

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 760**  
**OFFERED BY MR. FILNER OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Filipino Veterans Eq-  
3 uity Act of 2007”.

4 **SEC. 2. EXPANSION OF ELIGIBILITY FOR BENEFITS ADMIN-**  
5 **ISTERED BY SECRETARY OF VETERANS AF-**  
6 **FAIRS FOR CERTAIN SERVICE IN THE ORGA-**  
7 **NIZED MILITARY FORCES OF THE COMMON-**  
8 **WEALTH OF THE PHILIPPINES AND THE**  
9 **PHILIPPINE SCOUTS DURING WORLD WAR II.**

10       (a) **MODIFICATION OF STATUS OF CERTAIN SERV-**  
11 **ICE.—**

12           (1) **IN GENERAL.—**Section 107 of title 38,  
13 United States Code, is amended to read as follows:

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

16       “(a) **IN GENERAL.—**Service described in subsection  
17 (b) shall be deemed to have been active military, naval,  
18 or air service for purposes of any law of the United States

1 conferring rights, privileges, or benefits upon any indi-  
2 vidual by reason of the service of such individual or the  
3 service of any other individual in the Armed Forces.

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

6 “(1) before July 1, 1946, in the organized mili-  
7 tary forces of the Government of the Commonwealth  
8 of the Philippines, while such forces were in the  
9 service of the Armed Forces of the United States  
10 pursuant to the military order of the President  
11 dated July 26, 1941, including among such military  
12 forces organized guerrilla forces under commanders  
13 appointed, designated, or subsequently recognized by  
14 the Commander in Chief, Southwest Pacific Area, or  
15 other competent authority in the Army of the United  
16 States; or

17 “(2) in the Philippine Scouts under section 14  
18 of the Armed Forces Voluntary Recruitment Act of  
19 1945 (59 Stat. 538).

20 “(c) MODIFIED PENSION AND DEATH PENSION FOR  
21 CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED  
22 STATES.—(1) Any pension provided under subchapter II  
23 or III of chapter 15 of this title to an individual described  
24 in paragraph (2) shall be made only as specified in section  
25 1514 of this title.

1       “(2) An individual described in this paragraph is an  
2 individual who is not a citizen of the United States and  
3 who resides outside the United States and is entitled to  
4 a pension provided under subchapter II or III of chapter  
5 15 of this title based on service described in subsection  
6 (b).

7       “(d) UNITED STATES DEFINED.—For the purposes  
8 of this section, the term ‘United States’ means the States,  
9 the District of Columbia, Puerto Rico, Guam, American  
10 Samoa, the Virgin Islands, the Commonwealth of the  
11 Northern Mariana Islands, and any other possession or  
12 territory of the United States.”.

13           (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 1 is amended by  
15 striking the item related to section 107 and insert-  
16 ing the following new item:

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

17           (3) EFFECTIVE DATE.—The amendment made  
18 by this subsection shall apply with respect to the  
19 payment or provision of benefits on or after the date  
20 of the enactment of this Act. No benefits are pay-  
21 able or are required to be provided by reason of such  
22 amendment for any period before such date.

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

1           (1) IN GENERAL.—Subchapter II of chapter 15  
2           of title 38, United States Code, is amended by add-  
3           ing at the end the following new section:

4   **“§ 1514. Certain recipients residing outside the**  
5                                   **United States**

6           “(a) SPECIAL RATES FOR PENSION BENEFITS FOR  
7   INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND  
8   SURVIVORS.—(1) Payment under this subchapter to an in-  
9   dividual who is not a citizen of the United States, resides  
10   outside the United States, and is eligible for such payment  
11   because of service described in section 107(b) of this title  
12   shall be made as follows:

13           “(A) For such an individual who is married, at  
14           a rate of \$8,400 per year (as increased from time  
15           to time under section 5312 of this title).

16           “(B) For such an individual who is not mar-  
17           ried, at a rate of \$6,000 per year (as increased from  
18           time to time under section 5312 of this title).

19           “(2) Payment under subchapter III of this chapter  
20   to an individual who is not a citizen of the United States,  
21   resides outside the United States, and is eligible for such  
22   payment because of service described in section 107(b) of  
23   this title shall be made at a rate of \$3,600 per year (as  
24   increased from time to time under section 5312 of this  
25   title).

