119TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
119–339

ERNEST PELTZ ACCRUED VETERANS BENEFITS ACT

OCTOBER 8, 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. 3123]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3123) to amend title 38, United States Code, to make certain improvements to laws relating to the payment of certain benefits administered by the Secretary of Veterans Affairs that are affected by death, 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:

69–006

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ernest Peltz Accrued Veterans Benefits Act".

SEC. 2. PAYMENT BY SECRETARY OF VETERANS AFFAIRS OF PENSION AFTER DEATH OF A VETERAN IN CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Chapter 51 of title 38, United States Code, is amended by inserting, after section 5121A, the following new section:

"§ 5121B. Payment of pension after death of a veteran in certain circumstances

"(a) IN GENERAL.—Subject to subsection (b), if the Secretary issues a decision awarding entitlement to a pension to a veteran before the death of such veteran, and the Secretary issues payment of such pension after the veteran dies, such pension that was due and unpaid at the time of the veteran's death shall be paid to the first living person or entity listed below:

"(1) The veteran's spouse.

"(2) The veteran's children (in equal shares).

"(3) The veteran's dependent parents (in equal shares).

"(4) The estate of the deceased veteran unless the estate will escheat.

"(b) LIMITATION.—In a case described in subsection (a), if no application is filed under section 5121 of this title during the one-year period following the death of the veteran, the pension described in such subsection shall be paid to the estate of the deceased veteran unless the estate will escheat.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENT.—Section 5121(a) of such title is amended, in the matter preceding paragraph (1), by inserting "section 5121B of this title, or" before "sections 3329 and 3330".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting, after the item relating to section 5121A, the following new item:

"5121B. Payment of pension after death of a veteran in certain circumstances.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of a veteran that occurs on or after the date of the enactment of this Act.

SEC. 3. 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 "December 31, 2031".

PURPOSE AND SUMMARY

H.R. 3123, the "Ernest Peltz Accrued Veterans Benefits Act," was introduced by Representative Elise Stefanik of New York on April 30, 2025. This bill, as amended, would ensure that if a veteran's application for a Department of Veterans Affairs (VA) pension is granted, but that veteran passes away before VA issues the first payment, the unpaid benefit will be paid out in the following order to the: surviving spouse, children, dependent parents, or deceased's estate.

BACKGROUND AND NEED FOR LEGISLATION

Section 1: Short Title

This Act may be cited as the "Ernest Peltz Accrued Veterans Benefits Act."

Section 2: Payment by Secretary of Veterans Affairs of Pension After Death of a Veteran in Certain Circumstances

In the rare instance that a veteran is awarded a VA pension but passes away before that first payment is delivered, VA is unable to reissue those accrued benefits to the surviving family under current law. Despite its rarity, these instances do occur, and it is the intent of the Committee to remedy this situation to prevent undue strain and provide support for the grieving family in their time of mourning.

The namesake of the bill, Mr. Ernest Peltz, was a World War II Navy Veteran who lived in New York State at an assisted living facility. While Mr. Peltz's application for pension was approved by VA, unfortunately he passed away before VA was able to distribute his accrued benefits. Due to a processing error, these funds were not deposited into his account until 7 days following his death. This qualified as an 'overpayment,' causing VA to bill Mr. Peltz's estate to recoup the payment. The Committee believes this oversight in policy is wrong for veterans and their families.

Elderly veterans who are eligible for pension are some of our Nation's most financially vulnerable populations. Some of the eligibility requirements for VA pensions include whether a veteran and their dependents combined net worth is under $159,240 and the veteran must be at least 65 years old.[1] This age range represents a large portion of our Nation's veterans, including those who served in the Korean War, Vietnam War, the Gulf War, and other conflicts before the 1990s.

In their statement to the House Committee on Veterans' Affairs Disability Assistance and Memorial Affairs Subcommittee hearing held on June 24, 2025, to discuss this legislation, the American Legion stated:

> "According to VA National Center for Analysis and Statistics, there are approximately 9,823,792 veterans between the ages of 60 to 85 years of age or more. Of these veterans, 7,808,106 aged 65 and older live at or below the poverty threshold. These figures underscore the importance of ensuring surviving spouses can receive any accrued or pending benefits for the month of the veteran's death. For low-income families, expeditious and timely access to these benefits can ease the burden of an already difficult time."[2]

In support of this bill, the Veterans of Foreign Wars of the United States said in the same hearing:

