

116TH CONGRESS
1ST SESSION

S. 2988

To address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2019

Mr. TESTER (for himself, Ms. COLLINS, Mr. CASEY, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs, 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 “Veteran Pension Pro-
5 tection Act of 2019”.

1 **SEC. 2. PLAN TO ADDRESS THE FINANCIAL EXPLOITATION**
2 **OF VETERANS RECEIVING PENSION FROM**
3 **THE DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) DEVELOPMENT OF METHOD FOR SOLICITATION
5 AND COLLECTION OF INFORMATION.—Not later than one
6 year after the date of the enactment of this Act, the Sec-
7 retary of Veterans Affairs shall develop a method for sys-
8 tematically soliciting and collecting information on com-
9 plaints received, referrals made, and actions taken by the
10 pension management centers of the Department of Vet-
11 erans Affairs and any other relevant components of the
12 Department, in cases of potential financial exploitation of
13 individuals receiving pension under chapter 15 of title 38,
14 United States Code.

15 (b) PLAN TO ASSESS AND ADDRESS FINANCIAL EX-
16 PLOITATION OF VETERANS.—

17 (1) IN GENERAL.—The Secretary shall develop
18 and periodically update a plan—

19 (A) to regularly assess the information so-
20 licited and collected under subsection (a) to
21 identify trends of potential financial exploitation
22 of the individuals described in subsection (a)
23 across the Department; and

24 (B) to outline actions that the Department
25 can take to improve education and training to
26 address those trends.

1 (2) SUBMISSION OF PLAN.—Not later than one
 2 year after the date of the enactment of this Act, and
 3 not less frequently than once every two years there-
 4 after, the Secretary shall submit the plan most re-
 5 cently developed or updated under paragraph (1)
 6 to—

7 (A) the Comptroller General of the United
 8 States; and

9 (B) the Committee on Veterans' Affairs
 10 and the Special Committee on Aging of the
 11 Senate and the Committee on Veterans' Affairs
 12 of the House of Representatives.

13 **SEC. 3. OVERPAYMENTS OF PENSION TO VETERANS RE-**
 14 **CEIVING PENSION FROM THE DEPARTMENT**
 15 **OF VETERANS AFFAIRS.**

16 (a) GUIDANCE AND TRAINING FOR CLAIMS PROC-
 17 ESSORS.—As the Secretary considers necessary, but not
 18 less frequently than once every three years, the Under Sec-
 19 retary for Benefits of the Department of Veterans Affairs
 20 shall update guidance and training curriculum for the
 21 processors of claims for pension under chapter 15 of title
 22 38, United States Code, regarding the evaluation of ques-
 23 tionable medical expenses on applications for pension, in-
 24 cluding by updating such guidance with respect to what

1 constitutes a questionable medical expense and by includ-
 2 ing examples of such expenses.

3 (b) IDENTIFICATION AND TRACKING.—The Under
 4 Secretary shall develop a method for identifying and track-
 5 ing the number of individuals who have received overpay-
 6 ments of pension under chapter 15 of title 38, United
 7 States Code.

8 (c) ANNUAL REPORT.—Not later than one year after
 9 the date of the enactment of this Act, and not later than
 10 October 31 of each fiscal year beginning thereafter, the
 11 Under Secretary shall submit to Congress a report that
 12 includes, for the period covered by the report—

13 (1) the number of individuals who received
 14 overpayments of pension under chapter 15 of title
 15 38, United States Code; and

16 (2) the reason for each overpayment.

17 **SEC. 4. EVALUATION OF ADDITIONAL ACTIONS FOR**
 18 **VERIFYING DIRECT DEPOSIT INFORMATION**
 19 **PROVIDED BY VETERANS ON APPLICATIONS**
 20 **FOR VETERANS PENSION.**

21 (a) IN GENERAL.—The Under Secretary for Benefits
 22 of the Department of Veterans Affairs shall—

23 (1) conduct an evaluation of the feasibility and
 24 advisability of requiring the processors of claims for
 25 pension under chapter 15 of title 38, United States

1 Code, to take additional actions to verify that the di-
2 rect deposit information provided by an individual on
3 an application for pension is for the appropriate re-
4 cipient; and

5 (2) identify such legislative or administrative
6 actions as the Under Secretary considers appropriate
7 to ensure that payments of pension are provided to
8 the correct recipients.

