

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.*

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.