

FALLEN SERVICEMEMBERS RELIGIOUS HERITAGE
RESTORATION ACT

SEPTEMBER 9, 2025.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BOST, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

[To accompany H.R. 2701]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 2701) to direct the American Battle Monuments Commission to establish a program to identify American-Jewish servicemembers buried in United States military cemeteries overseas under markers that incorrectly represent their religion and heritage, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fallen Servicemembers Religious Heritage Restoration Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) An estimated 900 American-Jewish servicemembers of the Armed Forces, killed in World War I and World War II and buried overseas in United States military cemeteries were, for various reasons, mistakenly buried under Latin Crosses. In most instances, those mistakes were made inadvertently.

(2) In 2022, more than 2,000,000 people visited the United States World War I and World War II cemeteries in foreign countries.

(3) American-Jewish servicemembers played a vital role in the Allied victories in World War I and World War II.

(4) American-Jewish servicemembers who fought and died for the United States must have their heritage properly recognized and honored.

(5) The United States Government has a solemn responsibility to ensure that every American servicemember killed in action and buried overseas is properly honored.

(6) The work of properly identifying American-Jewish servicemembers buried overseas is vital and integral to the responsibility of the American Battle Monuments Commission to ensure that past mistakes in honoring those servicemembers who died in the line of duty are corrected.

SEC. 3. FALLEN SERVICEMEMBERS RELIGIOUS HERITAGE RESTORATION PROGRAM.

(a) **ESTABLISHMENT.**—The American Battle Monuments Commission shall establish a program to identify covered members and to contact survivors and descendants of such covered members. Such program shall be known as the “Fallen Servicemembers Religious Heritage Restoration Program”.

(b) **DURATION.**—The Commission shall carry out the Fallen Servicemembers Religious Heritage Restoration Program during the first five fiscal years that begin after the date of the enactment of this Act.

(c) **CONTRACTS.**—

(1) **AUTHORITY.**—During each fiscal year described in subsection (b), the Commission shall seek to enter into a contract with a nonprofit organization under which such nonprofit organization shall carry out the purpose described in subsection (a).

(2) **TERM; AMOUNT.**—Each contract under this subsection shall be for one year and in the amount of \$500,000 to the nonprofit organization.

(3) **PRIORITY.**—In awarding a contract under this subsection, the Commission shall give priority to a nonprofit organization that has demonstrated capability and expertise in carrying out the purpose described in subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there is authorized to be appropriated to the Commission \$500,000 for each fiscal year described in subsection (b).

(e) **DEFINITIONS.**—In this section:

(1) The term “covered member” means a deceased member of the Armed Forces who was Jewish and buried—

(A) in a United States military cemetery located outside the United States; and

(B) under a marker that indicates such member was not Jewish.

(2) The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

SEC. 4. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF PENSION.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “November 30, 2031” and inserting “January 31, 2032”.

PURPOSE AND SUMMARY

H.R. 2701, the “Fallen Servicemembers Religious Heritage Restoration Act,” was introduced by Representative Debbie Wasserman Schultz of Florida on April 7, 2025. This bill, as amended, would direct the American Battle Monument Commission (ABMC) to es-

establish the “Fallen Servicemembers Religious Heritage Restoration Program.” This bill would direct ABMC to enter into a contract with a nonprofit organization to identify and correct the grave-stones of fallen American-Jewish servicemembers of the Armed Forces, killed in World War I and World War II, who were buried overseas under a Latin Cross headstone.

BACKGROUND AND NEED FOR LEGISLATION

Section 1: Short Title

This Act may be cited as the “Fallen Servicemembers Religious Heritage Restoration Act.”

Section 2: Findings

Since the nation’s founding, Jewish immigrants, colonists, and citizens have served and fought in every American conflict. One such soldier, Sgt. William Shemin served as a rifleman for the 47th Infantry Regiment during the Second Battle of the Marne in August 1918. Shemin charged into no-man’s land under the fire of German troops to rescue wounded soldiers, taking command of his platoon to return fire on the enemy combatants.¹

In a statement for the record submitted at a June 24, 2025, legislative hearing for the Subcommittee on Disability Assistance and Memorial Affairs, the Veterans of Foreign Wars of the United States (VFW) noted:

