

111TH CONGRESS
1ST SESSION

H. R. 1902

To provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Ms. GINNY BROWN-WAITE of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, 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 “Providing Real Out-
5 reach for Veterans Act of 2009” or the “PRO-VETS Act
6 of 2009”.

1 **SEC. 2. SHARING INFORMATION TO IMPROVE VETERANS'**
2 **ACCESS TO BENEFITS.**

3 (a) **AGREEMENT ON DATA TRANSFER.—**

4 (1) **IN GENERAL.—**The Secretary of Veterans
5 Affairs shall enter into an agreement with the Sec-
6 retary of Defense providing for the transfer of data
7 to the Secretary of Veterans Affairs in accordance
8 with this section for the purpose of providing mem-
9 bers of the Armed Forces and veterans with individ-
10 ualized information about any veterans benefits that
11 member or veteran may be eligible for.

12 (2) **CONTENTS OF AGREEMENT.—**

13 (A) **SPECIFIC CRITERIA FOR IDENTIFICA-**
14 **TION OF DATA.—**The agreement shall specify
15 criteria to identify data of the Department of
16 Defense, including personnel data and data con-
17 tained in an electronic medical record system,
18 that the Secretary of Defense and the Secretary
19 of Veterans Affairs agree could be used by the
20 Secretary of Veterans Affairs—

21 (i) to determine the eligibility of a
22 member of the Armed Forces or veteran
23 for veterans benefits; and

24 (ii) as an indicator of a likelihood that
25 a member of the Armed Forces or veteran
26 is eligible for veterans benefits.

1 (B) ELECTRONIC DATA TRANSFER METH-
2 OD.—The agreement shall contain a description
3 of an efficient electronic method to be used for
4 the transfer of data identified in accordance
5 with the criteria specified under subparagraph
6 (A) under the agreement.

7 (C) TRANSFER OF DATA.—Under the
8 agreement, the Secretary of Defense shall
9 transfer data identified in accordance with the
10 criteria under subparagraph (A) to the Sec-
11 retary of Veterans Affairs as follows:

12 (i) In the case of a member of the
13 Armed Forces who is scheduled for dis-
14 charge or separation from service, at the
15 time the Secretary of Defense first learns
16 of the scheduled discharge or separation,
17 but not later than one month after the
18 date of such discharge or separation.

19 (ii) In the case of a member of the
20 Armed Forces or veteran not covered
21 under clause (i), at such time as is speci-
22 fied under the agreement, but subject to
23 subsection (e).

24 (b) IDENTIFICATION OF BENEFITS AVAILABLE.—

1 (1) GENERATION OF INITIAL LIST.—Not later
2 than 7 days after the date the Secretary of Veterans
3 Affairs receives data concerning a member of the
4 Armed Forces or veteran under the agreement under
5 subsection (a), the Secretary shall compile a list with
6 respect to the member or veteran of all veterans ben-
7 efits for which the member or veteran may be eligi-
8 ble based on the data. The list shall be divided
9 into—

10 (A) benefits for which the member or vet-
11 eran has a high probability of being eligible;
12 and

13 (B) all other benefits for which the mem-
14 ber or veteran may be eligible.

15 (2) UPDATED BENEFITS LIST.—The Secretary
16 shall update the list under paragraph (1) with re-
17 spect to a member of the Armed Forces or veteran
18 on an annual basis using any information that the
19 Department of Veterans Affairs may possess about
20 the member or veteran.

21 (c) NOTIFICATION OF AVAILABLE BENEFITS.—

22 (1) INITIAL NOTIFICATION.—Upon compiling
23 the list of benefits under subsection (b)(1)(A) with
24 respect to a member of the Armed Forces or vet-
25 eran, the Secretary of Veterans Affairs shall send a

1 notice of the benefits to the member or veteran or
2 the legal representative of the member or veteran.
3 The notice shall also contain an explanation of each
4 such benefit and a summary of any application re-
5 quirements and procedures that the member or vet-
6 eran must comply with to be eligible to receive the
7 benefit.

