

VETERANS BENEFITS AND ECONOMIC WELFARE
 IMPROVEMENT ACT OF 2010

SEPTEMBER 28, 2010.—Committed to the Committee of the Whole House on the
 State of the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs,
 submitted the following

R E P O R T

[To accompany H.R. 6132]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 6132) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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 children 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. Conditions for treatment of certain persons as adjudicated mentally incompetent.

SEC. 2. MILITARY TRANSITION PROGRAM.

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

“§ 4115. Military transition program

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

“(2) For purposes of this section, the term ‘eligible veteran’ means any veteran whom the Secretary of Veterans Affairs determines—

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

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

“(C) was discharged under honorable conditions; and

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

or

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

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

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

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

“(3) the Assistant Secretary of Labor for Veterans’ Employment and Training reasonably expects that—

“(A) the veteran will be qualified for employment in that field upon completion of training; and

“(B) the employer providing the program will continue to employ the veteran at the completion of training.

“(c) **PAYMENTS TO EMPLOYERS.**—(1) Subject to the availability of appropriations for such purpose, the Assistant Secretary of Labor for Veterans’ Employment and Training shall enter into contracts with employers to provide programs of apprenticeship or on-the-job training that meet the requirements of this section. Each such contract shall provide for the payment of the amounts described in paragraph (2) to employers whose programs meet such requirements.

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

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

“(i) the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed \$20,000 in the aggregate or \$1,666.67 per month; and

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

“(B) In the case of a veteran participating in the program on a less than full-time basis, the Assistant Secretary of Labor for Veterans’ Employment and Training may extend the number of months of payments under subparagraph (A) and proportionally adjust the amount of such payments, but the aggregate amount paid with respect to such veteran may not exceed \$20,000 and the maximum number of months of such payments may not exceed 24 months.

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

“(5) Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Assistant Secretary of Labor for Veterans’ Employment and Training on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing such other information as the Assistant Secretary may specify. Such report shall be submitted in the form and manner required by the Assistant Secretary.

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

“(e) REPORTING.—The Secretary of Veterans Affairs, in coordination with the Assistant Secretary of Labor for Veterans’ Employment and Training, shall include a description of activities carried out under this section in the annual report prepared submitted under section 529 of this title.

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

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

“4115. Military transition program.”.

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

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

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

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

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

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

(a) IN GENERAL.—Section 5101 of title 38, United States Code, is amended by adding at the end the following new subsection:

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

“(A) the claimant with the opportunity to waive any claim development period otherwise made available by the Secretary with respect to such claim; and

“(B) expeditious treatment to such claim.

“(2) If a person submits to the Secretary any written notification sufficient to inform the Secretary that the person plans to submit a fully developed claim and, not later than one year after submitting such notification submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide expeditious treatment to the claim.

“(3) If the Secretary determines that a claim submitted by a claimant as a fully developed claim is not fully developed, the Secretary shall provide such claimant with the notice described in section 5103(a) within 30 days after the Secretary makes such determination.

“(4) For purposes of this section:

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

“(i) for which the claimant—

“(I) received assistance from a veterans service officer, a State or county veterans service organization, an agent, or an attorney; or

“(II) submits, together with the claim, an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

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

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

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

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

(2) by inserting before the period at the end the following: “, and (3) any form or application required by the Secretary to appeal such decision”.

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

SEC. 4. TOLLING OF TIMING OF REVIEW FOR APPEALS OF FINAL DECISIONS OF BOARD OF VETERANS' APPEALS.

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

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

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

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

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

(b) APPLICABILITY.—

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

(2) REINSTATEMENT.—Any petition for review filed with the Court of Appeals for Veterans Claims that was dismissed by such Court on or after July 24, 2008, as untimely, shall, upon the filing of a petition by an adversely affected person filed not later than six months after the date of the enactment of this Act, be reinstated upon a showing that the petitioner had good cause for filing the petition on the date it was filed.

SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS AND FOR PAIN AND SUFFERING.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding—

“(A) reimbursements of any kind (including insurance settlement payments) for—

“(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

“(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

“(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

“(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the 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):

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

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO OBTAIN CERTAIN INCOME INFORMATION FROM OTHER AGENCIES.

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

SEC. 7. VETSTAR AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish an award program, to be known as the “VetStar Award Program”, to annually recognize businesses for their contributions to veterans’ employment.

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

- (1) categories and sectors of businesses eligible for recognition each year; and
- (2) objective measures to be used in selecting businesses to receive the award.

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

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

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

SEC. 9. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective for any purpose without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent.”.