“The large number of casualties and the chaos of war directly contributed to burials with inappropriate headstones. During World War I, more than 100,000 Americans fell abroad during the country’s first large-scale overseas combat deployment, and administrative errors were not uncommon. Complicating the situation during World War II, some American-Jewish service members who served in the European Theater deliberately concealed their religious affiliation to avoid torture or death if captured by the Nazis.”²

This section would recognize the unique circumstances faced by American-Jewish soldiers who served in World War I and World War II. This section would assert that an estimated 900 American-Jewish servicemembers of the Armed Forces are mistakenly buried under the Latin Cross in ABMC cemeteries overseas after World War I and World War II. This section would also recognize the crucial role that American-Jewish servicemembers played in the American war effort for both World War I and World War II.

This section would assert that it is the solemn duty of ABMC to establish, maintain, and correct, when necessary, the graves and headstones of fallen servicemembers still entrusted to our Nation’s care.

¹Jessie Kratz, *Men of Mordechai: Jewish Americans in the U.S. Armed Forces*, National Archives, (May 18, 2021), <https://prologue.blogs.archives.gov/2021/05/18/men-of-mordechai-jewish-americans-in-the-u-s-armed-forces/>.

²Statement for the Record of the Veterans of Foreign Wars of the United States, (June 24, 2025), HHRG-119-VR09-20250624-SD004.pdf (house.gov).

Section 3: Fallen Servicemembers Religious Heritage Restoration Program

In a statement for the record submitted at a June 24, 2025, legislative hearing for the Committee on Veteran's Affairs Subcommittee on Disability Assistance and Memorial Affairs, Rabbi Raphael B. Butler, President of the Afikim Foundation stated:

"Now, more than ever, when our country is unfortunately experiencing an increase in antisemitism, it's vital to recognize the vital contribution made by Jewish American soldiers in World War I and World War II—especially those soldiers that paid the ultimate price The American Battle Monuments Commission (ABMC) does a remarkable job in maintaining and administering the United States' military cemeteries overseas. They are committed to ensuring that every soldier buried in their cemeteries is appropriately honored. ABMC is committed to "getting it right." H.R. 2701 will provide ABMC with the modest resources it needs to partner with outside experts in researching and identifying Jewish American service members buried at American military cemeteries overseas who were buried under markers incorrectly representing their religion and heritage."³

This section would direct ABMC to establish the Fallen Servicemembers Religious Heritage Restoration Program to work with a nonprofit to identify and contact the survivors and descendants of deceased members of the Armed Forces with Jewish heritage buried in an ABMC cemetery under a Latin Cross headstone. Because of the sensitive nature of this undertaking the Committee expects that the nonprofit organization chosen to carry out this section would have the demonstrated history of relevant experience necessary to fulfill the goal of the program.

The Committee believes that it is essential to address the improper demarcation of fallen Jewish Servicemembers who are buried in World War I and World War II cemeteries overseas to ensure that each of these individuals are appropriately recognized and honored for their sacrifice on behalf of the American people. The Committee believes ABMC would choose the organization best suited to rectify this historical oversight and honor our fallen American-Jewish soldiers.

Section 4: Extension of Certain Limits on Payments of Pension

Under current law (38 U.S.C. § 5503(d)), the amount of VA pension paid to a veteran with no spouse nor child, a veteran's surviving spouses with no child, or a veteran's child who is admitted to a VA or Medicaid sponsored nursing facility is capped at \$90 a month. This section would cover the costs of the other sections of this bill by extending this pension limitation by two months to January 31, 2032. Because they receive government sponsored care in a nursing home, these pension beneficiaries do not require the full amount of pension to cover their cost of living. The Committee believes this short-term extension of the current limit on pension pay-

³Statement for the Record of the Afikim Foundation, (June 24, 2025), HHRG-119-VR09-20250624-SD012.pdf (house.gov).

ments is a reasonable way to cover the costs associated with the other sections of this bill.

HEARINGS

On June 24, 2025, the Committee on Veterans Affairs Subcommittee on Disability Assistance and Memorial Affairs held a legislative hearing on H.R. 2701 and other bills that were pending before the subcommittee.

