

111TH CONGRESS
2D SESSION

H. R. 6132

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Veterans Benefits and Economic Welfare Improvement
4 Act of 2010”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Military transition program.
- Sec. 3. Waiver of claim development period for claims under laws administered
by Secretary of Veterans Affairs.
- Sec. 4. Tolling of timing of review for appeals of final decisions of Board of
Veterans’ Appeals.
- Sec. 5. Exclusion of certain amounts from determination of annual income with
respect to pensions for veterans and surviving spouses and chil-
dren of veterans.
- Sec. 6. Extension of authority of Secretary of Veterans Affairs to obtain certain
income information from other agencies.
- Sec. 7. VetStar Award program.
- Sec. 8. Increase in amount of pension for Medal of Honor recipients.
- Sec. 9. Compliance with Statutory Pay-As-You-Go Act of 2010.

7 **SEC. 2. MILITARY TRANSITION PROGRAM.**

8 (a) IN GENERAL.—Chapter 41 of title 38, United
9 States Code, is amended by inserting after section 4114
10 the following new section:

11 **“§ 4115. Military transition program**

12 “(a) ESTABLISHMENT; ELIGIBILITY.—(1) Subject to
13 the availability of appropriations for such purpose, the
14 Secretary of Veterans Affairs and the Assistant Secretary
15 of Labor for Veterans’ Employment and Training shall
16 jointly carry out a program of training to provide eligible
17 veterans with skills relevant to the job market.

1 “(2) For purposes of this section, the term ‘eligible
2 veteran’ means any veteran whom the Secretary of Vet-
3 erans Affairs determines—

4 “(A) is not otherwise eligible for education or
5 training services under this title;

6 “(B) has not acquired a marketable skill since
7 being separated or released from service in the
8 Armed Forces;

9 “(C) was discharged under honorable condi-
10 tions; and

11 “(D)(i) has been unemployed for at least 90
12 days during the 180-day period preceding the date
13 of application for the program established under this
14 section; or

15 “(ii) during such 180-day period received a
16 maximum hourly rate of pay of not more than 150
17 percent of the Federal minimum wage.

18 “(b) APPRENTICESHIP OR ON-THE-JOB TRAINING
19 PROGRAM.—The program established under this section
20 shall provide for payments to employers who provide for
21 eligible veterans a program of apprenticeship or on-the-
22 job training if—

23 “(1) such program is approved as provided in
24 paragraph (1) or (2) of section 3687(a) of this title;

1 “(2) the rate of pay for veterans participating
2 in the program is not less than the rate of pay for
3 nonveterans in similar jobs; and

4 “(3) the Assistant Secretary of Labor for Vet-
5 erans’ Employment and Training reasonably expects
6 that—

7 “(A) the veteran will be qualified for em-
8 ployment in that field upon completion of train-
9 ing; and

10 “(B) the employer providing the program
11 will continue to employ the veteran at the com-
12 pletion of training.

13 “(c) PAYMENTS TO EMPLOYERS.—(1) Subject to the
14 availability of appropriations for such purpose, the Assist-
15 ant Secretary of Labor for Veterans’ Employment and
16 Training shall enter into contracts with employers to pro-
17 vide programs of apprenticeship or on-the-job training
18 that meet the requirements of this section. Each such con-
19 tract shall provide for the payment of the amounts de-
20 scribed in paragraph (2) to employers whose programs
21 meet such requirements.

22 “(2) The amount paid under this section with respect
23 to any eligible veteran for any period shall be 50 percent
24 of the wages paid by the employer to such veteran for such
25 period. Wages shall be calculated on an hourly basis.

1 “(3)(A) Except as provided in subparagraph (B)—

2 “(i) the amount paid under this section with re-
3 spect to a veteran participating in the program es-
4 tablished under this section may not exceed \$20,000
5 in the aggregate or \$1,666.67 per month; and

6 “(ii) such payments may only be made during
7 the first 12 months of such veteran’s participation
8 in the program.

9 “(B) In the case of a veteran participating in the pro-
10 gram on a less than full-time basis, the Assistant Sec-
11 retary of Labor for Veterans’ Employment and Training
12 may extend the number of months of payments under sub-
13 paragraph (A) and proportionally adjust the amount of
14 such payments, but the aggregate amount paid with re-
15 spect to such veteran may not exceed \$20,000 and the
16 maximum number of months of such payments may not
17 exceed 24 months.

18 “(4) Payments under this section shall be made on
19 a quarterly basis.

20 “(5) Each employer providing a program of appren-
21 ticeship or on-the-job training pursuant to this section
22 shall submit to the Assistant Secretary of Labor for Vet-
23 erans’ Employment and Training on a quarterly basis a
24 report certifying the wages paid to eligible veterans under
25 such program (which shall be certified by the veteran as

1 being correct) and containing such other information as
2 the Assistant Secretary may specify. Such report shall be
3 submitted in the form and manner required by the Assist-
4 ant Secretary.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section
7 \$10,000,000 for each fiscal year for which the program
8 is carried out.