PURPOSE AND SUMMARY

H.R. 6132 was introduced on September 15, 2010, by Representative Filner of California, Chairman of the Committee on Veterans’ Affairs. H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, includes a number of provisions drawn from H.R. 929, H.R. 4541, H.R. 5064, H.R. 5484, and H.R. 5549 considered by the Committee.

BACKGROUND AND NEED FOR LEGISLATION

Military transition program

During the 110th Congress, Representative Peter Welch of Vermont introduced H.R. 6272 to reauthorize the Service Members Occupational Conversion and Training Act (SMOCTA). First implemented during the force reductions of the 1990s, this popular program successfully provided veterans with employment and training assistance after separating from the military. The program was designed to reimburse employers to offset the cost of training recently separated servicemembers to help them transition into permanent positions. H.R. 6272 was incorporated into H.R. 6221 which passed the House of Representatives on July 31, 2008. The Senate took no further action on the bill.

Section 2 is derived from a measure introduced in the 111th Congress by Representative Welch and Representative John Boozman of Arkansas. The bill, H.R. 929, the Military Transition Program, is similar to SMOCTA but provides employment and training assistance to a broader spectrum of returning military personnel in a five-year pilot program. The program will be administered through a partnership between the Department of Labor (DOL) and the Department of Veterans Affairs (VA).

Waiver of claim development period for claims under laws administered by Secretary of VA

Section 3 is derived from H.R. 5549, the Rating and Processing Individuals' Claims Act or RAPID Claims Act, which was introduced on June 17, 2010, by Representative Joe Donnelly of Indiana. This section would codify expedited procedures for the consideration of fully developed claims for disability compensation and to adopt procedures aimed at clarifying the appeals process for disability claims.

This section would codify VA's recently implemented Fully Developed Claims (FDC) program, in order to ensure that the Secretary of VA will waive the development period and will provide expedited treatment for such claims as outlined under section 221 of the Veterans' Benefits Improvement Act of 2008, P.L. 110-389 (122 Stat. 4145). It also would require an informal placeholder claim to allow a veteran who intends to file a fully developed claim to mark the effective date as it is done for other claims. Finally, it would require the Secretary to provide notice within 30 days to those veterans filing fully developed claims in the instance that the Secretary determines that the claim is not fully developed as prescribed under section 5103 of title 38, United States Code. This section would also require that an appeals form be included with any decision by VA denying a requested benefit.

The Veterans' Benefits Improvement Act of 2008 which included the FDC pilot program, allows veterans filing fully developed claims for compensation benefits to waive the lengthy development period and receive expedited consideration. FDC was originally a one-year pilot program conducted at ten VA Regional Offices. Due to its success, the VA recently announced that it would implement the program nationwide. However, a few stakeholders raised concerns about whether the FDC program properly protects the effective date of veterans who file their claim under this program. This section seeks to protect a veteran's effective date for disability compensation benefits by allowing the filing of an informal claim before the FDC is formally filed. It also would ensure that a veteran who mistakenly files an unsubstantiated claim under the FDC program is given fair notice on what further evidence is needed consistent with section 5103(a) of title 38.

When participating in the normal claims process, a veteran can submit a claim at any time—marking the claim's effective date. At that point the veteran still has up to one year to gather evidence. Understandably, some veterans will submit claims through the FDC process that VA will decide do not qualify for the program for a number of reasons, including missing evidence. If VA determines that a claim submitted through FDC is ineligible, VA can potentially fail to notify the veteran of what is needed to substantiate

the claim. Instead, VA may process the claim prematurely without the necessary information.

As many stakeholders have acknowledged during related hearings held in the 111th Congress, premature processing would likely cause more appeals and longer processing periods for veterans. This section would modify the FDC process to require VA to notify and assist the veteran to help substantiate such claims with a checklist.

Finally, this section also has a provision targeted at easing the appeals process. If a veteran wishes to appeal after receiving a denial from VA under Section 5104 of title 38, United States Code, the VA will usually wait for the veteran to exercise the right to appeal and then may send out the appropriate form. This section would require that the VA Appeals form be included with any notice of decision issued by VA. The Committee finds that this requirement is not inconsistent with current law and reinforces notice requirements under section 5103(a) of title 38, United States Code.

Unfortunately, VA's formal position was not provided at the July 1, 2010 legislative hearing and the Committee is still awaiting promised input.

