

113TH CONGRESS
1ST SESSION

H. R. 1438

To amend title 38, United States Code, to exempt reimbursements of certain medical expenses and other payments related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2013

Mr. HASTINGS of Florida (for himself, Mr. MCGOVERN, Mr. MICA, Mr. COHEN, Mr. GRIJALVA, Ms. BASS, Ms. WILSON of Florida, Mrs. CHRISTENSEN, Mr. WELCH, Mr. GRAYSON, Mrs. MCCARTHY of New York, Mrs. BEATTY, Mr. DEUTCH, Mr. RANGEL, Mr. FALEOMAVAEGA, Ms. JACKSON LEE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CUMMINGS, Ms. LORETTA SANCHEZ of California, Mr. GARCIA, Mr. GUTIERREZ, Ms. GABBARD, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to exempt reimbursements of certain medical expenses and other payments related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Pensions
3 Protection Act of 2013”.

4 **SEC. 2. EXCLUSION OF CERTAIN REIMBURSEMENTS OF**
5 **MEDICAL EXPENSES AND OTHER PAYMENTS**
6 **FROM DETERMINATION OF ANNUAL INCOME**
7 **WITH RESPECT TO PENSIONS FOR VETERANS**
8 **AND SURVIVING SPOUSES AND CHILDREN OF**
9 **VETERANS.**

10 (a) IN GENERAL.—Paragraph (5) of section 1503(a)
11 of title 38, United States Code, is amended to read as
12 follows:

13 “(5) payments regarding—

14 “(A) reimbursements of any kind (includ-
15 ing insurance settlement payments) for—

16 “(i) expenses related to the repay-
17 ment, replacement, or repair of equipment,
18 vehicles, items, money, or property result-
19 ing from—

20 “(I) any accident (as defined by
21 the Secretary), but the amount ex-
22 cluded under this subclause shall not
23 exceed the greater of the fair market
24 value or reasonable replacement value
25 of the equipment or vehicle involved at

1 the time immediately preceding the
2 accident;

3 “(II) any theft or loss (as defined
4 by the Secretary), but the amount ex-
5 cluded under this subclause shall not
6 exceed the greater of the fair market
7 value or reasonable replacement value
8 of the item or the amount of the
9 money (including legal tender of the
10 United States or of a foreign country)
11 involved at the time immediately pre-
12 ceding the theft or loss; or

13 “(III) any casualty loss (as de-
14 fined by the Secretary), but the
15 amount excluded under this subclause
16 shall not exceed the greater of the fair
17 market value or reasonable replace-
18 ment value of the property involved at
19 the time immediately preceding the
20 casualty loss; and

21 “(ii) medical expenses resulting from
22 any accident, theft, loss, or casualty loss
23 (as defined by the Secretary), but the
24 amount excluded under this clause shall
25 not exceed the costs of medical care pro-

1 vided to the victim of the accident, theft,
2 loss, or casualty loss; and

3 “(B) pain and suffering (including insur-
4 ance settlement payments and general damages
5 awarded by a court) related to an accident,
6 theft, loss, or casualty loss, but the amount ex-
7 cluded under this subparagraph shall not exceed
8 an amount determined by the Secretary on a
9 case-by-case basis;”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on the date that is 180
12 days after the date of the enactment of this Act.

○