

117TH CONGRESS
1ST SESSION

H. R. 4633

To amend title 38, United States Code, to improve the repayment by the Secretary of Veterans Affairs of benefits misused by a fiduciary.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2021

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

A BILL

To amend title 38, United States Code, to improve the repayment by the Secretary of Veterans Affairs of benefits misused by a fiduciary.

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. IMPROVEMENT TO REPAYMENT BY SECRETARY**
4 **OF VETERANS AFFAIRS OF CERTAIN MIS-**
5 **USED BENEFITS.**

6 Section 6107 of title 38, United States Code, is
7 amended to read as follows:

8 **“§ 6107. Reissuance of benefits**

9 “(a) REISSUANCE OF MISUSED BENEFITS.—(1) In
10 any case in which a fiduciary misuses all or part of an

1 individual's benefit paid to such fiduciary, the Secretary
2 shall pay to the beneficiary or the beneficiary's successor
3 fiduciary an amount equal to the amount of such benefit
4 so misused.

5 “(2) In any case in which the Secretary reissues a
6 benefit payment (in whole or in part) under paragraph (1),
7 the Secretary shall make a good faith effort to obtain
8 recoupment from the fiduciary to whom the payment was
9 originally made.

10 “(3) In any case in which the Secretary obtains
11 recoupment from a fiduciary who has misused benefits,
12 the Secretary shall promptly remit payment of the re-
13 coupled amounts to the beneficiary or the beneficiary's suc-
14 cessor fiduciary, as the case may be, to the extent that
15 such amounts have not been paid under paragraph (1).

16 “(b) LIMITATION ON TOTAL AMOUNT PAID.—The
17 total of the amounts paid to a beneficiary or the bene-
18 ficiary's successor fiduciary under this section may not ex-
19 ceed the total benefit amount misused by the fiduciary
20 with respect to that beneficiary.

21 “(c) OVERSIGHT OF NEGLIGENCE.—The Secretary
22 shall establish methods and timing with respect to deter-
23 mining whether an instance of misuse by a fiduciary of

- 1 all or part of an individual's benefit paid to such fiduciary
- 2 is the result of negligence by the Secretary.”.

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