

HR 894

To amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs.

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Feb 28, 2013

Current Status: Forwarded by Subcommittee to Full Committee by Voice Vote .

Latest Action: Forwarded by Subcommittee to Full Committee by Voice Vote . (Apr 25, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/894>

Sponsor

Name: Rep. Johnson, Bill [R-OH-6]

Party: Republican • **State:** OH • **Chamber:** House

Cosponsors (8 total)

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Rep. Roe, David P. [R-TN-1] | R · TN | | Feb 28, 2013 |
| Rep. Stivers, Steve [R-OH-15] | R · OH | | Feb 28, 2013 |
| Rep. Titus, Dina [D-NV-1] | D · NV | | Feb 28, 2013 |
| Rep. Michaud, Michael H. [D-ME-2] | D · ME | | Mar 4, 2013 |
| Rep. Courtney, Joe [D-CT-2] | D · CT | | Mar 7, 2013 |
| Rep. Kirkpatrick, Ann [D-AZ-1] | D · AZ | | Mar 20, 2013 |
| Rep. Benishek, Dan [R-MI-1] | R · MI | | Apr 9, 2013 |
| Rep. Cohen, Steve [D-TN-9] | D · TN | | Apr 17, 2013 |

Committee Activity

| Committee | Chamber | Activity | Date |
|-----------------------------|---------|-------------|--------------|
| Veterans' Affairs Committee | House | Reported by | Apr 25, 2013 |

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

No related bills are listed.

Provides that, when in the opinion of the Secretary of Veterans Affairs (VA) 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, the Secretary may appoint one or more temporary fiduciaries for up to 120 days.

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 a appointed fiduciary appointed by the Secretary to act independently of the VA and in the interest of the beneficiary.

Provides for the predesignation of a fiduciary. Provides that, if a beneficiary does not designate a fiduciary, the Secretary shall appoint, to the extent possible, a fiduciary who is: (1) a relative, (2) a guardian, or (3) 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 previously served as a fiduciary and had such 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 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 (under 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 fiduciary repayment of misused benefits.

Actions Timeline

- **Apr 25, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 25, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Apr 16, 2013:** Subcommittee Hearings Held.
- **Mar 8, 2013:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
- **Feb 28, 2013:** Introduced in House
- **Feb 28, 2013:** Referred to the House Committee on Veterans' Affairs.