

**VETERANS' BENEFITS ACT OF 2010**  
**SUMMARY OF PROVISIONS**

**TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS**

- **Section 101:** Extension and expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.
  - Would extend from June 30, 2010, to June 30, 2013, time period during which qualifying work-study activities will include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery.
  - Would add the following activities to the list of qualified work-study activities:
    - Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;
    - Positions at Centers for Excellence for Veterans Student Success;
    - Positions working in programs run jointly by VA and an institution of higher learning;
    - Any other veterans-related position in an institution of higher learning.
  - Would take effect on October 1, 2011.
- **Section 102:** Reauthorization of Veterans' Advisory Committee on Education.
  - Would extend existence of Committee until December 31, 2013.
- **Section 103:** 18-month period for training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute.
  - Would change satisfactory completion requirements for training by National Veterans' Employment and Training Services Institute for employees of State disabled veterans' outreach program or local veterans' employment representatives from three years to 18 months after the employee is assigned to perform duties of those positions.
  - Would apply above time change to those employees assigned to perform those duties on or after the date of enactment.
  - Would also require previously-hired employees assigned to those duties on or after January 1, 2006, to complete training within 18 months after date of enactment.
- **Section 104:** Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.
  - Would provide that an application by a veteran small business owner for inclusion in a database of veteran-owned small businesses maintained by

the Secretary of Veterans Affairs will constitute permission for the Secretary to verify the application information.

- If the applicant's status as a veteran could not be verified, the Secretary would not be able to include the business in the database until the status is verified.
  - Would prohibit businesses from being listed on the database until the Secretary verified that:
    - An application that claimed that a business was owned and controlled by a veteran in fact described a business owned and operated by a veteran
    - An application that claimed that a business was owned and controlled by a veteran with service-connected disability in fact described a business owned and operated by a veteran with service-connected disability.
  - Would require that small businesses listed in the database as of the date of enactment who have not been verified by the time of enactment be notified within 60 days of the need to apply for inclusion, that the application will constitute permission to verify the application information, and that the business will be removed from the database unless all verification information requested by the Secretary is submitted within 90 days of that notice.
- **Section 105:** Demonstration project for referral of USERRA claims against federal agencies to the Office of Special Counsel.
    - Would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project certain Uniformed Services Employment and Reemployment Rights Act (USERRA) claims against federal executive agencies would be received by or referred to the Office of Special Counsel.
    - Demonstration project would allow Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims.
    - Would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

- **Section 106:** Veterans energy-related employment program.
  - Would establish pilot competitive grant program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the Secretary of Labor.
  - Would outline requirements employers must meet to receive funds from a State.
  - Would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program.
  - Would require the Secretary to submit a report to Congress on the pilot program.
  - Would limit administrative costs of the Secretary to 2% of the appropriations for this program and allow the Secretary of Labor to determine the maximum amounts of each grant that may be used for administration and reporting costs.
  - Would authorize \$1.5 million for each of fiscal years 2012 through 2014.
  
- **Section 107:** Pat Tillman Veterans' Scholarship Initiative.
  - Would require the Secretary of Veterans Affairs to make available on VA's website, a list of organizations that provide scholarships to veterans by June 1, 2011.

## TITLE II—HOUSING AND HOMELESSNESS MATTERS

- **Section 201:** Reauthorization of appropriations for Homeless Veterans Reintegration Program.
  - Would extend appropriation for program through 2011.
  
- **Section 202:** Homeless women veterans and homeless veterans with children reintegration grant program.
  - Would allow Secretary of Labor to make grants to entities that provide job training, counseling, placement, and childcare services to homeless women veterans and homeless veterans with children.
  - Would require Secretary of Labor to collect information deemed necessary to monitor the distribution of funds, including outcomes of services provided.
  - Program would be carried out through Assistant Secretary of Labor for Veterans' Employment and Training.
  - Would authorize \$1M for each of fiscal years 2011 through 2015 in addition to any amount authorized to appropriated to carry out section 2021 of title 38.

