

111TH CONGRESS  
2D SESSION

# H. R. 4465

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2010

Mr. KISSELL (for himself, Mr. MEEKS of New York, Mr. MASSA, Ms. KILPATRICK of Michigan, Mr. ISRAEL, and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services.

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. DETERMINATION OF ATTRIBUTABLE INCOME**  
4               **FOR VETERANS WITH CHILDREN.**

5       Section 1722(f)(1) of title 38, United States Code,  
6       is amended to read as follows:

1           “(1) The term ‘attributable income’ means the  
2           income of a veteran for the previous year determined  
3           in the same manner as the manner in which a deter-  
4           mination is made of the total amount of income by  
5           which the rate of pension for such veteran under  
6           section 1521 of this title would be reduced if such  
7           veteran were eligible for pension under that section,  
8           except that in determining such income, the Sec-  
9           retary shall treat as a child an unmarried person  
10          who—

11                 “(A) is placed in the legal custody of the  
12                 veteran as a result of an order of a court of  
13                 competent jurisdiction in the United States (or  
14                 possession of the United States) for a period of  
15                 at least 12 consecutive months;

16                 “(B) either—

17                         “(i) has not attained the age of 21;

18                         “(ii) has not attained the age of 23  
19                         and is enrolled in a full time course of  
20                         study at an institution of higher learning  
21                         approved by the Secretary; or

22                         “(iii) is incapable of self support be-  
23                         cause of a mental or physical incapacity  
24                         that occurred while the person was consid-

1           ered a child of the veteran under this sub-  
2           paragraph pursuant to subclause (i) or (ii);  
3           “(C) is dependent on the veteran for over  
4           one-half of the person’s support; and  
5           “(D) resides with the veteran unless sepa-  
6           rated to receive institutional care as a result of  
7           disability or incapacitation or under such other  
8           circumstances as the Secretary may by regula-  
9           tion prescribe.”.

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