

113TH CONGRESS
2D SESSION

H. R. 4335

To amend title 38, United States Code, to clarify that the estate of a deceased veteran may receive certain accrued benefits upon the death of the veteran, to ensure that substituted claims are processed timely, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. MAFFEI introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify that the estate of a deceased veteran may receive certain accrued benefits upon the death of the veteran, to ensure that substituted claims are processed timely, 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. SHORT TITLE.**

4 This Act may be cited as the “Veteran Families Fair-
5 ness Act”.

1 **SEC. 2. CLARIFICATION OF ELIGIBLE RECIPIENTS OF CER-**
2 **TAIN ACCRUED BENEFITS UPON DEATH OF**
3 **BENEFICIARY.**

4 (a) TREATMENT OF ESTATE.—

5 (1) ELIGIBLE RECIPIENT.—Section 5121(a)(2)
6 of title 38, United States Code, is amended—

7 (A) in the matter preceding subparagraph
8 (A), by inserting “, or estate,” after “person”;
9 and

10 (B) by adding at the end the following new
11 subparagraph:

12 “(D) The estate of the veteran (unless the
13 estate will escheat).”.

14 (2) SUBSTITUTION IN CASE OF DEATH OF
15 CLAIMANT.—Section 5121A(a)(1) of such title is
16 amended—

17 (A) by inserting “, or estate,” after “a liv-
18 ing person”; and

19 (B) by adding at the end the following new
20 sentence: “The Secretary shall process a claim
21 of such a substituted claimant by recognizing
22 the original filing date of the claim and without
23 penalty to the priority of the claim.”.

24 (3) OUTREACH.—

1 (A) The Secretary of Veterans Affairs shall
2 identify deceased veterans whom the Secretary
3 determines meet the following criteria:

4 (i) The veteran died before—

5 (I) the date of the enactment of
6 this Act; and

7 (II) being able to receive periodic
8 monetary benefits under laws adminis-
9 tered by the Secretary to which the
10 veteran was entitled or had filed a
11 claim to receive.

12 (ii) Such benefits were not paid to an
13 individual described in section 5121 of title
14 38, United States Code, or such claim was
15 not substituted under section 5121A of
16 such title.

17 (iii) If the amendments made by para-
18 graphs (1) and (2) were in effect on the
19 date of the death of the individual, such
20 benefits could have been paid to the estate
21 of the veteran under section 5121 of title
22 38, United States Code, or such claim
23 could have been substituted by the estate
24 under section 5121A of such title.

1 (B) The Secretary shall notify the estate of
2 each veteran identified under subparagraph (A)
3 of the ability of the estate to apply for pay-
4 ments under section 5121 of title 38, United
5 States Code, as amended by paragraph (1) or
6 apply to act as a substituted claimant under
7 section 5121A of such title, as amended by
8 paragraph (2). In determining such applica-
9 tions, the Secretary shall substitute “the date
10 on which the estate was notified of the eligi-
11 bility of the estate to apply under this section”
12 for—

13 (i) “the date of death” in subsection
14 (c) of such section 5121; and

15 (ii) “the date of the death of such
16 claimant” in subsection (a) of such section
17 5121A.

18 (4) APPLICATION.—In accordance with para-
19 graph (3), the amendments made by subsection (a)
20 and (b) shall apply with respect to the death of an
21 individual regardless of the date of such death.

22 (b) REIMBURSEMENTS.—The Secretary of Veterans
23 Affairs shall—

24 (1) reimburse a claimant who is awarded a
25 claim for compensation under title 38, United States

1 Code, including an individual or estate under section
2 5121 and section 5121A of such title, as amended
3 by this section, for costs that—

4 (A) relate to the medical treatment of the
5 claimant;

6 (B) were charged to the claimant during
7 the period beginning on the date on which the
8 claim was filed and ending on the date of such
9 award; and

10 (C) would have been paid by the Secretary,
11 or such treatment would have been provided by
12 the Secretary, if such treatment occurred after
13 the date of such award; and

14 (2) recommend to each claimant, upon the fil-
15 ing of the claim, to retain receipts and other docu-
16 mentation relating to costs described in paragraph
17 (1).

○