

**Calendar No. 83**117TH CONGRESS  
1ST SESSION**S. 89**

To require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID-19 to determine whether their service-connected disabilities were the principal or contributory causes of death, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JANUARY 28, 2021

Ms. SINEMA (for herself, Mr. TILLIS, Mrs. SHAHEEN, Mr. BOOZMAN, Mr. BLUMENTHAL, Ms. WARREN, Mr. COONS, Mr. MANCHIN, Mr. REED, Ms. COLLINS, Mr. MARKEY, Mr. WICKER, Mr. WHITEHOUSE, Mr. KELLY, Mr. PETERS, Ms. BALDWIN, Ms. HASSAN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JUNE 24, 2021

Reported by Mr. TESTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID-19 to determine whether their service-connected disabilities were the principal or contributory causes of death, 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 “Ensuring Survivor  
 5 Benefits During COVID–19 Act of 2021”.

6 **SEC. 2. MEDICAL OPINIONS FOR CERTAIN VETERANS WITH**  
 7                    **SERVICE-CONNECTED DISABILITIES WHO DIE**  
 8                    **OF COVID–19.**

9        In any case in which a veteran with one or more serv-  
 10 ice-connected disabilities dies, the death certificate identi-  
 11 fies Coronavirus Disease 2019 (COVID–19) as the prin-  
 12 cipal or contributory cause of death, the death certificate  
 13 does not clearly identify any of the service-connected dis-  
 14 abilities as the principal or contributory cause of death,  
 15 and a claim for benefits is filed with respect to the veteran  
 16 under chapter 13 of title 38, United States Code, the Sec-  
 17 retary of Veterans Affairs shall secure a medical opinion  
 18 to determine if a service-connected disability was the prin-  
 19 cipal or contributory cause of death.

20 **SECTION 1. SHORT TITLE.**

21        *This Act may be cited as the “Ensuring Survivor Ben-*  
 22 *efits during COVID–19 Act of 2021”.*

1 **SEC. 2. MEDICAL OPINIONS FOR CERTAIN VETERANS WITH**  
2 **SERVICE-CONNECTED DISABILITIES WHO DIE**  
3 **OF COVID-19.**

4 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
5 *shall secure a medical opinion to determine if a service-*  
6 *connected disability was the principal or contributory cause*  
7 *of death before notifying the survivor of the final decision*  
8 *in any case in which all of the following factors are met:*

9 (1) *A claim for compensation is filed under*  
10 *chapter 13 of title 38, United States Code, with re-*  
11 *spect to a veteran with one or more service-connected*  
12 *disabilities who dies.*

13 (2) *The death certificate for the veteran identifies*  
14 *Coronavirus Disease 2019 (COVID-19) as the prin-*  
15 *cipal or contributory cause of death.*

16 (3) *The death certificate does not clearly identify*  
17 *any of the service-connected disabilities of the veteran*  
18 *as the principal or contributory cause of death.*

19 (4) *A service-connected disability of the veteran*  
20 *includes a condition more likely to cause severe illness*  
21 *from COVID-19 as determined by the Centers for*  
22 *Disease Control and Prevention.*

23 (5) *The claimant is not entitled to benefits under*  
24 *section 1318 of such title.*

1           (6) *The evidence to support the claim does not*  
2           *result in a preliminary finding in favor of the claim-*  
3           *ant.*

4           (b) *OUTREACH.—The Secretary shall provide informa-*  
5           *tion to veterans, dependents, and veterans service organiza-*  
6           *tions about applying to dependency and indemnity com-*  
7           *ensation when a veteran dies from COVID–19. The Sec-*  
8           *retary shall provide such information through the website*  
9           *of the Department of Veterans Affairs and via other out-*  
10          *reach mechanisms.*



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