The following witnesses testified:

The Honorable Mike Bost, U.S. House of Representatives; The Honorable Elise Stefanik, U.S. House of Representatives; The Honorable Julia Brownley, U.S. House of Representatives; The Honorable Chuck Edwards, U.S. House of Representatives; The Honorable Tom Barrett, U.S. House of Representatives; The Honorable Tim Kennedy, U.S. House of Representatives; The Honorable Jahana Hayes, U.S. House of Representatives; Mrs. Julie Guleff, Caregiver and Surviving Spouse of Stephen Guleff, Vietnam Veteran; Mr. Michael J. Wishnie, William O. Douglas Clinical Professor of Law and Director, Veterans Legal Services Clinic, Yale Law School; Ms. Candace Wheeler, Senior Director, Government and Legislative Affairs, Tragedy Assistance Program for Survivors; Mr. Evan Deichert, Acting Deputy Vice Chairman, Board of Veterans' Appeals, U.S. Department of Veterans Affairs; Mr. Kevin Friel, Executive Director, Pension & Fiduciary Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. James W. Smith II, Deputy Executive Director, Policy and Procedures, Compensation Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Dr. Colleen Richardson, Executive Director, Caregiver Support Program, Veterans Health Administration, U.S. Department of Veterans Affairs; and Colonel (Ret.) Tiffany M. Wagner, USAF, Clerk of the Court, U.S. Court of Appeals for Veterans Claims.

The following individuals and organizations submitted statements for the record:

The Honorable Debbie Wasserman Schultz of Florida; Gold Star Spouses of America; Veterans of Foreign Wars; Vietnam Veterans of America; National Organization of Veterans' Advocates; Disabled American Veterans; Quality of Life Foundation; Jewish Federations of North America; Paralyzed Veterans of America; Administrative Conference of the United States; Afikim Foundation; American Legion; Shiron Collective; American Federation of Government Employees; Republican Jewish Coalition; Adam Zimmerman, University of Southern California Robert Kingsley Professor of Law, in their personal capacity; Jonah Platt in their personal capacity; Shabbos Kestenbaum in their personal capacity; John Ondrasik in their personal capacity; Lizzy Savetsky in their personal capacity; Aviva Klompas in their personal capacity; Lee Trink in their personal capacity; Bethany Mandel in their personal capacity; Iddo Goldberg in their personal capacity; Liora Rez in their personal capacity; Jason Greenblatt in their personal capacity; Sarah Stern in their personal capacity; and Nicole Neily in their personal capacity.

SUBCOMMITTEE CONSIDERATION

On July 3, 2025, the Subcommittee on Disability Assistance and Memorial Affairs discharged this legislation for full Committee consideration.

COMMITTEE CONSIDERATION

On July 23, 2025, the Full Committee met in open markup session with a quorum being present, to consider H.R. 2701, as amended.

An amendment in the nature of a substitute to H.R. 2701 was offered by Ranking Member Takano to modify section 2 of this bill to authorize the Fallen Servicemembers Religious Heritage Program for five fiscal years after the date of enactment, rather than ten fiscal years. It also added a new section that fully offset the cost of this legislation. This amendment in the nature of a substitute was agreed to by voice vote.

A motion by Ranking Member Takano to report H.R. 2701, as amended, favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that no recorded votes were taken on amendments or in connection with ordering H.R. 2701, as amended, reported to the House.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 2701, as amended, are to ensure that the grave-stones of fallen American-Jewish servicemembers of the Armed Forces, killed in World War I and World War II are identified and corrected to accurately reflect their faith.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 2701, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the Congressional Budget Office cost estimate on this measure.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

H.R. 2701, Fallen Servicemembers Religious Heritage Restoration Act As ordered reported by the House Committee on Veterans' Affairs on July 23, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	-8
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	-8
Spending Subject to Appropriation (Outlays)	0	3	3
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? Yes	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 2701 would establish a program to identify Jewish U.S. service members who are buried overseas under a grave marker that incorrectly indicates that they were not Jewish. The bill also would reduce the amount of Department of Veterans Affairs (VA) pensions the department pays to certain veterans and survivors who reside in nursing homes. CBO estimates that H.R. 2701 would increase spending subject to appropriation by \$3 million and reduce direct spending by \$8 million over the 2025–2035 period.