- **Section 203:** Specially Adapted Housing assistive technology grant program.
  - Secretary could make grants of not more than \$200,000 per fiscal year to recipients that develop assistive technologies for use in specially adapted housing.
  - Secretary would be required to submit report to Congress on grants.
  - Would carve out \$1M per fiscal from VA appropriation for readjustment benefits.
  - Grant authority would begin on October 1, 2011 and end September 30, 2016.
  
- **Section 204:** Waiver of housing loan fee for certain veterans with service-connected disabilities called to active service.
  - Would prohibit the Secretary of Veterans Affairs from collecting a housing loan fee from any veteran who, but for the receipt of active service pay, would be entitled to compensation for a service-connected disability.

### TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

- **Section 301:** Residential and motor vehicle leases.
  - Would require that rents or lease amounts for residential premises and lease amounts for motor vehicles that are unpaid for the period preceding the effective date of the lease termination be paid on prorated basis.
  - In the case of residential leases, would prohibit early termination fees, but taxes, summonses, or other obligations and liabilities of lessee in accordance with the terms of the lease would be payable by lessee.
  
- **Section 302:** Termination of telephone service contracts.
  - Would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 day or more to a location that does not support the contract.
  - Would require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember re-subscribes to the service within 90 days of the last day of relocation.
  - Would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.
  
- **Section 303:** Enforcement by the Attorney General and by private right of action.
  - Would amend Servicemembers Civil Relief Act to allow the Attorney General to bring a civil suit against any violator of the Act in any U.S. Federal District court.
  - Would provide a private right of action to person aggrieved by a violation of Act and allows costs and attorneys fees.

- Would not preclude or limit other remedies under law, including consequential and punitive damages.
- Would make certain violations of the Act misdemeanors.

#### TITLE IV—INSURANCE MATTERS

- **Section 401:** Increase in amount of supplemental insurance for totally disabled veterans.
  - Would increase supplemental insurance for totally disabled veterans to \$30,000 from \$20,000.
  
- **Section 402:** Permanent extension of duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans.
  - Would permanently extend SGLI insurance coverage from 18 months to two years after the date of separation or release from active duty if the servicemember is totally disabled, thereby removing the sunset of extension in current law.
  - Would apply retroactively to persons separated on or after June 15, 2005.
  
- **Section 403:** Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.
  - Would terminate SGLI for dependents of qualified Ready Reservists 120 days after separation or release from assignment consistent with requirements for other dependents.
  - Would terminate SGLI for dependents of any other member of the uniformed services 120 days after the member's separation or release from uniformed service.
  
- **Section 404:** Opportunity to increase amount of Veterans' Group Life Insurance.
  - Would allow an increase in VGLI coverage by \$25,000 every 5-year period beginning on 1-year anniversary of date for an eligible veteran under 60 years of age.
  
- **Section 405:** Elimination of reduction in amount of accelerated death benefit for terminally-ill persons insured under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
  - Would ensure that terminally-ill persons insured under SGLI or VGLI would receive the full amount of a lump-sum payment option without reduction of benefit by discounting the rates as indicated in current VA regulations.
  
- **Section 406:** Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
  - Would authorize the Secretary to compensate for the qualifying loss of a dominant hand versus non-dominant hand.
  - Requires the Secretary to prescribe in regulations the payment structure for such qualifying loss.

- **Section 407:** Enhancement of veterans' mortgage life insurance.
  - Effective October 1, 2010, would increase the maximum loan guarantee amount under the Veterans' Mortgage Life Insurance program from \$90,000 to \$150,000, or to \$200,000 after January 1, 2012.
- **Section 408:** Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
  - Would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

