

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-54**

**OFFERED BY MR. CONNOLLY OF VIRGINIA**

At the end of title LI of division E, add the following:

1 **SEC. 5103. IMPROVEMENT TO REPAYMENT BY SECRETARY**  
2 **OF VETERANS AFFAIRS OF CERTAIN MIS-**  
3 **USED BENEFITS.**

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

6 **“§ 6107. Reissuance of benefits**

7 “(a) REISSUANCE OF MISUSED BENEFITS.—(1) In  
8 any case in which a fiduciary misuses all or part of an  
9 individual’s benefit paid to such fiduciary, the Secretary  
10 shall pay to the beneficiary or the beneficiary’s successor  
11 fiduciary an amount equal to the amount of such benefit  
12 so misused.

13 “(2) In any case in which the Secretary reissues a  
14 benefit payment (in whole or in part) under paragraph (1),  
15 the Secretary shall make a good faith effort to obtain  
16 recoupment from the fiduciary to whom the payment was  
17 originally made.

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

7       “(b) LIMITATION ON TOTAL AMOUNT PAID.—The  
8 total of the amounts paid to a beneficiary or the bene-  
9 ficiary’s successor fiduciary under this section may not ex-  
10 ceed the total benefit amount misused by the fiduciary  
11 with respect to that beneficiary.

12       “(c) OVERSIGHT OF NEGLIGENCE.—(1) The Sec-  
13 retary shall establish methods and timing with respect to  
14 determining whether an instance of misuse by a fiduciary,  
15 of all or part of an individual’s benefit paid to such fidu-  
16 ciary, is the result of negligence by the Secretary.

17       “(2) The Secretary may not withhold the reissuing  
18 of a benefit payment under subsection (a)(1) by reason  
19 of a pending determination under paragraph (1).

20       “(3) The Secretary is not required to make a deter-  
21 mination under paragraph (1) for each instance of misuse  
22 by a fiduciary, of all or part of an individual’s benefit paid  
23 to such fiduciary.”.

