropriations, to pay a supplemental benefit for the funeral and burial expenses of veterans, making such amount \$900 with respect to a non-service-connected death and \$2,100 with respect to a service-connected death. Requires the annual adjustment of such amounts (based on increases in the Consumer Price Index) with respect to deaths that occur after FY2010. Requires the Secretary to estimate, and report to the veterans and appropriations committees on, the amount of fiscal year funding necessary to make such supplemental payments. Authorizes appropriations.

(Sec. 502) Authorizes the Secretary, subject to the availability of funds specifically provided for purposes of this section in advance appropriations, to pay a supplemental burial plot allowance of \$445 for veterans eligible for the current allowance. Requires the annual adjustment of such amount (based on increases in the Consumer Price Index) with respect to deaths that occur after FY2010. Directs the Secretary to estimate, and report to the veterans and appropriations committees on, the amount of fiscal year funding necessary to make such supplemental payment. Authorizes appropriations.

**Title VI: Other Matters** - (Sec. 601) Directs the Institute of Medicine of the National Academy of Sciences (NAS) to: (1) conduct a comprehensive review of the best treatments for Gulf War Illness; and (2) report review results to the Secretary

and the veterans committees.

(Sec. 602) Amends the Persian Gulf War Veterans Act of 1998 to extend until October 1, 2015, an NAS review and evaluation concerning associations between illnesses and exposure of Gulf War veterans to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines. Amends the Veterans Programs Enhancement Act of 1998 to extend until October 1, 2018, an NAS report on the health effects of such exposure.

(Sec. 603) Extends through 2011 VA authority to operate a regional office in the Republic of the Philippines.

(Sec. 604) Permits an aggregate period of 81 months for the use of VA educational assistance for individuals who receive both survivors' and dependents' educational assistance and other veterans and related educational assistance. Revives any benefit entitlement reduced by prior utilization of survivors' and dependents' educational assistance.

## **Actions Timeline**

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- **Oct 7, 2009:** Measure laid before Senate by unanimous consent. (consideration: CR S10245-10251; text of measure as reported in Senate: CR S10245-10251)
- **Oct 7, 2009:** The committee substitute as amended agreed to by Unanimous Consent.
- **Oct 7, 2009:** The bill was read the third time.
- **Oct 7, 2009:** Senate incorporated this measure in H.R. 1037 as an amendment.
- **Oct 7, 2009:** Senate passed companion measure H.R. 1037 in lieu of this measure by Unanimous Consent.
- **Oct 7, 2009:** Returned to the Calendar. Calendar No. 155. (consideration: CR S10251)
- **Oct 7, 2009:** See also H.R. 1037.
- **Sep 2, 2009:** Committee on Veterans' Affairs. Reported by Senator Akaka under authority of the order of the Senate of 08/07/2009 with an amendment in the nature of a substitute. With written report No. 111-71.
- **Sep 2, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 155.
- **May 21, 2009:** Committee on Veterans' Affairs. Ordered to be reported with an amendment favorably.
- **Apr 29, 2009:** Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 111-81.
- **Mar 26, 2009:** Introduced in Senate
- **Mar 26, 2009:** Sponsor introductory remarks on measure. (CR S3926-3927)
- **Mar 26, 2009:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S3927-3930)