Tolling of timing of review for appeals of final decisions of Board of Veterans' Appeals

This section is derived from H.R. 5064, the Fair Access to Veterans Benefits Act of 2010, which was introduced by Representative John H. Adler of New Jersey on April 16, 2010. This section would extend the 120-day limit for the filing of an appeal to the U.S. Court of Appeals for Veterans Claims (CAVC) after a final decision of the Board of Veterans' Appeals (Board) upon a showing of good cause for such time as justice may require. This section considers as good cause the inability of a person to file within the 120-day period due to a service-connected disability. This section would make such extension applicable to appeals of final Board decisions issued on or after July 24, 2008. This section also requires the CAVC to reinstate untimely appeals already dismissed as a result of the court's failure to toll the filing period for good cause.

Under the current system, the disability claims appeals process can be very difficult to navigate, especially since the majority of veterans are pro se at the beginning of this process. Additionally, as TBI and PTSD have been identified as the signature disability of the current conflicts, many veterans may be filing claims and appeals while suffering from a physical or mental disability related to these injuries. The imposition of rigid filing deadlines by the CAVC potentially has resulted in the improper denial of benefits for many veterans. This section seeks to rectify this issue by allowing the veteran to show "good cause" for missing the filing deadline if related to the veteran's service-connected disability. This process is also known as "equitable tolling" and the bill is in response to a decision rendered in *Henderson v. Shinseki*. See, *Henderson v. Shinseki*, 589 F. 3d 1201 (2009).

Veteran service organizations wholeheartedly support this section. VA offered an alternative position that would permit the CAVC to extend the appeal period for up to an additional 120 days from the expiration of the original 120-day appeal period upon a

showing of good cause, provided that the appellant files a motion requesting extension within 120 days of expiration of the original 120-day period. VA claims this approach would eliminate the harsh results in extreme circumstances, while not unduly undermining the finality of Board decisions. The Committee believes that the Section as adopted by the Committee offers a better solution than that proposed by VA to restore the equity Congress intended before the recent ruling of the CAVC in *Henderson v. Shinseki*, 589 F. 3d 1201 (2009). In *Henderson*, the Court of Appeals for Federal Circuit held that courts are prohibited from extending the 120-day filing period for equitable tolling purposes as the timeline was delineated in statute by Congress and as such, must be strictly interpreted.

Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans

Elements of section 5 are derived from H.R. 4541, the Veterans Pension Protection Act of 2010, which was introduced by Representative Alcee L. Hastings of Florida on January 27, 2010. This section would prevent the offset of pension benefits for veterans, surviving spouses and children of veterans due to the receipt of payments to reimburse expenses incurred after an accident, theft, loss, or casualty loss, related medical expenses or pain and suffering.

Other elements of this section are derived from H.R. 3485, the Veterans Pension Protection Act of 2010, which was introduced by Representative Brian Higgins of New York on July 31, 2009. This language would preclude the offset of the pension benefits up to \$5,000 for income derived from the receipt of state or municipal payments awarded to veterans because of disability.

Assessing a veteran's eligibility for a pension, the VA considers a variety of sources to determine a veteran's annual income. If such income exceeds the income limit set in law, the veteran may not qualify for a pension or may have the benefit reduced or lose it altogether in order to offset receipt of any additional "income." Currently, reimbursements of expenses related to any type of casualty loss are exempt from income determinations. However, all other loss payments, such as those related to pain and suffering, are counted as income.

If a veteran is seriously injured in an accident or the victim of a theft and receives insurance compensation to cover his or her medical expenses, the cost of replacement of the stolen items, or for pain and suffering, will likely result in a reduction of the pension benefit until fully offset dollar for dollar. This indicates that the law effectively punishes veterans when they suffer from an accident or theft and receive payments to be made "whole" again. Subsection (b) of this section would preclude the offset of these benefits up to \$5,000 for income derived from the receipt of state or municipal benefits awarded to veterans because of disability. This section would ensure that pensions are issued to veterans who legitimately meet the income criteria and rely on such benefits to meet their living needs, without improper offsetting. The Committee does not consider the receipt of payments for reimbursable losses, medical expenses, pain and suffering awards or for monetary benefits received from States or municipalities to be considered income.

Extension of authority of Secretary of VA to obtain certain income information from other agencies

This section extends the authority of the Secretary of VA outlined under section 5317 of title 38, United States Code, to verify income information with other Federal agencies from September 30, 2011, to September 30, 2015. Section 6103 (I) (7) of the Internal Revenue Code of 1986 requires the Secretary of the Treasury and the Commissioner of Social Security to disclose income verification information to VA for the purposes of administering its programs, including the VA pension program. Income verification also results in savings in mandatory and discretionary spending.

Section 5317 of title 38, United States Code, is the controlling authority for VA's use of this information. VA's authority to obtain and use this information will expire on September 30, 2011. Section 6 would extend VA's income verification authority under section 5317 of title 38 until September 30, 2015.