> "The VFW supports this legislation to ensure survivors receive their Department of Veterans Affairs (VA) pension benefit for the entire month in which a veteran dies. Receiving the full month-of-death benefit payment would better equip survivors to manage the financial hardships that accompany a veteran's death. Rather than abruptly stopping these benefits mid-month, VA would maintain the accustomed income immediately following the veteran's death, providing grieving survivors the resource to settle urgent end-of-life expenses."[3]

The Committee believes that this section would resolve the issue surrounding the recoupment of payments issued to veterans after their death and address this flawed policy. The pension given to a veteran from the VA is a guarantee of funds to that individual veteran, and it is the Committee's intent that the payment should stay with the veteran's survivors, with no debt incurred by their survivors.

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[1] *Current pension rates for Veterans*, Pension Benefits, U.S. Dep't of Veterans Affairs, Dec. 2, 2024, va.gov/pension/veterans-pension-rates (Accessed Sept. 17, 2025).

[2] Statement for the Record of the American Legion, (June 24, 2025), HHRG-119-VR09-20250624-SD014.pdf (house.gov).

[3] Statement 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: 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 or child, a veteran's surviving spouse with no child, or a veteran's child who are 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 one month to December 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 payments 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. 3123 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 (TAPS); 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; 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 Shultz 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; 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 Rezin their personal capacity; Jason Greenblatt in their personal capacity; Sarah Stern in their personal capacity; Nicole Neily in their personal capacity; Adam Zimmerman in their personal capacity.

Subcommittee Consideration

On July 3, 2025, the Subcommittee on Disability Assistance and Memorial Affairs was discharged from further consideration of H.R. 3123.

Committee Consideration

On July 23, 2025, the Full Committee met in open markup session with a quorum being present, to consider H.R. 3123. The following amendments were offered during consideration of H.R. 3123:

An amendment in the nature of a substitute to H.R. 3123 was offered by Chairman Mike Bost to fully offset the cost of this legislation. This amendment was agreed to by voice vote.

A motion by Ranking Member Takano of California to report H.R. 3123, 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, no recorded votes were taken on amendments or in connection with ordering H.R. 3123, 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. 3123, as amended, are to ensure that veterans families received the accrued pension benefits their deceased veteran loved-one was due.

Earmarks and Tax and Tariff Benefits

H.R. 3123, 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

Pursuant to clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 3123, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 3123, Ernest Peltz Accrued Veterans Benefits Act
As ordered reported by the House Committee on Veterans' Affairs on July 23, 2025

By Fiscal Year, Millions of Dollars	2026	2026-2030	2026-2035
Direct Spending (Outlays)	*	*	-3
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	-3
Spending Subject to Appropriation (Outlays)	0	0	0

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036?	< $2.5 billion	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036?	< $5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

H.R. 3123 would require the Department of Veterans Affairs (VA) to pay accrued pension benefits to a deceased veteran's estate in cases where that veteran's eligible survivor does not claim such benefits. The bill also would extend the reduction of VA pension payments for veterans and survivors who reside in Medicaid nursing homes. In total, enacting H.R. 3123 would reduce net direct spending by $3 million over the 2026–2035 period (see Table 1). The costs of the legislation fall within budget functions 550 (health) and 700 (veterans benefits and services).

Accrued benefits. Section 2 would require VA to pay a deceased veteran's accrued pension benefit to that veteran's estate if no eligible survivor claims it. Under current law, pension benefits that have been awarded but not yet paid at the time of a veteran's death are payable only to that veteran's surviving spouse, children, or parents. If none of those survivors claim the pension within a year of the veteran's death, the veteran's estate or another individual can only receive reimbursement for funeral expenses. Using information from VA on the number of veterans who die before receiving their pension and the frequency with which eligible survivors claim those accrued benefits, CBO estimates that the department would pay accrued benefits to veterans' estates about 20 times each year. From 2019–2024, accrued benefit payments have averaged about $3,000; thus, CBO estimates enacting section 2 would increase direct spending by $1 million over the 2026–2035 period.

Pensions and Medicaid. 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 one month, through December 31, 2031. CBO estimates that extending that requirement would reduce VA benefits by $10 million per month. 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 $4 million over the 2026–2035 period.

