

115TH CONGRESS
2D SESSION

H. R. 5301

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requiring a surviving spouse of a veteran to return certain payments for a month in which the veteran dies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2018

Mr. DEFazio (for himself, Mr. JONES, Mr. TURNER, Mr. WITTMAN, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Mr. COLE, Mr. PETERSON, Mr. PEARCE, Ms. LOFGREN, Ms. JACKSON LEE, Ms. VELÁZQUEZ, Ms. GABBARD, Ms. ROSEN, Ms. PINGREE, Ms. ESTY of Connecticut, Mr. TIPTON, Mr. COURTNEY, Mr. KENNEDY, Mr. KILMER, Ms. WILSON of Florida, Mr. CAPUANO, and Mrs. ROBY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requiring a surviving spouse of a veteran to return certain payments for a month in which the veteran dies.

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

1 **SECTION 1. PROHIBITION ON REQUIREMENT FOR SUR-**
2 **VIVING SPOUSE TO RETURN CERTAIN PAY-**
3 **MENTS BY SECRETARY OF VETERANS AF-**
4 **FAIRS.**

5 (a) SURVIVING SPOUSE PAYMENT.—Section 5310 of
6 title 38, United States Code, is amended by adding at the
7 end the following new subsection:

8 “(c) TREATMENT OF CERTAIN CHECKS AND PAY-
9 MENTS.—In the case of a surviving spouse who was a de-
10 pendent with respect to whom additional compensation for
11 dependents was payable under section 1115 of this title,
12 or additional pension as a married veteran under chapter
13 15, as of the date of the veteran’s death, if a check or
14 other payment issued to the veteran as a benefit payment
15 under either such chapter for the month in which death
16 occurs is negotiated, deposited, or otherwise accessed by
17 the surviving spouse—

18 “(1) the check or payment shall be considered
19 to be the benefit payable to the surviving spouse
20 under subsection (a)(1), to the extent that the check
21 or payment equals the amount which would other-
22 wise be payable under such subsection; and

23 “(2) the Secretary may not require the sur-
24 viving spouse to return the check or payment.”.

25 (b) EFFECTIVE DATE.—The amendment made by
26 this section shall take effect on the date of the enactment

1 of this Act and shall apply with respect to deaths that
2 occur on or after that date.