VetStar Award program

In the 111th Congress, the Subcommittee on Economic Opportunity conducted several hearings on the issues of employment and small business opportunities for military veterans. It was during the second half of the 111th Congress that the Subcommittee received feedback from veteran stakeholders concerned about the higher rate of unemployment among veterans when compared to their civilian counterparts, and the challenges faced by the small business community.

A March 12, 2010, publication of the U.S. Bureau of Labor Statistics stated that the "unemployment rate for veterans who served in the military since September 2001—a group referred to as Gulf War-era II veterans—was 10.2 percent in 2009, the U.S. Bureau of Labor Statistics reported today. The jobless rate for veterans of all eras combined was 8.1 percent. About 21 percent of Gulf War-era II veterans reported having a service-connected disability in August 2009, compared with about 13 percent of all veterans."

This section would create an incentive for businesses to hire more veterans by directing the VA to develop a low-cost annual awards program to recognize businesses who hire veterans. The certificate of recognition, to be displayed by business owners, aims to help businesses build a strong reputation in the veteran community and increase business if they make strong efforts to work with and employ members of the veteran's community. The program requirements and selection process would be determined and run by the VA.

Increase in amount of pension for Medal of Honor recipients

Section 8 is derived from H.R. 394, introduced on January 9, 2009, by Representative Henry Brown of South Carolina, which would authorize the Secretary of VA to increase the amount of the Medal of Honor special pension provided under title 38, United States Code.

This section would increase the special pension for Medal of Honor recipients from the current amount of \$1,194 per month to \$2000 per month. As the highest military award given by the United States to its servicemembers, the Medal of Honor is only awarded to those who have shown, "conspicuous gallantry and in-

trepidation at the risk of life, above and beyond the call of duty, in actual combat against an armed enemy force.”

Since its initial presentation in 1863 to Private Jacob Parrott, 3,448 Americans have been awarded the Medal of Honor. Today, however, only 87 recipients with an average age of 77 remain living. This pension has not been increased, other than cost-of-living adjustments, since 1998. The Committee finds that such an increase is long overdue to recognize the bravery and service of our nation’s most honored heroes.

Conditions for treatment of certain persons as adjudicated mentally incompetent

Section 9 is derived in part from H.R. 2547, the Veterans 2nd Amendment Protection Act, introduced by Representative Jerry Moran of Kansas on May 21, 2009. Section 9 would add a new section to chapter 55 of title 38, United States Code, to require a judicial proceeding in the case where veterans may be adjudicated as a mental defective.

Veterans who receive payments from VA and who are determined to be unable to manage their own financial affairs are labeled as “mentally incompetent.” After review by a medical professional these individuals are usually appointed a fiduciary who will handle their financial affairs including their disability payments.

Currently, veterans deemed by VA to be mentally incompetent by the Veterans Benefits Administration to manage their own affairs are reported to the National Instant Criminal Background Check System (NICS), and are then unable to purchase firearms under section 922 of title 18, United States Code. This provision would prevent the VA from reporting those veterans’ names to NICS unless that person is deemed by a judge, magistrate, or other judicial authority with jurisdiction to be a danger to himself, herself, or others, and mentally incompetent.

The Committee agrees that there is a non sequitur in rationale under current law in assuming that simply because a veteran, or other beneficiary, needs to have a fiduciary appointed, then the veteran is mentally defective and should go on the NICS list. The NICS Improvement Amendments Act of 2007, P.L. 110–180 (121 Stat. 2559), allows those veterans whose names are given to NICS to appeal the action to the agency that made the decision.

However, currently, if the VA does not take action on a NICS appeal, or the action is pending for 365 days with no final decision, then that appeal is deemed to be denied. The findings section of the NICS legislation indicates that these improvements were needed—particularly in response to the shootings in Lynbrook, New York, in 2002 and the Virginia Tech shootings in 2007 where better NICS reporting would have prevented these individuals from possessing firearms.

Section 9 would change this process and require a separate judicial authority to determine that an applicable VA beneficiary poses a danger to themselves or others before the VA may send their names to the NICS list. Since 1999 over 116,000 veterans, their spouses, and their children who receive VA benefits have been reported to NICS. VA’s process does not determine whether they are a danger to themselves or others. By comparison, the Social Security Administration has assisted more than 5 million beneficiaries

with their finances, but the Social Security Administration does not send these names to the FBI.

