

111TH CONGRESS  
2D SESSION

# S. 3368

To amend title 38, United States Code, to authorize certain individuals to sign claims filed with the Secretary of Veterans Affairs on behalf of claimants, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 2010

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

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## A BILL

To amend title 38, United States Code, to authorize certain individuals to sign claims filed with the Secretary of Veterans Affairs on behalf of claimants, and for other purposes.

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

3 **SECTION 1. AUTHORITY FOR CERTAIN INDIVIDUALS TO**  
4 **SIGN CLAIMS FILED WITH SECRETARY OF**  
5 **VETERANS AFFAIRS ON BEHALF OF CLAIM-**  
6 **ANTS.**

7 (a) IN GENERAL.—Section 5101 of title 38, United  
8 States Code, is amended—

1 (1) in subsection (a)—

2 (A) by striking “A specific” and inserting

3 “(1) A specific”; and

4 (B) by adding at the end the following new  
5 paragraph:

6 “(2) If an individual has not attained the age of 18  
7 years, is mentally incompetent, or is physically unable to  
8 sign a form, a form filed under paragraph (1) for the indi-  
9 vidual may be signed by a court appointed representative  
10 or a person who is responsible for the care of the indi-  
11 vidual, including a spouse or other relative. If the indi-  
12 vidual is in the care of an institution, the manager or prin-  
13 cipal officer of the institution may sign the form.”;

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) by inserting “, signs a form on be-  
17 half of a person to apply for,” after “who  
18 applies for”; and

19 (ii) by inserting “, or TIN in the case  
20 that the person is not an individual,” after  
21 “of such person”; and

22 (B) in paragraph (2), by inserting “or  
23 TIN” after “social security number” each place  
24 it appears; and

1           (3) by adding at the end the following new sub-  
2       section:

3       “(d) In this section:

4           “(1) The term ‘mentally incompetent’ with re-  
5       spect to an individual means that the individual  
6       lacks the mental capacity—

7           “(A) to provide substantially accurate in-  
8       formation needed to complete a form; or

9           “(B) to certify that the statements made  
10      on a form are true and complete.

11          “(2) The term ‘TIN’ has the meaning given the  
12      term in section 7701(a)(41) of the Internal Revenue  
13      Code of 1986.”.

14      (b) APPLICABILITY.—The amendments made by sub-  
15      section (a) shall apply with respect to claims filed on or  
16      after the date of the enactment of this Act.

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