Table 1.—CHANGES IN DIRECT SPENDING UNDER H.R. 3123

	By fiscal year, millions of dollars—											
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2026–2030	2026–2035
Accrued Benefits:												
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	1	*	1
Estimated Outlays	*	*	*	*	*	*	*	*	*	1	*	1
Pensions and Medicaid:												
Estimated Budget Authority	0	0	0	0	0	0	−4	0	0	0	0	−4
Estimated Outlays	0	0	0	0	0	0	−4	0	0	0	0	−4
Total Changes:												
Estimated Budget Authority	*	*	*	*	*	*	−4	*	*	1	*	−3
Estimated Outlays	*	*	*	*	*	*	−4	*	*	1	*	−3

* = between zero and $500,000.

The CBO staff contacts for this estimate are David Rafferty and 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. 3123, 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. 3123, as amended.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 3123, 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. 3123, 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 Public Law 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 "Ernest Peltz Accrued Veterans Benefits Act."

Section 2: Payment by Secretary of Veterans Affairs of pension after death of a veteran in certain circumstances

This section would amend Chapter 51 of United States Code 38 by inserting a new subsection under 38 U.S.C. § 5121A that would pay out pension in cases where a veteran was issued a decision awarding entitlement to pension, but the veteran passed away before the payment was issued. This section specifies that the due, but unpaid, pension would be paid to the first living person in the order of this list: (1) the veteran's spouse; (2) the veteran's children (in equal shares); (3) the veteran's dependent parents (in equal shares); or (4) the estate of the deceased veteran unless the estate would escheat.

This section would also establish the limitation for application of unpaid, but due, pension as one-year following the death of the veteran; if no application from an eligible party is filed, the pension will be paid to the estate of the deceased veteran unless the estate escheats.

Finally, this section establishes that the amendments made by this section will apply after the date of the enactment of this Act.

Section 3: Extension of certain limits on payments of pension

This section would extend the limitation of pension payable to certain veterans, their surviving spouses, and their children as established in 38 U.S.C. § 5503(d)(7), from November 30, 2031, to December 31, 2031.

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

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PART IV—GENERAL ADMINISTRATIVE PROVISIONS

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CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS

Sec.

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SUBCHAPTER III—PAYMENT OF BENEFITS

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5121B. Payment of pension after death of a veteran in certain circumstances.

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SUBCHAPTER III—PAYMENT OF BENEFITS

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§ 5121. Payment of certain accrued benefits upon death of a beneficiary

(a) Except as provided in *section 5121B of this title, or* sections 3329 and 3330 of title 31, periodic monetary benefits (other than insurance and servicemen's indemnity) under laws administered by the Secretary to which an individual was entitled at death under existing ratings or decisions or those based on evidence in the file at date of death (hereinafter in this section and section 5122 of this title referred to as "accrued benefits") and due and unpaid, shall, upon the death of such individual be paid as follows:

(1) Upon the death of a person receiving an apportioned share of benefits payable to a veteran, all or any part of such benefits to the veteran or to any other dependent or dependents of the veteran, as may be determined by the Secretary.

(2) Upon the death of a veteran, to the living person first listed below:

(A) The veteran's spouse.

(B) The veteran's children (in equal shares).

(C) The veteran's dependent parents (in equal shares).

(3) Upon the death of a surviving spouse or remarried surviving spouse, to the children of the deceased veteran.

(4) Upon the death of a child, to the surviving children of the veteran who are entitled to death compensation, dependency and indemnity compensation, or death pension.

(5) Upon the death of a child claiming benefits under chapter 18 of this title, to the surviving parents.

(6) In all other cases, only so much of the accrued benefits may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial.

(b) No part of any accrued benefits shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary.

(c) Applications for accrued benefits must be filed within one year after the date of death. If a claimant's application is incomplete at the time it is originally submitted, the Secretary shall notify the claimant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no accrued benefits may be paid.

* * * * * * *

§ 5121B. Payment of pension after death of a veteran in certain circumstances

(a) IN GENERAL.—Subject to subsection (b), if the Secretary issues a decision awarding entitlement to a pension to a veteran before the death of such veteran, and the Secretary issues payment of such pension after the veteran dies, such pension that was due and unpaid at the time of the veteran's death shall be paid to the first living person or entity listed below:

(1) The veteran's spouse.

(2) The veteran's children (in equal shares).

(3) The veteran's dependent parents (in equal shares).

(4) The estate of the deceased veteran unless the estate will escheat.

(b) LIMITATION.—In a case described in subsection (a), if no application is filed under section 5121 of this title during the one-year period following the death of the veteran, the pension described in such subsection shall be paid to the estate of the deceased veteran unless the estate will escheat.

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CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

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§ 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⟧ *December 31, 2031*.

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