

110TH CONGRESS
1ST SESSION

S. 1569

To establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2007

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, 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 “Veterans Advocacy Act
5 of 2007”.

1 **SEC. 2. PILOT PROGRAM ON PROVISION OF LEGAL ASSIST-**
2 **ANCE TO ASSIST VETERANS AND MEMBERS**
3 **OF THE ARMED FORCES RECEIVE HEALTH**
4 **CARE, BENEFITS, AND SERVICES.**

5 (a) PILOT PROGRAM REQUIRED.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall carry out a pilot program to assess the
8 feasibility and advisability of utilizing eligible enti-
9 ties to provide legal services to assist veterans and
10 members of the Armed Forces in applying for and
11 receiving health care, benefits, and services.

12 (2) CONSULTATION.—The Secretary of Vet-
13 erans Affairs shall carry out the pilot program in
14 consultation with the Secretary of Defense.

15 (b) GRANTS.—

16 (1) IN GENERAL.—The Secretary of Veterans
17 Affairs shall carry out the pilot program through the
18 award of grants to eligible entities selected by the
19 panel established in accordance with subsection

20 (d)(1) for—

21 (A) the provision of legal services at no
22 cost to members of the Armed Forces and vet-
23 erans as described in subsection (a)(1); or

24 (B) the provision of legal training to attor-
25 neys of eligible entities on the health and bene-
26 fits programs of the Department of Defense

1 and the Department of Veterans Affairs to fa-
2 cilitate the provision of legal services described
3 in subsection (a)(1).

4 (2) AWARDING GRANTS.—Grants under this
5 subsection shall be awarded to eligible entities se-
6 lected pursuant to subsection (d) not later than 180
7 days after the date of the enactment of this Act.

8 (3) NUMBER OF GRANTS.—

9 (A) IN GENERAL.—The Secretary shall
10 award 10 grants under the pilot program.

11 (B) STATE-DESIGNATED PROTECTION AND
12 ADVOCACY SYSTEMS.—Not less than five of the
13 grants awarded under the pilot program shall
14 be awarded to State-designated protection and
15 advocacy systems.

16 (4) GRANT AMOUNT.—The amount of each
17 grant awarded under the pilot program shall be de-
18 termined by the selection panel described in sub-
19 section (d)(1), except that each such grant may not
20 be awarded in an amount that—

21 (A) exceeds \$100,000; or

22 (B) is less than \$25,000.

23 (5) DURATION.—The duration of any grant
24 awarded under the pilot program may not exceed
25 one year.

1 (6) AVOIDANCE OF FRIVOLOUS BENEFIT
2 CLAIMS.—An eligible entity that receives a grant
3 under this subsection shall make reasonable efforts
4 to avoid representing veterans and members of the
5 Armed Forces with respect to frivolous benefits
6 claims.

7 (c) ELIGIBLE ENTITIES.—For purposes of this sub-
8 section, an eligible entity is any entity or organization, in-
9 cluding a State-designated protection and advocacy sys-
10 tems, that—

11 (1) is not part of the Department of Veterans
12 Affairs or the Department of Defense; and

13 (2) provides legal services by licensed attorneys
14 with experience assisting veterans, members of the
15 Armed Forces, or persons with disabilities.

16 (d) SELECTION OF GRANT RECIPIENTS.—

17 (1) SELECTION BY PANEL.—

18 (A) IN GENERAL.—Each application sub-
19 mitted under paragraph (2) shall be evaluated
20 by a panel appointed by the Secretary for pur-
21 poses of the pilot program. The panel shall se-
22 lect eligible entities for receipt of grants under
23 subsection (b) from among the applications so
24 evaluated.

1 (B) MEMBERSHIP OF PANEL.—Members of
2 the panel shall be appointed in equal numbers
3 from among individuals as follows:

4 (i) Officers and employees of the De-
5 partment of Veterans Affairs.

6 (ii) With the approval of the Secretary
7 of Defense, officers and employees of the
8 Department of Defense.

9 (iii) Representatives of veterans serv-
10 ice organizations.

11 (iv) Representatives of organizations
12 that provide services to members of the
13 Armed Forces.

14 (v) Attorneys that represent veterans.

15 (vi) Attorneys employed by a State-
16 designated protection and advocacy system.

17 (2) APPLICATION.—An eligible entity seeking a
18 grant under the pilot program shall submit to the
19 Secretary of Veterans Affairs an application therefor
20 in such form and in such manner as the Secretary
21 considers appropriate.

22 (3) ELEMENTS.—Each application submitted
23 under paragraph (2) shall include the following:

1 (A) In the case of an eligible entity apply-
2 ing for a grant under subsection (b)(1)(A), the
3 following:

4 (i) A description of the population of
5 members of the Armed Forces and vet-
6 erans to be provided assistance.

7 (ii) A description of the outreach to
8 be conducted by the eligible entity con-
9 cerned to notify members of the Armed
10 Forces and veterans of the availability of
11 such assistance.

12 (B) In the case of an eligible entity apply-
13 ing for a grant under subsection (b)(1)(B), the
14 following:

15 (i) A description of the population of
16 attorneys to be provided training.

17 (ii) A description of the outreach to
18 be conducted by the eligible entity con-
19 cerned to notify attorneys of the avail-
20 ability of such training.

21 (C) In the case of an eligible entity apply-
22 ing for a grant under subparagraphs (A) and
23 (B) of subsection (b)(1), the elements described
24 in subparagraphs (A) and (B) of this para-
25 graph.

1 (e) REPORT.—Not later than one year after the date
 2 described in subsection (b)(2), the Secretary of Veterans
 3 Affairs shall submit to the Committee on Veterans’ Affairs
 4 of the Senate and the Committee on Veterans’ Affairs of
 5 the House of Representatives a report on the pilot pro-
 6 gram required by subsection (a), including the following:

7 (1) The number of veterans and members of
 8 the Armed Forces that received assistance or serv-
 9 ices from such pilot program.

10 (2) A description of the assistance and services
 11 provided as part of such pilot program.

12 (f) DEFINITIONS.—In this section:

13 (1) STATE-DESIGNATED PROTECTION AND AD-
 14 VOCACY SYSTEM.—The term “State-designated pro-
 15 tection and advocacy system” means a system estab-
 16 lished in a State to protect the legal and human
 17 rights of individuals with developmental disabilities
 18 in accordance with subtitle C of the Developmental
 19 Disabilities Assistance and Bill of Rights Act of
 20 2000 (42 U.S.C. 15041 et seq.).

21 (2) VETERANS SERVICE ORGANIZATION.—The
 22 term “veterans service organization” means any or-
 23 ganization organized by the Secretary of Veterans
 24 Affairs for the representation of veterans under sec-
 25 tion 5902 of title 38, United States Code.

1 (g) FUNDING.—Of amounts appropriated for “De-
2 fense Health Program” in the U.S. Troop Readiness, Vet-
3 erans’ Care, Katrina Recovery, and Iraq Accountability
4 Appropriations Act, 2007 (Public Law 110–28),
5 \$1,000,000 shall be available for fiscal year 2008 to carry
6 out the provisions of this section and not for the purposes
7 for which appropriated by such Act. Any amount made
8 available by this subsection shall remain available without
9 fiscal year limitation.

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