1           “(3) An individual who is otherwise entitled to bene-  
2 fits under this chapter, is not a citizen of the United  
3 States, resides outside the United States, and receives or  
4 would otherwise be eligible to receive a monetary benefit  
5 from a foreign government, may not receive benefits under  
6 this chapter for service described in section 107(b) of this  
7 title if receipt of such benefits under this chapter would  
8 reduce such monetary benefit from such foreign govern-  
9 ment.

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

13           “(b) INDIVIDUALS LIVING OUTSIDE THE UNITED  
14 STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENE-  
15 FITS INELIGIBLE.—An individual residing outside the  
16 United States who is receiving or is eligible to receive ben-  
17 efits under title VIII of the Social Security Act (42 U.S.C.  
18 1001 et seq.) may not receive benefits under this chapter.

19           “(c) UNITED STATES DEFINED.—For the purposes  
20 of this section, the term ‘United States’ means the States,  
21 the District of Columbia, Puerto Rico, Guam, American  
22 Samoa, the Virgin Islands, the Commonwealth of the  
23 Northern Mariana Islands, and any other possession or  
24 territory of the United States.”.

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

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

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

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

9           (B) in subsection (c)(1), by inserting  
10          “1514,” before “1521,”.

11          (4) EFFECTIVE DATE.—The amendments made  
12          by paragraphs (1) and (2) shall apply to applications  
13          for benefits filed on or after May 1, 2008. The  
14          amendment made by paragraph (3) shall take effect  
15          on May 1, 2008.

16          (c) PENSION AND DEATH PENSION BENEFIT PRO-  
17          TECTION.—Notwithstanding any other provision of law, a  
18          veteran with service described in section 107(b) of title  
19          38, United States Code (as added by subsection (a)), who  
20          is receiving benefits under a Federal or federally assisted  
21          program as of the date of the enactment of this Act, or  
22          a survivor of such veteran who is receiving such benefits  
23          as of the date of the enactment of this Act, may not be  
24          required to apply for or receive benefits under chapter 15  
25          of such title if the receipt of such benefits would—

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

4           (2) reduce the amount of benefit such veteran  
5           or survivor would receive from any Federal or feder-  
6           ally assisted program for which such veteran or sur-  
7           vivor qualifies.

8 **SEC. 3. CLARIFICATION OF ELIGIBILITY OF VETERANS**  
9                           **OVER 65 FOR SERVICE PENSION FOR A PE-**  
10                           **RIOD OF WAR.**

11           Section 1513 of title 38, United States Code, is  
12 amended—

13           (1) in subsection (a), by striking “by section  
14           1521” and all that follows and inserting “by sub-  
15           section (b), (c), (f)(1), (f)(5), or (g) of that section,  
16           as the case may be and as increased from time to  
17           time under section 5312 of this title.”;

18           (2) by redesignating subsection (b) as sub-  
19           section (c); and

20           (3) by inserting after subsection (a) the fol-  
21           lowing new subsection (b):

22           “(b) The conditions in subsections (h) and (i) of sec-  
23           tion 1521 of this title shall apply to determinations of in-  
24           come and maximum payments of pension for purposes of  
25           this section.”.

1 **SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIA-**  
2 **TIONS FOR REIMBURSEMENT OF STATE AND**  
3 **LOCAL AGENCIES ADMINISTERING VET-**  
4 **ERANS EDUCATION BENEFITS.**

5 Section 3674(a)(4) is amended by striking “2001 and  
6 2002,” and all that follows through “2007,” and inserting  
7 “fiscal years 2007 through 2009,”.

8 **SEC. 5. IMPROVEMENTS TO VETERANS BENEFICIARY TRAV-**  
9 **EL PROGRAM.**

10 (a) **ELIMINATION OF DEDUCTIBLE.**—Section 111 of  
11 title 38, United States Code, is amended by striking sub-  
12 section (c).

13 (b) **DETERMINATION OF MILEAGE REIMBURSEMENT**  
14 **RATE.**—

15 (1) **DETERMINATION.**—Paragraph (1) of sub-  
16 section (g) of such section is amended to read as fol-  
17 lows:

18 “(1) In determining the amount of allowances or re-  
19 imbursement to be paid under this section, the Secretary  
20 shall use the mileage reimbursement rates for the use of  
21 privately owned vehicles by Government employees on offi-  
22 cial business, as prescribed by the Administrator of Gen-  
23 eral Services under section 5707(b) of title 5, United  
24 States Code.”.