HEARINGS

On July 1, 2010, the Subcommittee on Disability Assistance and Memorial Affairs held a legislative hearing on several bills introduced during the 111th Congress, including H.R. 4541, H.R. 5064, and H.R. 5549. The following witnesses testified: The Honorable Timothy J. Walz of Minnesota; The Honorable Alcee Hastings of Florida; The Honorable John H. Adler, of New Jersey; The Honorable Joe Donnelly of Indiana; Mr. Richard F. Weidman, Executive Director for Policy and Government Affairs, Vietnam Veterans of America; Mr. John L. Wilson, Assistant National Legislative Director, Disabled American Veterans; Barry A. Searle, Director, Veterans Affairs and Rehabilitation Commission, The American Legion; Mr. Eric A. Hilleman, Director, National Legislative Service, Veterans of Foreign Wars of the United States; and Mr. Thomas Pamperin, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administrations, U.S. Department of Veterans Affairs accompanied by Mr. Richard J. Hipolit, Assistant General Counsel, Office of General Counsel, U.S. Department of Veterans Affairs. Those submitting statements for the record included: Mr. Michael P. Cline, Executive Director, Enlisted Association of the National Guard of the United States; Captain Ike Puzon, USN (Ret.), Director of Government Affairs-Legislation, Association of the United States Navy; the Military Officers Association of America; Peter J. Duffy, Deputy Director of Legislation, National Guard Association of the United States; the Reserve Officers Association of the United States; the Reserve Enlisted Association; and, Master Sergeant Larry D. Madison, USAF (Ret.), Legislative Director, Washington Office, The Retired Enlisted Association.

On June 10, 2010, the Subcommittee on Economic Opportunity held a legislative hearing on several bills introduced during the 111th Congress, including H.R. 5484. The following witnesses testified: The Honorable Peter DeFazio of Oregon; The Honorable Cliff Stearns of Florida; The Honorable Jeff Fortenberry of Nebraska; Mr. Richard Daley, Associate Legislation Director, Paralyzed Veterans of America; Ms. Catherine A. Trombley, Assistant Director, National Economic Commission, The American Legion; Mr. Eric A. Hilleman, Director, National Legislative Service, Veterans of Foreign Wars of the United States; Thomas Zampieri, Ph.D, Director of Government Relations, Blinded Veterans Association; Michael R., Duenas, O.D., Associate Director, Health Sciences and Policy, American Optometric Association; and Mr. Thomas J. Pamperin, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, U.S. Department of Veterans Affairs accompanied by Mr. John Brizzi, Deputy Assistant General Counsel, Office of General Counsel, U.S. Department of Veterans Affairs and Mr. Joseph E. Simpson, Attorney, Office of General Counsel, U.S. Department of Veterans Affairs. Those submitting statements for the record included: The Honorable Frank J. Kratovil, Jr., Representative of Maryland and Mr. Raymond C. Kelly, National Legislative Director, American Veterans (AMVETS).

On October 8, 2009, the Subcommittee on Disability Assistance and Memorial Affairs held a legislative hearing on several bills introduced during the 111th Congress, including H.R. 3485. The following witnesses testified: The Honorable Barney Frank of Massachusetts accompanied by Ms. Denise Anderson of Mansfield, Massachusetts; The Honorable Brian Higgins of New York; the Honorable Bruce E. Kasold, Judge, U.S. Court of Appeals for Veterans Claims; Mr. Barton F. Stichman, Joint Executive Director, National Veterans Legal Services Program; Mr. John Wilson, Assistant National Legislative Director, Disabled American Veterans; Mr. Lesley Witter, Director of Political Affairs, National Funeral Directors Association; Mr. Richard F. Weidman, Executive Director for Policy and Government Affairs, Vietnam Veterans of America; Vivianne Cisneros Wersel, Au.D., Chair, Government Relations Committee, Gold Star Wives of America; Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association; Mr. Richard Paul Cohen, Executive Director, National Organization of Veterans' Advocates, Inc.; Mr. Steve L. Muro, Acting Under Secretary for Memorial Affairs, National Cemetery Administration, U.S. Department of Veterans Affairs; The Honorable James P. Terry, Chairman, Board of Veterans' Appeals, U.S. Department of Veterans Affairs accompanied by Mr. Richard Hipolit, Assistant General Counsel, U.S. Department of Veterans Affairs. Those submitting statements for the record included: The Honorable Bob Filner of California; The Honorable Christopher J. Lee of New York; the Military Officers Association of America; the National Military Family Association; the Paralyzed Veterans of America; and Mr. Deirdre Parke Holleman, Executive Director, The Retired Enlisted Association.