The costs of the legislation, detailed in Table 1, fall within budget functions 550 (health) and 700 (veterans benefits and services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 2701

	By fiscal year, millions of dollars—												
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2025– 2030	2025– 2035
INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
Estimated													
Authorization	0	1	*	1	*	1	0	0	0	0	0	3	3
Estimated Outlays	0	1	*	1	*	1	*	0	0	0	0	3	3
DECREASES (–) IN DIRECT SPENDING													
Estimated Budget													
Authority	0	0	0	0	0	0	0	–8	0	0	0	0	–8
Estimated Outlays	0	0	0	0	0	0	0	–8	0	0	0	0	–8

* = between zero and \$500,000.

Spending subject to appropriation: H.R. 2701 would authorize annual appropriations of \$500,000 for five years to the American Battle Monuments Commission for the purpose of providing grants to nonprofit organizations. The commission maintains American military cemeteries and memorials outside of the United States. Grant recipients would use the funds to identify the graves of Jewish U.S. service members who are buried in those cemeteries under headstones or markers that incorrectly indicate the service member was not Jewish. CBO estimates that implementing the grant pro-

gram would cost \$3 million over the 2025–2035 period. Such spending would be subject to the appropriation of the specified amounts.

Direct spending: Under current law, VA reduces pension payments to veterans and survivors who reside in Medicaid nursing homes to \$90 per month. That required reduction expires November 30, 2031. Section 3 would extend that reduction for two months, through January 31, 2032. CBO estimates that extending that requirement would reduce VA benefits by \$10 million per month. (Those benefits are paid from mandatory appropriations and are therefore considered direct spending.) As a result of that reduction in beneficiaries’ income, Medicaid would pay more of the cost of their care, increasing spending for that program by \$6 million per month. Thus, enacting section 3 would reduce net direct spending by \$8 million over the 2025–2035 period.

The CBO staff contact for this estimate is Logan Smith. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4 is inapplicable to H.R. 2701, as amended.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 2701, as amended.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2701, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2701, as amended would establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Pub. L. 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section would establish the short title of the bill as the “Fallen Servicemembers Religious Heritage Restoration Act.”

Section 2. Findings

This section would make findings related to the purpose of the bill. It would establish that there are an estimated 900 American-Jewish servicemembers of the Armed Forces, killed in World War I and World War II, that are buried overseas mistakenly under a Latin Cross. It would specify that in 2022, an estimated 2,000,000 people visited the United States World War I and World War II cemeteries in foreign countries.

This section would provide recognition of the vital role that American-Jewish servicemembers played in the Allied victories in World War I and World War II, and the importance of ensuring the heritage of American-Jewish servicemembers are properly honored.

This section would also recognize the responsibility of the United States to ensure all servicemembers killed in action and buried overseas are properly honored and would highlight the specific responsibility of ABMC to correct past mistakes in honoring fallen servicemembers.

Section 3. Fallen Servicemembers Religious Heritage Restoration Program

This section would direct ABMC to establish the “Fallen Servicemembers Religious Heritage Restoration Program” that would identify covered members and contact survivors and dependents of those covered members. ABMC would carry out the “Fallen Servicemembers Religious Heritage Restoration Program” for five fiscal years after the date of the enactment of this Act.

It would also direct ABMC to enter into a contract with a non-profit organization to carry out the purpose of the program. This contract would be \$500,000 for each fiscal year, with priority given to nonprofit organizations with a demonstrated capability and expertise in carrying out such purpose. This bill would also authorize \$500,000 in appropriated funds for the purpose of this contract.

This section defines a “covered member” as a deceased member of the Armed Forces who was Jewish and buried in a United States military cemetery located outside the United States under a marker that indicates such member was not Jewish. It also defines a “nonprofit organization” as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code in order to achieve the purpose of the program.

Section 4. Extension of certain limits on payments of pension

This section would extend the limitation of pension payable to certain veterans, their surviving spouses, or their children as established in 38 U.S.C. 5503(d), from November 30, 2031, to January 31, 2032.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

* * * * *

CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

* * * * *

§ 5503. Hospitalized veterans and estates of incompetent institutionalized veterans

(a)(1)(A) Where any veteran having neither spouse nor child is being furnished domiciliary care by the Department, no pension in excess of \$90 per month shall be paid to or for the veteran for any period after the end of the third full calendar month following the month of admission for such care.