1           (2) CONFORMING AMENDMENT.—Such sub-  
2 section is further amended by striking paragraphs  
3 (3) and (4).

4           (c) SOURCE OF FUNDS.—Such section is further  
5 amended by adding at the end the following new sub-  
6 section:

7           “(i) Funds for payments made under this section  
8 shall be appropriated separately from other amounts ap-  
9 propriated for the Department.”.

10          (d) EFFECTIVE DATE.—The amendments made by  
11 this Act shall apply with respect to travel expenses in-  
12 curred after the expiration of the 90-day period that be-  
13 gins on the date of the enactment of this Act.

14 **SEC. 6. INCREASE IN AMOUNT OF SUPPLEMENTAL INSUR-**  
15 **ANCE FOR TOTALLY DISABLED VETERANS.**

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

18          (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect on January 1, 2008.

1 **SEC. 7. EXPANSION OF PROGRAMS OF EDUCATION ELIGI-**  
2 **BLE FOR ACCELERATED PAYMENTS OF EDU-**  
3 **CATIONAL ASSISTANCE UNDER THE MONT-**  
4 **GOMERY GI BILL.**

5 (a) COMMERCIAL DRIVER'S LICENSE TRAINING PRO-  
6 GRAMS.—Subsection (b)(1) of section 3014A of title 38,  
7 United States Code, is amended—

8 (1) by inserting “(A)” after “that leads to”;  
9 and

10 (2) by inserting before the semicolon at the end  
11 the following: “or (B) employment as an operator of  
12 a commercial motor vehicle (as defined in section  
13 31301(4) of title 49)”.

14 (b) CLERICAL AMENDMENTS.—

15 (1) HEADING.—The heading section 3014A of  
16 such title is amended to read as follows:

17 **“§ 3014A. Accelerated payment of basic educational**  
18 **assistance for education leading to em-**  
19 **ployment in high technology occupation**  
20 **in high technology industry or in certain**  
21 **other occupations”.**

22 (2) TABLE OF SECTIONS.—The table of sections at  
23 the beginning of chapter 30 of such title is amended by  
24 striking the item relating to section 3014A and inserting  
25 the following new item:

“3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology occupation in high technology industry and in certain other occupations.”.

1 **SEC. 8. EXCLUSION OF EDUCATIONAL ASSISTANCE UNDER**  
2 **THE MONTGOMERY GI BILL FROM INCOME**  
3 **FOR PURPOSES OF ELIGIBILITY FOR FED-**  
4 **ERAL EDUCATION LOANS.**

5 Section 3015 of title 38, United States Code, is  
6 amended—

7 (1) by redesignating subsection (h) as sub-  
8 section (i); and

9 (2) by inserting after subsection (g) the fol-  
10 lowing new subsection (h):

11 “(h) Notwithstanding any other provision of law, any  
12 amount paid by the Secretary under this subchapter to  
13 an eligible individual shall not be considered as income for  
14 purposes of determining the eligibility of the individual for  
15 any education grant or loan under any other provision of  
16 Federal law.”.

17 **SEC. 9. ADDITION OF OSTEOPOROSIS TO DISABILITIES**  
18 **PRESUMED TO BE SERVICE-CONNECTED IN**  
19 **FORMER PRISONERS OF WAR WITH POST-**  
20 **TRAUMATIC STRESS DISORDER.**

21 Section 1112(b)(2) is amended by adding at the end  
22 the following new subparagraph:

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

4   **SEC. 10. COST-OF-LIVING INCREASE FOR TEMPORARY DE-**  
5                   **PENDENCY AND INDEMNITY COMPENSATION**  
6                   **PAYABLE FOR SURVIVING SPOUSES WITH DE-**  
7                   **PENDENT CHILDREN UNDER THE AGE OF 18.**

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

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

        Amend the title so as to read: “To amend title 38,  
United States Code, to deem certain service in the orga-  
nized military forces of the Government of the Common-  
wealth of the Philippines and the Philippine Scouts to

have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs, and for other purposes.”.