9 “(e) REPORTING.—The Secretary of Veterans Af-
10 fairs, in coordination with the Assistant Secretary of
11 Labor for Veterans’ Employment and Training, shall in-
12 clude a description of activities carried out under this sec-
13 tion in the annual report prepared submitted under sec-
14 tion 529 of this title.

15 “(f) TERMINATION.—The authority to carry out a
16 program under this section shall terminate on September
17 30, 2016.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 4114 the following new
21 item:

“4115. Military transition program.”.

22 (c) CONFORMING AMENDMENTS.—(1) Subsection
23 (a)(1) of section 3034 of such title is amended by striking
24 “and 3687” and inserting “3687, and 4115”.

1 (2) Subsections (a)(1) and (c) of section 3241 of such
 2 title are each amended by striking “section 3687” and in-
 3 serting “sections 3687 and 4115”.

4 (3) Subsection (d)(1) of section 3672 of such title is
 5 amended by striking “and 3687” and inserting “3687,
 6 and 4115”.

7 (4) Paragraph (3) of section 4102A(b) of such title
 8 is amended by striking “section 3687” and inserting “sec-
 9 tion 3687 or 4115”.

10 (d) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect on the date that is one year
 12 after the date of the enactment of this Act.

13 **SEC. 3. WAIVER OF CLAIM DEVELOPMENT PERIOD FOR**
 14 **CLAIMS UNDER LAWS ADMINISTERED BY**
 15 **SECRETARY OF VETERANS AFFAIRS.**

16 (a) IN GENERAL.—Section 5101 of title 38, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing new subsection:

19 “(d)(1) If a claimant submits to the Secretary a claim
 20 that the Secretary determines is a fully developed claim,
 21 the Secretary shall provide—

22 “(A) the claimant with the opportunity to waive
 23 any claim development period otherwise made avail-
 24 able by the Secretary with respect to such claim; and

25 “(B) expeditious treatment to such claim.

1 “(2) If a person submits to the Secretary any written
2 notification sufficient to inform the Secretary that the per-
3 son plans to submit a fully developed claim and, not later
4 than one year after submitting such notification submits
5 to the Secretary a claim that the Secretary determines is
6 a fully developed claim, the Secretary shall provide expedi-
7 tious treatment to the claim.

8 “(3) If the Secretary determines that a claim sub-
9 mitted by a claimant as a fully developed claim is not fully
10 developed, the Secretary shall provide such claimant with
11 the notice described in section 5103(a) within 30 days
12 after the Secretary makes such determination.

13 “(4) For purposes of this section:

14 “(A) The term ‘fully developed claim’ means a
15 claim—

16 “(i) for which the claimant—

17 “(I) received assistance from a vet-
18 erans service officer, a State or county vet-
19 erans service organization, an agent, or an
20 attorney; or

21 “(II) submits, together with the claim,
22 an appropriate indication that the claimant
23 does not intend to submit any additional
24 information or evidence in support of the

1 claim and does not require additional as-
2 sistance with respect to the claim; and

3 “(ii) for which the claimant or the claim-
4 ant’s representative, if any, each signs, dates,
5 and submits a certification in writing stating
6 that, as of such date, no additional information
7 or evidence is available or needs to be submitted
8 in order for the claim to be adjudicated.

9 “(B) The term ‘expeditious treatment’ means,
10 with respect to a claim for benefits under the laws
11 administered by the Secretary, treatment of such
12 claim so that the claim is fully processed and adju-
13 dicated within 90 days after the Secretary receives
14 an application for such claim.”.

15 (b) APPEALS FORM AVAILABILITY.—Subsection (b)
16 of section 5104 of such title is amended—

17 (1) by striking “and (2)” and inserting “(2)”;
18 and

19 (2) by inserting before the period at the end the
20 following: “, and (3) any form or application re-
21 quired by the Secretary to appeal such decision”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to claims submitted
24 on or after the date of the enactment of this Act.

1 **SEC. 4. TOLLING OF TIMING OF REVIEW FOR APPEALS OF**
2 **FINAL DECISIONS OF BOARD OF VETERANS’**
3 **APPEALS.**

4 (a) IN GENERAL.—Section 7266(a) of title 38,
5 United States Code, is amended—

6 (1) by striking “In order” and inserting “(1)
7 Except as provided in paragraph (2), in order”; and

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

10 “(2)(A) The 120-day period described in paragraph
11 (1) shall be extended upon a showing of good cause for
12 such time as justice may require.

13 “(B) For purposes of this paragraph, it shall be con-
14 sidered good cause if a person was unable to file a notice
15 of appeal within the 120-day period because of the per-
16 son’s service-connected disability.”.

