

Suspend the Rules and Pass the Bill, H.R. 5245, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

H. R. 5245

To amend title 38, United States Code, to provide for a bar on the recovery of certain payments or overpayments made by the Department of Veterans Affairs by reason of delays in processing of certain information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. PAPPAS (for himself and Mr. ROSE of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for a bar on the recovery of certain payments or overpayments made by the Department of Veterans Affairs by reason of delays in processing of certain information, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stopping Harm and
3 Implementing Enhanced Lead-time for Debts for Veterans
4 Act” or the “SHIELD for Veterans Act”.

5 **SEC. 2. PROHIBITION OF DEBT ARISING FROM OVERPAY-**
6 **MENT DUE TO DELAY IN PROCESSING BY THE**
7 **DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) BAR TO RECOVERY.—

9 (1) IN GENERAL.—Chapter 53 of title 38,
10 United States Code, is amended by inserting after
11 section 5302A the following new section:

12 **“§ 5302B. Prohibition of debt arising from overpay-**
13 **ment due to delay in processing**

14 “(a) LIMITATION.—No individual may incur a debt
15 to the United States that—

16 “(1) arises from any program or benefit admin-
17 istered by the Under Secretary for Benefits; and

18 “(2) is attributable to the failure of an em-
19 ployee or official of the Department to process infor-
20 mation provided by or on behalf of that individual
21 within applicable timeliness standards established by
22 the Secretary.

23 “(b) NOTICE TO BENEFICIARY.—If the Secretary de-
24 termines that the Secretary has made an overpayment to
25 an individual, the Secretary shall provide notice to the in-
26 dividual of the overpayment. Such notice shall include an

1 explanation of the right of the individual to dispute the
2 overpayment or to request a waiver of indebtedness.

3 “(c) DELAY ON COLLECTION.—The Secretary may
4 not take any action under section 3711 of title 31 regard-
5 ing an overpayment described in a notice under subsection
6 (b) until the date that is 90 days after the date the Sec-
7 retary issues such notice.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 5302A
11 the following new item:

“5302B. Prohibition of debt arising from overpayment due to delay in pro-
cessing.”.

12 (3) DEADLINE.—The Secretary of Veterans Af-
13 fairs shall prescribe regulations to establish stand-
14 ards under section 5302B(a)(2) of such title, as
15 added by subsection (a), not later than 180 days
16 after the date of the enactment of this Act.

17 (b) PLAN FOR IMPROVED NOTIFICATION AND COM-
18 MUNICATION OF DEBTS.—Not later than 180 days after
19 the date of the enactment of this Act, and one year there-
20 after, the Secretary of Veterans Affairs shall submit to
21 Congress a report on the improvement of the notification
22 of and communication with individuals who receive over-
23 payments made by the Secretary. Such report shall include
24 each of the following:

1 (1) The plan of the Secretary to carry out each
2 of the following:

3 (A) The development and implementation
4 of a mechanism by which individuals enrolled in
5 the patient enrollment system under section
6 1705 of title 38, United States Code, may view
7 their monthly patient medical statements elec-
8 tronically.

9 (B) The development and implementation
10 of a mechanism by which individuals eligible for
11 benefits under the laws administered by the
12 Secretary may receive electronic correspondence
13 relating to debt and overpayment information.

14 (C) The development and implementation,
15 by not later than October 1, 2022, of a mecha-
16 nism by which individuals eligible for benefits
17 under the laws administered by the Secretary
18 may access information related to Department
19 of Veterans Affairs debt electronically.

20 (D) The improvement and clarification of
21 Department communications relating to over-
22 payments and debt collection, including letters
23 and electronic correspondence. The Secretary
24 shall develop such improvements and clarifica-
25 tions in consultation with veterans service orga-

1 nizations and other relevant non-governmental
2 organizations.

3 (E) The development and implementation,
4 by not later than October 1, 2022, of a mecha-
5 nism by which veterans may update their de-
6 pendency information electronically.

7 (2) A description of the current efforts and
8 plans for improving the accuracy of payments to in-
9 dividuals entitled to benefits under the laws adminis-
10 tered by the Secretary, including specific data
11 matching agreements.

12 (3) A description of steps to be taken to im-
13 prove the identification of underpayments to such in-
14 dividuals and to improve Department procedures
15 and policies to ensure that such individuals who are
16 underpaid receive adequate compensation payments.

17 (4) A list of actions completed, implementation
18 steps, and timetables for each requirement described
19 in paragraphs (1) through (3).

20 (5) A description of any new legislative author-
21 ity required to complete any such requirement.

1 **SEC. 3. THRESHOLD FOR REPORTING DEBTS TO CON-**
2 **SUMER REPORTING AGENCIES.**

3 (a) IN GENERAL.—Chapter 53 of title 38, United
4 States Code, is amended by adding after section 5319 the
5 following new section:

6 **“§ 5320. Threshold for reporting debts to consumer**
7 **reporting agencies**

8 “The Secretary shall prescribe regulations that estab-
9 lish the minimum amount of a claim or debt, arising from
10 a benefit administered by the Under Secretary for Bene-
11 fits or Under Secretary for Health, that the Secretary will
12 report to a consumer reporting agency under section 3711
13 of title 31.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by adding
16 after the item relating to section 5319 the following new
17 item:

“5320. Threshold for reporting debts to consumer reporting agencies.”.

18 (c) DEADLINE.—The Secretary of Veterans Affairs
19 shall prescribe regulations under section 5320 of such
20 title, as added by subsection (a), not later than 180 days
21 after the date of the enactment of this Act.

22 **SEC. 4. REMOVAL OF DEPENDENTS FROM AWARD OF COM-**
23 **PENSATION OR PENSION.**

24 The Secretary of Veterans Affairs shall ensure that—

1 (1) a veteran may remove any dependent from
2 an award of compensation or pension to the veteran
3 using the eBenefits system of the Department of
4 Veterans Affairs, or a successor system; and

5 (2) such removal takes effect not later than 60
6 days after the date on which the veteran makes such
7 removal.

8 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

9 The budgetary effects of this Act, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010,
11 shall be determined by reference to the latest statement
12 titled “Budgetary Effects of PAYGO Legislation” for this
13 Act, submitted for printing in the Congressional Record
14 by the Chairman of the House Budget Committee, pro-
15 vided that such statement has been submitted prior to the
16 vote on passage.