

## HR 1405

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to include a notice of disagreement form in any notice of decision issued for the denial of a benefit sought, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Armed Forces and National Security

**Introduced:** Mar 25, 2013

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. (Oct 29, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/1405>

### Sponsor

**Name:** Rep. Titus, Dina [D-NV-1]

**Party:** Democratic • **State:** NV • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Runyan, Jon [R-NJ-3]	R · NJ		Mar 25, 2013
Rep. Calvert, Ken [R-CA-42]	R · CA		May 8, 2013
Rep. Johnson, Bill [R-OH-6]	R · OH		May 8, 2013
Rep. Lance, Leonard [R-NJ-7]	R · NJ		May 8, 2013
Rep. Loebsack, David [D-IA-2]	D · IA		May 8, 2013
Rep. O'Rourke, Beto [D-TX-16]	D · TX		May 8, 2013
Rep. Ruiz, Raul [D-CA-36]	D · CA		May 8, 2013
Rep. Takano, Mark [D-CA-41]	D · CA		May 8, 2013
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Jun 18, 2013

### Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	House	Reported by	Apr 25, 2013
Veterans' Affairs Committee	Senate	Referred To	Oct 29, 2013

### Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

### Related Bills

No related bills are listed.

**(This measure has not been amended since it was reported to the House on June 25, 2013. The summary of that version is repeated here.)**

(Sec. 1) Directs the Secretary of Veterans Affairs (VA) to include, within a notification to a claimant of the decision to deny a benefit sought, a form that may be used to file a notice of disagreement to such decision.

(Sec. 2) Honors as a veteran any person who is entitled to retired pay for nonregular (reserve) service or who would be so entitled, but for age. Provides that such a person shall not be entitled to any benefit by reason of such recognition.

(Sec. 3) Directs the Secretary to provide veterans' case-tracking information access to employees of a state or local governmental agency assisting veterans with benefit claims. Directs the Secretary to ensure that such access does not: (1) allow the employee to modify the data in the case-tracking system, or (2) include access to medical records. Requires such employees to complete a certification course on privacy issues before receiving such access.

(Sec. 4) Authorizes the Secretary of Veterans Affairs (VA) to appoint one or more temporary fiduciaries for up to 120 days when a temporary fiduciary is needed to protect the benefits of a VA beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse. Requires the Secretary to provide a written statement to a beneficiary determined by the Secretary to be mentally incompetent for purposes of appointing a fiduciary. Allows the beneficiary to appeal such determination. Allows a beneficiary for whom the Secretary appoints a fiduciary to, at any time, request the Secretary to remove such fiduciary and appoint a new one. Requires the Secretary to comply with any such request made in good faith. Prohibits any such removal or new appointment from delaying or interrupting the beneficiary's receipt of benefits. Requires an appointed fiduciary to act independently of the VA and in the interests of the beneficiary.

Provides for the predesignation of a fiduciary. Requires the Secretary, if a beneficiary does not designate a fiduciary, to appoint a fiduciary who is a relative, a guardian, or authorized to act on their behalf under a durable power of attorney. Provides for: (1) fiduciary commissions when necessary; and (2) the temporary payment of benefits to a person having custody and control of an incompetent or minor beneficiary, to be used solely for the benefit of the beneficiary.

Directs the Secretary to maintain a list of state and local agencies and nonprofit social service agencies that are qualified to act as a fiduciary.

Requires any certification of a fiduciary to be made on the basis of an inquiry or investigation of his or her fitness and qualifications. Requires the investigation to include a face-to-face interview and a background check. Allows a person convicted of a federal or state offense to serve as a fiduciary only when the Secretary finds such person to be appropriate under the circumstances. Requires each fiduciary to disclose the number of beneficiaries that the fiduciary acts on behalf of. Requires the Secretary to: (1) maintain records of any person who has had his or her fiduciary status revoked, and (2) notify the beneficiary within 14 days after learning that the fiduciary has been convicted of a crime.

Directs the Secretary, upon having reason to believe that a fiduciary may be misusing all or part of a beneficiary benefit, to: (1) conduct a thorough investigation, and (2) report results to the Attorney General and the head of each federal department or agency that pays a beneficiary benefit to such fiduciary. Requires each Veterans Benefits Administration regional office to maintain specified fiduciary information.

Requires (current law permits) a fiduciary to file an annual accounting of the administration of beneficiary benefits.

Requires the Secretary to conduct annual random audits of fiduciaries who receive a commission for such service. Requires: (1) fiduciary repayment of misused benefits, and (2) a report from the Secretary to the congressional veterans committees on the implementation of this section.

(Sec. 5) Prohibits the Secretary from paying more than \$345 million in VA employee awards or bonuses during each of FY2014-FY2018.

## **Actions Timeline**

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- **Oct 29, 2013:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
- **Oct 28, 2013:** Mr. Miller (FL) moved to suspend the rules and pass the bill, as amended.
- **Oct 28, 2013:** Considered under suspension of the rules. (consideration: CR H6800-6804)
- **Oct 28, 2013:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1405.
- **Oct 28, 2013:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H6800-6803)
- **Oct 28, 2013:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H6800-6803)
- **Oct 28, 2013:** The title of the measure was amended. Agreed to without objection.
- **Jun 25, 2013:** Reported (Amended) by the Committee on Veterans' Affairs. H. Rept. 113-130.
- **Jun 25, 2013:** Placed on the Union Calendar, Calendar No. 95.
- **May 8, 2013:** Committee Consideration and Mark-up Session Held.
- **May 8, 2013:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 25, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 25, 2013:** Forwarded by Subcommittee to Full Committee in the Nature of a Substitute (Amended) by Voice Vote .
- **Apr 16, 2013:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
- **Apr 16, 2013:** Subcommittee Hearings Held.
- **Mar 25, 2013:** Introduced in House
- **Mar 25, 2013:** Referred to the House Committee on Veterans' Affairs.