(B) Except as provided in subparagraph (D) of this paragraph, where any veteran having neither spouse nor child is being furnished nursing home care by the Department, no pension in excess of \$90 per month shall be paid to or for the veteran for any period after the end of the third full calendar month following the month of admission for such care. Any amount in excess of \$90 per month to which the veteran would be entitled but for the application of the preceding sentence shall be deposited in a revolving fund at the Department medical facility which furnished the veteran nursing care, and such amount shall be available for obligation without fiscal year limitation to help defray operating expenses of that facility.

(C) No pension in excess of \$90 per month shall be paid to or for a veteran having neither spouse nor child for any period after the month in which such veteran is readmitted for care described in subparagraph (A) or (B) of this paragraph and furnished by the Department if such veteran is readmitted within six months of a period of care in connection with which pension was reduced pursuant to subparagraph (A) or (B) of this paragraph.

(D) In the case of a veteran being furnished nursing home care by the Department and with respect to whom subparagraph (B) of this paragraph requires a reduction in pension, such reduction shall not be made for a period of up to three additional calendar months after the last day of the third month referred to in such subparagraph if the Secretary determines that the primary purpose for the furnishing of such care during such additional period is for

the Department to provide such veteran with a prescribed program of rehabilitation services, under chapter 17 of this title, designed to restore such veteran's ability to function within such veteran's family and community. If the Secretary determines that it is necessary, after such period, for the veteran to continue such program of rehabilitation services in order to achieve the purposes of such program and that the primary purpose of furnishing nursing home care to the veteran continues to be the provision of such program to the veteran, the reduction in pension required by subparagraph (B) of this paragraph shall not be made for the number of calendar months that the Secretary determines is necessary for the veteran to achieve the purposes of such program.

(2) The provisions of paragraph (1) shall also apply to a veteran being furnished such care who has a spouse but whose pension is payable under section 1521(b) of this title. In such a case, the Secretary may apportion and pay to the spouse, upon an affirmative showing of hardship, all or any part of the amounts in excess of the amount payable to the veteran while being furnished such care which would be payable to the veteran if pension were payable under section 1521(c) of this title.

(b) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension of any veteran for any part of the period during which the veteran is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

(c) Where any veteran in receipt of an aid and attendance allowance described in subsection (r) or (t) of section 1114 of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of the veteran's admission for such hospitalization for so long as such hospitalization continues. Any discontinuance required by administrative regulation, during hospitalization of a veteran by the Department, of increased pension based on need of regular aid and attendance or additional compensation based on need of regular aid and attendance as described in subsection (l) or (m) of section 1114 of this title, shall not be effective earlier than the first day of the second calendar month which begins after the date of the veteran's admission for hospitalization. In case a veteran affected by this subsection leaves a hospital against medical advice and is thereafter admitted to hospitalization within six months from the date of such departure, such allowance, increased pension, or additional compensation, as the case may be, shall be discontinued from the date of such readmission for so long as such hospitalization continues.

(d)(1) For the purposes of this subsection—

(A) the term "Medicaid plan" means a State plan for medical assistance referred to in section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)); and

(B) the term "nursing facility" means a nursing facility described in section 1919 of such Act (42 U.S.C. 1396r), other than a facility that is a State home with respect to which the Secretary makes per diem payments for nursing home care pursuant to section 1741(a) of this title.

(2) If a veteran having neither spouse nor child is covered by a Medicaid plan for services furnished such veteran by a nursing facility, no pension in excess of \$90 per month shall be paid to or for the veteran for any period after the month of admission to such nursing facility.

(3) Notwithstanding any provision of title XIX of the Social Security Act, the amount of the payment paid a nursing facility pursuant to a Medicaid plan for services furnished a veteran may not be reduced by any amount of pension permitted to be paid such veteran under paragraph (2) of this subsection.

(4) A veteran is not liable to the United States for any payment of pension in excess of the amount permitted under this subsection that is paid to or for the veteran by reason of the inability or failure of the Secretary to reduce the veteran's pension under this subsection unless such inability or failure is the result of a willful concealment by the veteran of information necessary to make a reduction in pension under this subsection.

(5)(A) The provisions of this subsection shall apply with respect to a surviving spouse having no child in the same manner as they apply to a veteran having neither spouse nor child.

(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.

(6) The costs of administering this subsection shall be paid for from amounts available to the Department of Veterans Affairs for the payment of compensation and pension.

(7) This subsection expires on [November 30, 2031] *January 31, 2032*.

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