

115TH CONGRESS  
1ST SESSION

# H. R. 105

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays the misused benefits of veterans with fiduciaries, to establish an appeals process for determinations by the Secretary of Veterans Affairs of veterans' mental capacity, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Ms. BROWNLEY of California introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays the misused benefits of veterans with fiduciaries, to establish an appeals process for determinations by the Secretary of Veterans Affairs of veterans' mental capacity, 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 "Protect Veterans from  
5 Financial Fraud Act of 2017".

1 **SEC. 2. REPAYMENT OF MISUSED BENEFITS.**

2 (a) IN GENERAL.—Section 6107(b) of title 38,  
3 United States Code, is amended—

4 (1) in paragraph (1), by striking “In any case  
5 in which a fiduciary described in paragraph (2)” and  
6 inserting “In any case not covered by subsection (a)  
7 in which a fiduciary”;

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraph (3) as para-  
10 graph (2).

11 (b) APPLICATION.—The amendments made by sub-  
12 section (a) shall apply with respect to the misuse of bene-  
13 fits by a fiduciary occurring on or after the date of the  
14 enactment of this Act.

15 **SEC. 3. APPEALS FOR DETERMINATIONS OF MENTAL CA-**  
16 **PACITY.**

17 Section 5501A of title 38, United States Code, is  
18 amended—

19 (1) by striking “The Secretary” and inserting  
20 “(a) IN GENERAL.—The Secretary”; and

21 (2) by adding at the end the following new sub-  
22 section:

23 “(b) APPEALS.—A determination under subsection  
24 (a) may be appealed in accordance with chapters 71 and  
25 72 of this title.”.