9 (b) SUBMISSION TO CONGRESS.—

10 (1) IN GENERAL.—Not later than 240 days
11 after the date of the enactment of this Act, the
12 Under Secretary shall submit to Congress a report
13 on the evaluation and identification under subsection
14 (a).

15 (2) CONTENTS.—The report required by para-
16 graph (1) shall include the following:

17 (A) The findings of the Under Secretary
18 with respect to the evaluation conducted under
19 subsection (a)(1).

20 (B) The actions identified under subsection
21 (a)(2).

22 (C) A plan for implementing any adminis-
23 trative actions identified under subsection
24 (a)(2).

1 (D) A rationale for not implementing any
2 actions evaluated under paragraph (1) of sub-
3 section (a) but not identified under paragraph
4 (2) of such subsection.

5 **SEC. 5. ANNUAL REPORT ON EFFORTS OF DEPARTMENT OF**
6 **VETERANS AFFAIRS TO ADDRESS THE FINAN-**
7 **CIAL EXPLOITATION OF VETERANS RECEIV-**
8 **ING PENSION.**

9 (a) IN GENERAL.—Not less frequently than once
10 each year, the Secretary of Veterans Affairs shall submit
11 to the Committee on Veterans' Affairs of the Senate and
12 the Committee on Veterans' Affairs of the House of Rep-
13 resentatives a report on efforts to address the financial
14 exploitation of individuals receiving pension under chapter
15 15 of title 38, United States Code.

16 (b) CONTENTS.—Each report required by subsection
17 (a) shall include, for the period covered by the report, the
18 following:

19 (1) The number of individuals who received
20 pension under chapter 15 of title 38, United States
21 Code, who have been referred by any component of
22 the Department of Veterans Affairs to the Office of
23 Inspector General of the Department as likely or
24 proven victims of financial exploitation.

1 (2) The number of referrals and reports relat-
 2 ing to the financial exploitation of such individuals
 3 made by the Department of Veterans Affairs to—

4 (A) the Consumer Sentinel Network of the
 5 Federal Trade Commission; and

6 (B) the Department of Justice.

7 (3) A description of the actions taken as a re-
 8 sult of such referrals and reports against—

9 (A) individuals recognized by the Secretary
 10 as agents or attorneys under section 5904 of
 11 title 38, United States Code; and

12 (B) individuals not so recognized.

13 **SEC. 6. NOTICE REGARDING FEES CHARGED IN CONNEC-**
 14 **TION WITH FILING AN APPLICATION FOR**
 15 **VETERANS PENSION.**

16 The Under Secretary for Benefits of the Department
 17 of Veterans Affairs shall ensure that every paper or elec-
 18 tronic document relating to the receipt of pension under
 19 chapter 15 of title 38, United States Code, that is avail-
 20 able to individuals who apply for such pension, including
 21 educational forms about or applications for such pension,
 22 includes a notice that the Department does not charge any
 23 fee in connection with the filing of an application for such
 24 pension.

1 **SEC. 7. OUTREACH PLAN FOR EDUCATING VULNERABLE**
2 **VETERANS ABOUT POTENTIAL FINANCIAL EX-**
3 **PLOITATION RELATING TO THE RECEIPT OF**
4 **PENSION.**

5 (a) DEVELOPMENT OF PLAN.—The Under Secretary
6 for Benefits of the Department of Veterans Affairs shall
7 develop, in collaboration with veterans service organiza-
8 tions, an outreach plan for educating vulnerable individ-
9 uals about potential financial exploitation relating to the
10 receipt of pension under chapter 15 of title 38, United
11 States Code.

12 (b) SUBMISSION TO CONGRESS.—Not later than 180
13 days after the date of the enactment of this Act, the Under
14 Secretary shall submit to the Committee on Veterans' Af-
15 fairs and the Special Committee on Aging of the Senate
16 and the Committee on Veterans' Affairs of the House of
17 Representatives the plan developed under subsection (a).

18 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
19 In this section, the term “veterans service organization”
20 means an organization recognized by the Secretary of Vet-
21 erans Affairs for the representation of veterans under sec-
22 tion 5902 of title 38, United States Code.

