

118TH CONGRESS
1ST SESSION

H. R. 4401

To amend title 38, United States Code, to establish the timing of the resumption of payment of compensation or pension, after discontinuance by reason of receipt of active service pay.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mr. BUCHANAN (for himself and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to establish the timing of the resumption of payment of compensation or pension, after discontinuance by reason of receipt of active service pay.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Earned Vet-
5 erans Benefits Act”.

1 **SEC. 2. PAYMENT OF CERTAIN VETERANS COMPENSATION**
2 **AFTER DISCONTINUANCE BY REASON OF RE-**
3 **CEIPT OF ACTIVE SERVICE PAY.**

4 (a) TIMING OF RESUMPTION OF PAYMENT.—

5 (1) ESTABLISHMENT.—Subchapter II of chap-
6 ter 51 of title 38, United States Code, is amended
7 by adding at the end the following new section:

8 **“§ 5114. Resumption of period of payment after dis-**
9 **continuance by reason of receipt of ac-**
10 **tive service pay**

11 “Payment of compensation, dependency and indem-
12 nity compensation, or pension, discontinued by reason of
13 receipt of active service pay (pursuant to subsection (c)
14 of section 5304 of this title), shall resume on the first day
15 after the period of active service.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by inserting after the item relating to section 5113
19 the following new item:

“5114. Resumption of period of payment after discontinuance by reason of re-
ceipt of active service pay.”.

20 (b) RETROACTIVE PAYMENTS.—

21 (1) RETROACTIVE EFFECT.—The Secretary of
22 Veterans Affairs shall pay to a covered individual
23 each payment, described in paragraph (2)(E), re-
24 garding such covered individual.

1 (2) COVERED INDIVIDUAL DEFINED.—In this
2 subsection, the term “covered individual” means an
3 individual—

4 (A) who, on the date of the enactment of
5 this Act, is entitled to compensation, depend-
6 ency and indemnity compensation, or pension
7 under title 38, United States Code;

8 (B) to whom the Secretary discontinued
9 such compensation, dependency and indemnity
10 compensation, or pension, because the indi-
11 vidual was in receipt of active service pay;

12 (C) whose period of active service, for
13 which the individual received such active service
14 pay, ended more than one year before such
15 date;

16 (D) who failed to file a claim for the re-
17 sumption of compensation, dependency and in-
18 demnity compensation, or pension, before one
19 year elapsed after the end of such period of ac-
20 tive service; and

21 (E) whom the Secretary denied a payment
22 of such compensation, dependency and indem-
23 nity compensation, or pension, on the basis of
24 such failure.

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