8 (2) SUBSEQUENT NOTIFICATIONS.—

9 (A) SECOND NOTICE.—If a member of the
10 Armed Forces or veteran provided a notice
11 under paragraph (1) does not apply for any
12 benefit listed in the notice by the end of the 60-
13 day period beginning on the date that the Sec-
14 retary sent the notice, the Secretary shall send
15 a second notice to the member or veteran or the
16 legal representative of the member or veteran.
17 The notice shall contain the same information
18 as the notice sent to the member, veteran, or
19 legal representative under paragraph (1).

20 (B) SUBSEQUENT ANNUAL NOTICES.—If a
21 member of the Armed Forces or veteran pro-
22 vided a notice under subparagraph (A) does not
23 apply for any benefit listed in the notice by the
24 end of the year beginning on the date that the
25 Secretary sent the notice, the Secretary shall

1 send a subsequent notice to the member or vet-
2 eran or the legal representative of the member
3 or veteran. The notice shall contain information
4 on the veterans benefits for which the member
5 or veteran has a high probability of being eligi-
6 ble based on the updated list under subsection
7 (b)(2) with respect to the member or veteran.

8 (3) NOTICES BASED ON CHANGED CIR-
9 CUMSTANCES.—

10 (A) IN GENERAL.—The Secretary shall
11 send a notice to the member or veteran or the
12 legal representative of the member or veteran if,
13 based on data available to the Secretary, the
14 Secretary identifies a member of the Armed
15 Forces or veteran as having a high probability
16 of being eligible for a veterans benefit and—

17 (i) the member or veteran has not ap-
18 plied for the benefit;

19 (ii) the Secretary has not sent the
20 member or veteran a notice under this sub-
21 section with respect to the benefit; and

22 (iii) the Secretary has not informed
23 the member or veteran of the benefit under
24 subsection (d)(2) or any other provision of
25 law.

1 (B) CONTENTS.—The notice under sub-
2 paragraph (A) shall contain information on the
3 benefit for which the veteran has a high prob-
4 ability of being eligible, an explanation of such
5 benefit, and a summary of any application re-
6 quirements and procedures that the member or
7 veteran must comply with to be eligible to re-
8 ceive the benefit.

9 (4) OPTION TO DECLINE FURTHER NOTICES.—

10 (A) IN GENERAL.—The Secretary shall
11 provide each member of the Armed Forces and
12 veteran that is sent a notice under this sub-
13 section with the option to decline further no-
14 tices under this subsection.

15 (B) NOTICE OF OPTION.—Each notice
16 under this subsection shall include information
17 concerning the option to decline further notices
18 under this subsection.

19 (C) PROHIBITION OF FURTHER NO-
20 TICES.—If a member of the Armed Forces or
21 veteran declines further notices under this para-
22 graph, the Secretary may not send any notices
23 under this section to the member or veteran
24 after the date the member or veteran declines
25 further notices.

1 (5) METHOD OF DELIVERY OF NOTICES.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), all notices under this subsection
4 shall be sent—

5 (i) by mail; and

6 (ii) electronically, if the Secretary has
7 electronic contact information for the
8 member, veteran, or legal representative of
9 the member or veteran.

10 (B) OPTION ON METHOD OF DELIVERY OF
11 NOTICES.—The Secretary shall provide each
12 member and veteran with the opportunity to be
13 sent notices under this subsection solely—

14 (i) by mail; or

15 (ii) through electronic methods, such
16 as email.

17 (d) APPLICATION PROCESS.—

18 (1) STREAMLINED APPLICATION PROCESS.—

19 (A) IN GENERAL.—The Secretary of Vet-
20 erans Affairs shall use the data received under
21 subsection (a) and any additional relevant data
22 that the Department of Veterans Affairs has in
23 its possession to reduce the amount of informa-
24 tion that a member of the Armed Forces or vet-
25 eran must provide when the member or veteran

1 applies to the Department for veterans benefits.
2 The use of such data may include prepopulating
3 a paper or Web-based application form to be
4 used by the member or veteran with the data.

5 (B) CONFIRMATION.—The Secretary may
6 require that a member of the Armed Forces or
7 veteran confirm or verify any data that the De-
8 partment of Veterans Affairs uses under sub-
9 paragraph (A) to determine the eligibility of the
10 member or veteran for veterans benefits.