On March 4, 2009, the Subcommittee on Economic Opportunity held a legislative hearing on several bills introduced during the 111th Congress, including H.R. 929. The following witnesses testified: The Honorable Steve Israel of New York; The Honorable Peter Welch of Vermont; The Honorable Lloyd Doggett of Texas; Mr. Justin Brown, Legislative Associate, National Legislative Service, Veterans of Foreign Wars of the United States; Ms. Cheryl Beversdorf, RN, MHS, MA, President and Chief Executive Officer, National Coalition for Homeless Veterans; Mr. John L. Wilson, Associate National Legislative Director, Disabled American Veterans; Mr. Mark Walker, Assistant Director, National Economic Commission, The American Legion; Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association; Mr. Patrick H. Boulay, Chief, USERRA Unit, U.S. Office of Special Counsel; Mr. Keith M. Wilson, Director, Education Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs. Those submitting statements for the record included: Mr. John M. McWilliam, Deputy Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor; The Honorable Rodney Alexander of Louisiana; The Honorable Steve Buyer of Indiana; The Honorable Bob Filner of California; Mr. David French, Vice President, Government Relations, International Franchise Association; Mr. Thomas S. Whitaker, President and Deputy Chairman, North Carolina Employment Security Commission, on behalf of the National Association of State Workforce Agencies; and the Paralyzed Veterans of America.

COMMITTEE CONSIDERATION

On September 15, 2010, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 6132 reported favorably to the House of Representatives, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 6132 reported to the House. A motion by Mr. Buyer of Indiana to order H.R. 6132 reported favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee will adopt as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 6132 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee will adopt as its own the cost estimate on H.R. 6132 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate for H.R. 6132 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available when the Committee filed this report.

FEDERAL MANDATES STATEMENT

The Committee will adopt as its own the estimate of Federal mandates regarding H.R. 6132 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 6132.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 6132 is provided by Article I, section 8 of the Constitution of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of H.R. 6132 as the “Veterans Benefits and Economic Welfare Improvement Act of 2010.”

Section 2. Military transition program

This section would authorize the Secretary of the VA to determine eligibility of the program and the Assistant Secretary of the Department of Labor for Veterans Employment and Training Service to oversee the program.

This section clarifies that eligible veterans are those not eligible for education or training programs, have not acquired a marketable skill since leaving the military, have been discharged under honorable conditions, and have been unemployed for at least 90 days during the 180-day period preceding the date of application for the program. It also clarifies that a maximum hourly rate of pay for such veteran during the 180-day period is not more than 150 percent of the Federal minimum wage.

This section requires that employers, participating in an approved on-the-job training program, pay participating veterans no less than non-veterans employed in a similar job, and that there is a reasonable expectation that the veteran will be qualified for employment in the field upon completion of the program, and the employer will continue to employ the veteran after program completion.

This section authorizes the Assistant Secretary of Labor for Employment and Training Service to enter into contracts with employers to provide on-the-job training to veterans. Employers participating will pay 50 percent of the wages paid to participating veterans to be calculated in an hourly wage. The paid amount may not

exceed \$20,000 in the aggregate and \$1,666.67 per month. Such payments may only be paid for the first 12 months of program participation. In the case of a veteran who participates on a less than full-time basis, the Assistant Secretary of Labor for Employment and Training Service is authorized to extend the number of months of payments to 24 months but the aggregate amount paid may not exceed \$20,000.

This section requires participating employers to report, to the Assistant Secretary of Labor for Employment and Training Service, on a quarterly basis certifying the wage paid to participating veterans and other information requested by the Assistant Secretary.

This section also would require that the Secretaries of VA and Labor publish a report on their activities carried out by this program in their annual report prepared by the Veterans Benefits Administration.

Finally, this section authorizes \$10,000,000 per year and expires on September 30, 2016. The effective date is one year after the date of enactment.

Section 3. Waiver of claim development period for claims under laws administered by Secretary of VA

This section 3 would amend section 5101 of title 38, United States Code, by making changes in the VA's Fully Developed Claims program, codifying it to ensure veterans with fully developed claims can waive the development period and have their claims receive expedited treatment. It also codifies an informal placeholder claim to allow a veteran who intends to file a fully-developed claim to mark the effective date just like it is done for other claims.

Further, this section 3(b) would amend section 5104 of title 38, United States Code, by requiring that an appeals form be included with any decision by VA denying a sought benefit. The amendments made by this Section shall apply with respect to claims submitted on or after the date of the enactment of this legislation.

Section 4. Tolling of timing of review for appeals of final decisions of Board of Veterans' Appeals

Section 4 would amend 7266 (a) of title 38, United States Code, by requiring an extension of the 120-day limit for the filing of an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans' Appeals upon a showing of good cause for such time as justice may require. The bill considers as good cause the inability of a person to file within the 120-day period due to a service-connected disability.