#### TITLE V—BURIAL AND CEMETERY MATTERS

- **Section 501:** Increase in certain burial and funeral benefits and plot allowances for veterans.
  - Would increase the amount paid for the burial and funeral of veteran who dies in VA facility or is eligible for burial at a national cemetery from \$300 to \$700, effective October 1, 2010.
  - Would direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index.
  - Would provide that no increases are provided in FY11.
- **Section 502:** Interment in national cemeteries of parents of certain deceased veterans.
  - Would be cited as the Corey Shea Act.
  - Would allow parents of servicemembers killed in a training incident or by hostile fire to be buried alongside their child in a national cemetery so long as the deceased service member did not have a spouse or child eligible for such burial.
  - Would direct the Secretary of Veterans Affairs in consultation with the Secretary of Defense to develop guidelines for parent burial.
  - Would be effective after the date of enactment for eligible parents of servicemembers whose death occurred after October 7, 2001.
- **Section 503:** Reports on selection of new national cemeteries.
  - Would require the Department of Veterans Affairs to report to Congress on selection of new national cemetery sites one year after enactment.
    - Sites:
      - The Southern CO area
      - An area near Melbourne & Daytona, FL
      - An area near Rochester & Buffalo, NY
      - An area near Tallahassee, FL
      - An area near Omaha, NE

## TITLE VI—COMPENSATION AND PENSION

- **Section 601:** Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.
  - Would remove the current statutory provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow or knee action with prostheses in place or prevent the use of prosthetic appliances.
  - Effective August 31, 2010, would allow certain veterans suffering from residuals of a service-connected traumatic brain injury to be paid an additional monthly aid and attendance allowance at a rate determined by subsection (r)(2) of section 1114, title 38. Also, would provide that this amount be considered additional compensation payable for disability for the purposes of section 1134 of title 38.
  
- **Section 602:** Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
  - Would tie cost-of-living increases for temporary dependency and indemnity compensation payable to surviving spouses with dependent children under 18 to the percentage increase to benefit amounts under Title II of the Social Security Act.
  
- **Section 603:** Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.
  - Would make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.
  
- **Section 604:** Exclusion of certain amounts from consideration as income for purposes of veterans pension benefits.
  - Would exclude from consideration of income determination for pension benefits any payment up to \$5,000 to a veteran by a State or municipality as part of a veterans' benefit due to injury or disease.
  - Would be effective for income determinations October 1, 2011.
  
- **Section 605:** Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.
  - Would require that monetary benefits based on an award of compensation for an original claim be made as of the date on which such award becomes

- effective as provided under section 5110 for veterans retired or separated because of catastrophic disability.
- Would be effective October 1, 2011 and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.
- **Section 606:** Applicability of limitation to pension payable to certain children of veterans of a period of war.
    - Would require that adult-disabled children of veterans who receive pension under section 1542 of title 38 and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.
  - **Section 607:** Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.
    - Would extend from September 30, 2011 to May 31, 2015, pension reductions for veterans implicated by the provision.
  - **Section 608:** Codification of 2009 cost-of-living adjustment in rates of pension for disabled veterans and surviving spouses and children.
    - Would codify the 2009 cost of living increases for pension payments to qualified veterans, their surviving spouses or their surviving dependent children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

- **Section 701:** Clarification that USERRA prohibits wage discrimination against members of the Armed Forces.
  - Would make clear that wage discrimination against members of the armed forces is prohibited under USERRA.
- **Section 702:** Clarification of the definition of “successor in interest”.
  - Would provide seven additional factors in determining whether an entity is a "successor in interest" for purposes of USERRA enforcement against employers.
- **Section 703:** Technical amendments.
  - Would change section 4324(b)(4) to read “has received a notification of a decision from the Special Counsel under subsection (a)(2)(B) declining to initiate an action and represent the person before the 6 Merit Systems Protection Board”.
  - Would also update internal references in section 206(b) of title 2 and section 416(b) of title 3.

## TITLE VIII—BENEFITS MATTERS

- **Section 801:** Increase in number of veterans for which programs of independent living services and assistance may be initiated.
  - Would increase the number veterans for which programs of independent living services and assistance may be initiated from 2,600 to 2,700.
  
- **Section 802:** Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.
  - Would allow the Secretary to pay the holder of the obligation the unpaid balance of the loan and accrued interest as of the date of Chapter 11 bankruptcy filing upon the assignment and delivery to the Secretary of all rights, interests, and claims with respect to the loan if a VA-guaranteed home loan is modified under bankruptcy proceedings.
  
- **Section 803:** Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
  - Would authorize VA to provide automobiles and adaptive equipment assistance to disabled veterans and veterans with severe burn injuries effective October 1, 2010.
  
