

111TH CONGRESS
2D SESSION

S. 3352

To amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2010

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, 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.**

4 This Act may be cited as the “Veterans Pensions
5 Protection Act of 2010”.

1 **SEC. 2. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EX-**
2 **PENSES FROM DETERMINATION OF ANNUAL**
3 **INCOME WITH RESPECT TO PENSIONS FOR**
4 **VETERANS AND SURVIVING SPOUSES AND**
5 **CHILDREN OF VETERANS.**

6 Paragraph (5) of section 1503(a) of title 38, United
7 States Code, is amended to read as follows:

8 “(5) payments regarding—

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

11 “(i) expenses related to the repay-
12 ment, replacement, or repair of equipment,
13 vehicles, items, money, or property result-
14 ing from—

15 “(I) any accident (as defined in
16 regulations which the Secretary shall
17 prescribe), but the amount excluded
18 under this subclause shall not exceed
19 the greater of the fair market value or
20 reasonable replacement value of the
21 equipment or vehicle involved at the
22 time immediately preceding the acci-
23 dent;

24 “(II) any theft or loss (as defined
25 in regulations which the Secretary
26 shall prescribe), but the amount ex-

1 cluded under this subclause shall not
2 exceed the greater of the fair market
3 value or reasonable replacement value
4 of the item or the amount of the
5 money (including legal tender of the
6 United States or of a foreign country)
7 involved at the time immediately pre-
8 ceding the theft or loss; or

9 “(III) any casualty loss (as de-
10 fined in regulations which the Sec-
11 retary shall prescribe), but the
12 amount excluded under this subclause
13 shall not exceed the greater of the fair
14 market value or reasonable replace-
15 ment value of the property involved at
16 the time immediately preceding the
17 casualty loss; and

18 “(ii) medical expenses resulting from
19 any accident, theft, loss, or casualty loss
20 (as defined in regulations which the Sec-
21 retary shall prescribe), but the amount ex-
22 cluded under this clause shall not exceed
23 the costs of medical care provided to the
24 victim of the accident, theft, loss, or cas-
25 ualty loss; and

1 “(B) pain and suffering (including insur-
2 ance settlement payments and general damages
3 awarded by a court) related to an accident,
4 theft, loss, or casualty loss, but the amount ex-
5 cluded under this subparagraph shall not exceed
6 an amount determined by the Secretary on a
7 case-by-case basis;”.

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