This section would also make such extension applicable to appeals of final Board decisions issued on or after July 24, 2008. Finally, this section also requires the CAVC to reinstate untimely appeals already dismissed as a result of the court's failure to toll the filing period for good cause

Section 5. Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans

This section would amend section 1503 of title 38, United States Code, to exclude from income payments received to cover expenses

incurred after an accident, theft, loss, or casualty loss for those receiving the non-service connected pension. Pain and suffering awards are also covered under this section.

This section would also exclude from income determinations payments of up to \$5,000 made by States and municipalities. Finally, this section would make amendments made by subsection (a) and (b) applicable with respect to determinations of income for calendar years beginning after October 1, 2011.

Section 6. Extension of authority of Secretary of VA to obtain certain income information from other agencies

This section would extend the authority of the Secretary to obtain income information from other agencies from September 30, 2011, to September 30, 2015.

Section 7. VetStar Award program

This section would authorize the VA to recognize businesses for their contributions to veterans' employment.

Section 8. Increase in amount of pension for Medal of Honor recipients

This section would authorize the Secretary of VA to increase the amount of the Medal of Honor special pension provided under section 1562(a) of title 38 from \$1,000 to \$2,000.

Section 9. Conditions for treatment of certain persons as adjudicated mentally incompetent

This section would add a new section to Chapter 55 of title 38 to require a judicial proceeding or appropriate adjudication in the case where veterans may be adjudicated as a mental defective.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART II—GENERAL BENEFITS

* * * * *

**CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED
DISABILITY OR DEATH OR FOR SERVICE**

SUBCHAPTER I—GENERAL

* * * * *

§ 1503. Determinations with respect to annual income

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement

or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

(1) * * *

* * * * *

[(5) reimbursements of any kind for any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause may not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the loss;]

(5) *payments regarding—*

(A) *reimbursements of any kind (including insurance settlement payments) for—*

(i) *expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—*

(I) *any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;*

(II) *any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or*

(III) *any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the 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;*

* * * * *

(10) in the case of a child, any current-work income received during the year, to the extent that the total amount of such income does not exceed an amount equal to the sum of—

(A) * * *

(B) if the child is pursuing a course of postsecondary education or vocational rehabilitation or training, the amount paid by such child for such course of education or vocational rehabilitation or training, including the amount paid for tuition, fees, books, and materials; **[and]**

(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans' benefit due to injury or disease; and

[(11)] *(12) lump-sum proceeds of any life insurance policy on a veteran, for purposes of pension under subchapter III of this chapter.*

* * * * *

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

* * * * *

§ 1562. Special provisions relating to pension

(a) The Secretary shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Secretary under subsection (c) of section 1561 of this title, a special pension at the rate of **[\$1,000]** \$2,000, as adjusted from time to time under subsection (e), beginning as of the date of application therefor under section 1560 of this title.

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

* * * * *

SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

* * * * *

§ 3034. Program administration

(a)(1) Except as otherwise provided in this chapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3680(c), 3680(f),

3686(a), [and 3687] 3687, and 4115) shall be applicable to the provision of educational assistance under this chapter.

* * * * *

CHAPTER 32—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

* * * * *

SUBCHAPTER IV—ADMINISTRATION

§ 3241. Requirements

(a)(1) The provisions of sections 3470, 3471, 3474, 3476, 3483, 3485, and 3491(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of [section 3687] sections 3687 and 4115) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty.

* * * * *

(c) The provisions of sections 3470, 3471, 3474, 3476, 3483, and 3491(a) (other than clause (1)) of this title and the provisions of chapter 36 of this title (with the exception of [section 3687] sections 3687 and 4115) shall be applicable with respect to individuals who are pursuing programs of education following discharge or release from active duty.

* * * * *

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

SUBCHAPTER I—STATE APPROVING AGENCIES

* * * * *

§ 3672. Approval of courses

(a) * * *

* * * * *

(d)(1) Pursuant to regulations prescribed by the Secretary in consultation with the Secretary of Labor, the Secretary and State approving agencies shall actively promote the development of apprenticeship and on the job training programs for the purposes of sections 3677 [and 3687], 3687, and 4115 of this title and shall utilize the services of disabled veterans' outreach program specialists under section 4103A of this title to promote the development of such programs. The Secretary of Labor shall provide assistance and services to the Secretary, and to State approving agencies, to increase the use of apprenticeships.

* * * * *

CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

Sec.
4100. Findings.

