

[Committee Print]

(Reflecting the actions of the Subcommittee on Disability Assistance and Memorial Affairs on May 11, 2016)

114TH CONGRESS
2^D SESSION

H. R. 4087

To amend title 38, United States Code, to adjust the effective date of certain reductions and discontinuances of compensation, dependency and indemnity compensation, and pension under the laws administered by the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend title 38, United States Code, to adjust the effective date of certain reductions and discontinuances of compensation, dependency and indemnity compensation, and pension under the laws administered by the Secretary of Veterans Affairs.

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. SHORT TITLE.**

2 This Act may be cited as the “Fair Treatment for
3 Families of Veterans Act”.

4 **SEC. 2. EFFECTIVE DATE OF CERTAIN REDUCTIONS AND**
5 **DISCONTINUANCES OF COMPENSATION, DE-**
6 **PENDENCY AND INDEMNITY COMPENSATION,**
7 **AND PENSION UNDER LAWS ADMINISTERED**
8 **BY SECRETARY OF VETERANS AFFAIRS.**

9 (a) DETERMINATION OF EFFECTIVE DATE.—

10 (1) IN GENERAL.—Paragraph (1) of section
11 5112(b) of title 38, United States Code, is amended
12 by striking “last day of the month before” and in-
13 sserting “last day of the month during which”. as fol-
14 lows:

15 “(1)(A) by reason of marriage or remarriage
16 shall be the last day of the month before such mar-
17 riage or remarriage occurs; and

18 “(B) by reason of the death of a payee shall be
19 the last day of the month during which such death
20 occurs;”.

21 (2) APPLICATION.—The amendment made by
22 paragraph (1) shall apply with respect to a reduction
23 or discontinuance of compensation, dependency or
24 indemnity compensation, or pension by reason of a
25 death occurring on or after the date of the enact-
26 ment of this Act.

1 (b) PAYMENT OF BENEFITS FOR MONTH OF
2 DEATH.—

3 (1) IN GENERAL.—Section 5310(a)(2) of title
4 38, United States Code, is amended—

5 (A) by striking “The amount of the” and
6 inserting “(A) Except as provided by subpara-
7 graph (B), the amount of the”; and

8 (B) by adding at the end the following new
9 subparagraph:

10 “(B)(i) If the surviving spouse of a veteran re-
11 ceives both payments described in clause (ii) for the
12 month of the death of the veteran, the surviving
13 spouse is entitled to the greater of the two pay-
14 ments.

15 “(ii) The payments described in this clause are
16 the following:

17 “(I) Payment of a benefit under paragraph
18 (1).

19 “(II) Dependency and indemnity com-
20 pensation.”.

21 (2) APPLICATION.—The amendment made by
22 paragraph (1) shall apply with respect to payments
23 made by the Secretary of Veterans Affairs on or
24 after the date of the enactment of this Act.

1 **SEC. 3. REPAYMENT OF MISUSED BENEFITS.**

2 (a) IN GENERAL.—Section 6107(b) of title 38,
3 United States Code, is amended—

4 (1) in paragraph (1), by striking “In any case
5 in which a fiduciary described in paragraph (2)” and
6 inserting “In any case not covered by subsection (a)
7 in which a fiduciary”;

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraph (3) as para-
10 graph (2).

11 (b) APPLICATION.—The amendments made by sub-
12 section (a) shall apply with respect to the misuse of bene-
13 fits by a fiduciary occurring on or after the date of the
14 enactment of this Act.