

117TH CONGRESS
1ST SESSION

S. 89

AN ACT

To require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID–19 to determine whether their service-connected disabilities were the principal or contributory causes of death, 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 “Ensuring Survivor
 5 Benefits during COVID–19 Act of 2021”.

6 **SEC. 2. MEDICAL OPINIONS FOR CERTAIN VETERANS WITH**
 7 **SERVICE-CONNECTED DISABILITIES WHO DIE**
 8 **OF COVID–19.**

9 (a) IN GENERAL.—The Secretary of Veterans Affairs
 10 shall secure a medical opinion to determine if a service-
 11 connected disability was the principal or contributory
 12 cause of death before notifying the survivor of the final
 13 decision in any case in which all of the following factors
 14 are met:

15 (1) A claim for compensation is filed under
 16 chapter 13 of title 38, United States Code, with re-
 17 spect to a veteran with one or more service-con-
 18 nected disabilities who dies.

19 (2) The death certificate for the veteran identi-
 20 fies Coronavirus Disease 2019 (COVID–19) as the
 21 principal or contributory cause of death.

22 (3) The death certificate does not clearly iden-
 23 tify any of the service-connected disabilities of the
 24 veteran as the principal or contributory cause of
 25 death.

1 (4) A service-connected disability of the veteran
2 includes a condition more likely to cause severe ill-
3 ness from COVID–19 as determined by the Centers
4 for Disease Control and Prevention.

5 (5) The claimant is not entitled to benefits
6 under section 1318 of such title.

7 (6) The evidence to support the claim does not
8 result in a preliminary finding in favor of the claim-
9 ant.

10 (b) OUTREACH.—The Secretary shall provide infor-
11 mation to veterans, dependents, and veterans service orga-
12 nizations about applying to dependency and indemnity
13 compensation when a veteran dies from COVID–19. The
14 Secretary shall provide such information through the
15 website of the Department of Veterans Affairs and via
16 other outreach mechanisms.

Passed the Senate July 21, 2021.

Attest:

Secretary.

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