- **Section 804:** Enhancement of automobile assistance allowance for veterans.
  - Would increase automobile assistance from \$11,000 to \$18,900, effective October 1, 2010.
  - On October 1 of each subsequent year, the Secretary would increase the dollar amount by a percentage equal to the percentage increase in the Consumer Price Index for all urban consumers. Hold harmless provision: If there was no increase in the Consumer Price Index, the amount would remain the same as the previous fiscal year.
  
- **Section 805:** National Academies review of best treatments for chronic multisymptom illness in Persian Gulf War veterans.
  - Would direct the Secretary of Veterans Affairs to enter into an agreement with the National Academies Institute of Medicine to carry out a comprehensive review of best treatment practices for chronic multisymptom illness in Persian Gulf War veterans and develop a plan for dissemination of best practices throughout VA.
  - Under such an agreement, would require the Institute of Medicine to convene a group of experts in chronic multisymptom illness in Gulf war veterans.
  - Would require the Institute of Medicine to submit a report, including legislative and administrative recommendations, to the Secretary of Veterans Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives no later than December 31, 2012.
  - VA would be required to fund the Institute of Medicine review.

- **Section 806:** Extension and modification of National Academy of Sciences reviews and evaluations on illness and service in Persian Gulf War and Post 9/11 Global Operations Theaters.
  - Would extend the review and evaluation of chronic multisymptom illness in Persian Gulf War veterans by the National Academy of Sciences to October 1, 2015.
  - Would direct the National Academy of Sciences to disaggregate the data for theaters of operation before and after September 11, 2001, and to compile two separate reports, one pre- and one-post September 11.
  - Would extend the sunset for this report provision to October 1, 2018.
  
- **Section 807:** Extension of authority for regional office in Republic of the Philippines.
  - Would extend the authority for the VA regional office in the Philippines to December 31, 2011.
  - GAO Report
  
- **Section 808:** Extension of an annual report on equitable relief.
  - Would extend requirement that the Secretary submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year to December 31, 2014.
  
- **Section 809:** Authority for the performance of medical disability examinations by contract physicians.
  - Would extend authority for the Secretary of Veterans Affairs to perform C&P examinations through contract physicians to December 31, 2012.

#### TITLE IX—CONSTRUCTION

- **Section 901:** *Authorization of Fiscal Year 2011 major medical facility leases.*
  - *Would allow the Secretary of Veterans Affairs to carry out the following fiscal year 2011 major medical facility leases at the locations specified not to exceed the dollar amount shown for each location:*
    - *Billings, MT, community-based outpatient clinic: \$7,149,000.*
    - *Boston, MA, outpatient clinic: \$3,316,000.*
    - *San Diego, CA, community-based outpatient clinic: \$21,495,000.*
    - *San Francisco, CA research lab: \$10,055,000.*
    - *San Juan, PR, mental health facility: \$5,323,000.*
  
- **Section 902:** *Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana.*
  - *Would increase authorization for VAMC in New Orleans from \$625,000,000 to \$995,000,000*

- **Section 903:** *Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, Long Beach, California.*
  - *Would increase funding for Seismic Corrections on Buildings 7 and 126 at the Long Beach VAMC from \$107,845,000 to \$117,845,000.*
- **Section 904:** *Authorization of appropriations.*
  - *Would authorize \$47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901.*
  - *Would authorize \$1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.*
- **Section 905:** Requirement that bid savings on major medical facility projects of Department of Veterans Affairs be used for major medical facility construction projects of the Department.
  - Would require that unobligated amounts in the Construction, Major Projects account that are the direct result of bid savings from a major medical facility project only be obligated to major medical facility projects authorized for that fiscal year or a prior fiscal year.
  - When this happens, the Secretary of Veterans Affairs would be required to report the two facilities involved and the amounts obligated for the other major medical facility project to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives.

#### TITLE X—OTHER MATTERS

- Section 1001: Technical Corrections
- Section 1002: Statutory Pay-As-You-Go Compliance

[Source: Senate Veterans Affairs Committee]