

116TH CONGRESS  
1ST 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.

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## 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. BAR TO RECOVERY OF CERTAIN PAYMENTS OR**  
2 **OVERPAYMENTS MADE BY DEPARTMENT OF**  
3 **VETERANS AFFAIRS BY REASON OF DELAYS**  
4 **IN PROCESSING OF CERTAIN INFORMATION.**

5 (a) BAR TO RECOVERY.—

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

9 **“§ 5302B. Bar to recovery of certain payments or**  
10 **overpayments**

11 “(a) LIMITATION.—The Secretary may not collect all  
12 or any part of an amount owed to the United States by  
13 any individual under any program under the laws adminis-  
14 tered by the Secretary if the amount is owed for any pay-  
15 ment or overpayment that was caused by the amount of  
16 time taken by the Department, or by any employee of the  
17 Department, to process information provided by or on be-  
18 half of the individual.

19 “(b) NOTICE TO BENEFICIARY.—If the Secretary de-  
20 termines that the Secretary has made an overpayment to  
21 an individual, the Secretary shall provide notice to the in-  
22 dividual of the overpayment and of any action the Sec-  
23 retary plans to take to collect repayment for the overpay-  
24 ment or to reduce any benefit of the individual by reason  
25 of the overpayment by not later than 90 days before tak-  
26 ing such action. Such notice shall include an explanation

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

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

“5302B. Bar to recovery of certain payments or overpayments.”.

7 (b) PLAN FOR IMPROVED NOTIFICATION AND COM-  
8 MUNICATION OF DEBTS.—Not later than May 1, 2020,  
9 and 12 months thereafter, the Secretary of Veterans Af-  
10 fairs shall submit to Congress a report on the improve-  
11 ment of the notification of and communication with indi-  
12 viduals who receive overpayments made by the Secretary.  
13 Such report shall include each of the following:

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

16 (A) The development and implementation,  
17 by not later than January 31, 2020, of a mech-  
18 anism by which individuals enrolled in the pa-  
19 tient enrollment system under section 1705 of  
20 title 38, United States Code, may view their  
21 monthly patient medical statements electroni-  
22 cally.

23 (B) The development and implementation,  
24 by not later than April 30, 2020, of a mecha-  
25 nism by which individuals eligible for benefits

1 under the laws administered by the Secretary  
2 may receive electronic correspondence relating  
3 to debt and overpayment information.

4 (C) The development and implementation,  
5 by not later than October 1, 2022, of a mecha-  
6 nism by which individuals eligible for benefits  
7 under the laws administered by the Secretary  
8 may access information related to Department  
9 of Veterans Affairs debt electronically.

10 (D) The improvement and clarification, by  
11 not later than March 31, 2020, and in consulta-  
12 tion with veterans service organizations and  
13 other relevant non-governmental organizations,  
14 of Department communications relating to over-  
15 payments and debt collection, including letters  
16 and electronic correspondence.

17 (E) The development and implementation,  
18 by not later than October 1, 2022, of a mecha-  
19 nism by which veterans may update their de-  
20 pendency information electronically.

21 (2) A description of the current efforts and  
22 plans for improving the accuracy of payments to in-  
23 dividuals entitled to benefits under the laws adminis-  
24 tered by the Secretary, including specific data  
25 matching agreements.

1           (3) A description of steps to be taken to im-  
2           prove the identification of underpayments to such in-  
3           dividuals and to improve Department procedures  
4           and policies to ensure that such individuals who are  
5           underpaid receive adequate compensation payments.

6           (4) A list of actions completed, implementation  
7           steps, and timetables for each requirement described  
8           in paragraphs (1) through (3).

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

11 **SEC. 3. PROHIBITION ON DEPARTMENT OF VETERANS AF-**  
12 **FAIRS INTEREST AND ADMINISTRATIVE COST**  
13 **CHARGES FOR DEBTS RELATING TO CERTAIN**  
14 **BENEFITS PROGRAMS.**

15          (a) IN GENERAL.—Section 5315(a)(1) of title 38,  
16 United States Code, is amended—

17           (1) by striking “other than a loan” and all that  
18           follows through the semicolon and inserting “other  
19           than—”; and

20           (2) by adding at the end the following new sub-  
21           paragraphs:

22                   “(A) a loan, loan-guaranty, or loan-insur-  
23                   ance program;

24                   “(B) a disability compensation program;

25                   “(C) a pension program; or

1                   “(D) an educational assistance program.”.

2           (b) **EFFECTIVE DATE.**—The amendments made by  
3 subsection (a) shall apply with respect to an indebtedness  
4 that occurs on or after the date of the enactment of this  
5 Act.

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