* * * * *

4115. *Military transition program.*

* * * * *

§ 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

(a) * * *

(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

(1) * * *

* * * * *

(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under [section 3687] *section 3687 or 4115* of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

* * * * *

§ 4115. *Military transition program*

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

(2) *For purposes of this section, the term "eligible veteran" means any veteran whom the Secretary of Veterans Affairs determines—*

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

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

(C) *was discharged under honorable conditions; and*

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

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

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

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

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

(3) *the Assistant Secretary of Labor for Veterans' Employment and Training reasonably expects that—*

(A) *the veteran will be qualified for employment in that field upon completion of training; and*

(B) *the employer providing the program will continue to employ the veteran at the completion of training.*

(c) *PAYMENTS TO EMPLOYERS.—(1) Subject to the availability of appropriations for such purpose, the Assistant Secretary of Labor for Veterans' Employment and Training shall enter into contracts with employers to provide programs of apprenticeship or on-the-job training that meet the requirements of this section. Each such contract shall provide for the payment of the amounts described in paragraph (2) to employers whose programs meet such requirements.*

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

(3)(A) *Except as provided in subparagraph (B)—*

(i) *the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed \$20,000 in the aggregate or \$1,666.67 per month; and*

(ii) *such payments may only be made during the first 12 months of such veteran's participation in the program.*

(B) *In the case of a veteran participating in the program on a less than full-time basis, the Assistant Secretary of Labor for Veterans' Employment and Training may extend the number of months of payments under subparagraph (A) and proportionally adjust the amount of such payments, but the aggregate amount paid with respect to such veteran may not exceed \$20,000 and the maximum number of months of such payments may not exceed 24 months.*

(4) *Payments under this section shall be made on a quarterly basis.*

(5) *Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Assistant Secretary of Labor for Veterans' Employment and Training on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing such other information as the Assistant Secretary may specify. Such report shall be submitted in the form and manner required by the Assistant Secretary.*

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

(e) *REPORTING.—The Secretary of Veterans Affairs, in coordination with the Assistant Secretary of Labor for Veterans' Employment and Training, shall include a description of activities carried out under this section in the annual report prepared submitted under section 529 of this title.*

(f) *TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2016.*

* * * * *

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

* * * * *

CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS

SUBCHAPTER I—CLAIMS

* * * * *

§ 5101. Claims and forms

(a) * * *

* * * * *

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

(A) the claimant with the opportunity to waive any claim development period otherwise made available by the Secretary with respect to such claim; and

(B) expeditious treatment to such claim.

(2) *If a person submits to the Secretary any written notification sufficient to inform the Secretary that the person plans to submit a fully developed claim and, not later than one year after submitting such notification submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide expeditious treatment to the claim.*

(3) *If the Secretary determines that a claim submitted by a claimant as a fully developed claim is not fully developed, the Secretary shall provide such claimant with the notice described in section 5103(a) within 30 days after the Secretary makes such determination.*

(4) *For purposes of this section:*

(A) *The term “fully developed claim” means a claim—*

(i) for which the claimant—

(I) received assistance from a veterans service officer, a State or county veterans service organization, an agent, or an attorney; or

(II) submits, together with the claim, an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

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

(B) *The term “expeditious treatment” means, with respect to a claim for benefits under the laws administered by the Secretary, treatment of such claim so that the claim is fully proc-*

essed and adjudicated within 90 days after the Secretary receives an application for such claim.

* * * * *

§ 5104. Decisions and notices of decisions

(a) * * *

(b) In any case where the Secretary denies a benefit sought, the notice required by subsection (a) shall also include (1) a statement of the reasons for the decision, [and (2)] (2) a summary of the evidence considered by the Secretary, and (3) any form or application required by the Secretary to appeal such decision.

* * * * *

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

* * * * *

§ 5317. Use of income information from other agencies: notice and verification

(a) * * *

* * * * *

(g) The authority of the Secretary to obtain information from the Secretary of the Treasury or the Commissioner of Social Security under section 6103(l)(7)(D)(viii) of the Internal Revenue Code of 1986 expires on [September 30, 2011] *September 30, 2015*.

* * * * *

CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

Sec.
5501. Commitment actions.

* * * * *

5511. *Conditions for treatment of certain persons as adjudicated mentally incompetent.*

* * * * *

§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent

In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective for any purpose without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.

* * * * *

PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

* * * * *

**CHAPTER 72—UNITED STATES COURT OF APPEALS FOR
VETERANS CLAIMS**

* * * * *

SUBCHAPTER II—PROCEDURE

* * * * *

§ 7266. Notice of appeal

(a) **[In order]** *(1) Except as provided in paragraph (2), in order to obtain review by the Court of Appeals for Veterans Claims of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.*

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

(B) For purposes of this paragraph, it shall be considered good cause if a person was unable to file a notice of appeal within the 120-day period because of the person's service-connected disability.

* * * * *