17 (b) APPLICABILITY.—

18 (1) IN GENERAL.—Paragraph (2) of section
19 7266(a) of such title, as added by subsection (a),
20 shall apply to a notice of appeal filed with respect
21 to a final decision of the Board of Veterans’ Appeals
22 that was issued on or after July 24, 2008.

23 (2) REINSTATEMENT.—Any petition for review
24 filed with the Court of Appeals for Veterans Claims
25 that was dismissed by such Court on or after July
26 24, 2008, as untimely, shall, upon the filing of a pe-

1 tition by an adversely affected person filed not later
2 than six months after the date of the enactment of
3 this Act, be reinstated upon a showing that the peti-
4 tioner had good cause for filing the petition on the
5 date it was filed.

6 **SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETER-**
7 **MINATION OF ANNUAL INCOME WITH RE-**
8 **SPECT TO PENSIONS FOR VETERANS AND**
9 **SURVIVING SPOUSES AND CHILDREN OF VET-**
10 **ERANS.**

11 (a) CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS
12 AND FOR PAIN AND SUFFERING.—Paragraph (5) of sec-
13 tion 1503(a) of title 38, United States Code, is amended
14 to read as follows:

15 “(5) payments regarding—

16 “(A) reimbursements of any kind (includ-
17 ing insurance settlement payments) for—

18 “(i) expenses related to the repay-
19 ment, replacement, or repair of equipment,
20 vehicles, items, money, or property result-
21 ing from—

22 “(I) any accident (as defined in
23 regulations which the Secretary shall
24 prescribe), but the amount excluded
25 under this subclause shall not exceed

1 the greater of the fair market value or
2 reasonable replacement value of the
3 equipment or vehicle involved at the
4 time immediately preceding the acci-
5 dent;

6 “(II) any theft or loss (as defined
7 in regulations which the Secretary
8 shall prescribe), but the amount ex-
9 cluded under this subclause shall not
10 exceed the greater of the fair market
11 value or reasonable replacement value
12 of the item or the amount of the
13 money (including legal tender of the
14 United States or of a foreign country)
15 involved at the time immediately pre-
16 ceding the theft or loss; or

17 “(III) any casualty loss (as de-
18 fined in regulations which the Sec-
19 retary shall prescribe), but the
20 amount excluded under this subclause
21 shall not exceed the greater of the fair
22 market value or reasonable replace-
23 ment value of the property involved at
24 the time immediately preceding the
25 casualty loss; and

“(ii) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

“(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;”.

(b) CERTAIN AMOUNTS PAID BY STATES AND MUNICIPALITIES AS VETERANS BENEFITS.—Section 1503(a) of title 38, United States Code, is amended—

(1) by striking “and” at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

1 “(11) payment of a monetary amount of up to
2 \$5,000 to a veteran from a State or municipality
3 that is paid as a veterans’ benefit due to injury or
4 disease; and”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsections (a) and (b) shall apply with respect to deter-
7 minations of income for calendar years beginning after Oc-
8 tober 1, 2011.

9 **SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VET-**
10 **ERANS AFFAIRS TO OBTAIN CERTAIN IN-**
11 **COME INFORMATION FROM OTHER AGEN-**
12 **CIES.**

13 Section 5317 of title 38, United States Code, is
14 amended by striking “September 30, 2011” and inserting
15 “September 30, 2015”.

16 **SEC. 7. VETSTAR AWARD PROGRAM.**

17 (a) ESTABLISHMENT.—The Secretary of Veterans
18 Affairs shall establish an award program, to be known as
19 the “VetStar Award Program”, to annually recognize
20 businesses for their contributions to veterans’ employ-
21 ment.

22 (b) ADMINISTRATION.—The Secretary shall establish
23 a process for the administration of the award program,
24 including criteria for—

1 (1) categories and sectors of businesses eligible
2 for recognition each year; and

3 (2) objective measures to be used in selecting
4 businesses to receive the award.

5 (c) VETERAN DEFINED.—In this section, the term
6 “veteran” has the meaning given that term in section
7 101(2) of title 38, United States Code.

8 **SEC. 8. INCREASE IN AMOUNT OF PENSION FOR MEDAL OF**
9 **HONOR RECIPIENTS.**

10 Section 1562(a) of title 38, United States Code, is
11 amended by striking “\$1,000” and inserting “\$2,000”.

12 **SEC. 9. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**
13 **ACT OF 2010.**

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go Act of 2010,
16 shall be determined by reference to the latest statement
17 titled “Budgetary Effects of PAYGO Legislation” for this
18 Act, submitted for printing in the Congressional Record
19 by the Chairman of the House Budget Committee,

1 provided that such statement has been submitted prior to
2 the vote on passage.

Passed the House of Representatives September 28,
2010.

Attest: LORRAINE C. MILLER,
Clerk.