11 (2) EVALUATION OF ELIGIBILITY.—

12 (A) REVIEW OF LIST.—When evaluating a
13 member of the Armed Forces or veteran for eli-
14 gibility for veterans benefits, the Secretary shall
15 review the list of benefits for the member or
16 veteran compiled under subsection (b).

17 (B) DISCLOSURE OF INFORMATION.—If
18 the Secretary determines that the member or
19 veteran has a high probability of being eligible
20 for a benefit so listed for which the member or
21 veteran did not apply, the Secretary shall in-
22 form the member or veteran of the benefit and
23 of the opportunity to apply for the benefit.

24 (C) RECORD OF DISCLOSURE.—If the Sec-
25 retary informs a member or veteran of a benefit

1 under subparagraph (B), the Secretary shall
2 keep a record, for a period of not less than 5
3 years, that contains, at a minimum—

4 (i) the date on which the Secretary in-
5 formed the member or veteran of such ben-
6 efit;

7 (ii) the name of the member or vet-
8 eran; and

9 (iii) a general description of the infor-
10 mation provided to the member or veteran
11 by the Secretary.

12 (3) NOTICE OF DENIAL.—Not later than 30
13 days after the date a member of the Armed Forces
14 or veteran is determined not eligible for a veterans
15 benefit for which the member or veteran has applied,
16 the Secretary shall provide notice to the member or
17 veteran of the determination. The notice shall in-
18 clude an explanation of the reason for the deter-
19 mination.

20 (e) TRANSITION PERIOD.—Not later than 5 years
21 after the date of enactment of this Act, for all veterans
22 discharged from the Armed Forces prior to the date of
23 enactment of this Act, the Secretary of Defense shall
24 transfer to the Department of Veterans Affairs all data
25 that exists in electronic systems of the Department of De-

1 fense on the date of the transfer and that meet the criteria
2 specified in subsection (a)(2)(A).

3 (f) RELATION TO OTHER LAW.—The Secretary of
4 Veterans Affairs shall implement this section in a manner
5 that does not conflict with the processes, procedures, and
6 standards for the transition of recovering members of the
7 Armed Forces from care and treatment through the De-
8 partment of Defense to care, treatment, and rehabilitation
9 through the Department of Veterans Affairs under section
10 1614 of the Wounded Warrior Act (title XVI of Public
11 Law 110–181; 10 U.S.C. 1071 note).

12 (g) PRIVACY.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall provide a member of the Armed Forces or a
15 veteran the opportunity to decline authorization for
16 the transfer under subsection (a) of some or all of
17 the data associated with the member or veteran.

18 (2) CONSENT PRESUMED.—If a member of the
19 Armed Forces or veteran does not decline an author-
20 ization under paragraph (1), the member or veteran
21 shall be treated as having authorized the transfer of
22 data under subsection (a) until any date on which
23 the member or veteran declines the authorization of
24 the transfer.

1 (3) PROHIBITION OF DATA TRANSFER.—Data
2 associated with a member of the Armed Forces or
3 a veteran may not be transferred under subsection
4 (a) after any date on which the member or veteran
5 declines the authorization of such transfer under
6 paragraph (1).

7 (4) CONSTRUCTION.—

8 (A) HEALTH INSURANCE PORTABILITY
9 AND ACCOUNTABILITY ACT.—Nothing in this
10 section shall be construed as waiving regula-
11 tions promulgated under section 264(c) of the
12 Health Insurance Portability and Accountability
13 Act of 1996 (Public Law 104–191).

14 (B) PRIVACY ACT.—Transfers of data to
15 the Secretary of Veterans Affairs under the
16 agreement under subsection (a) shall be treated
17 as a routine use of a record for purposes of sec-
18 tion 552a of title 5, United States Code.

19 (h) DEFINITIONS.—For the purposes of this section:

20 (1) The term “veteran” has the meaning given
21 such term under section 101 of title 38, United
22 States Code.

23 (2) The term “Armed Forces” has the meaning
24 given the term “armed forces” under section 101 of
25 title 10, United States Code.

1 (3) The term “veterans benefits” means bene-
2 fits under laws administered by the Secretary of
3 Veterans Affairs.

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