

116TH CONGRESS
1ST SESSION

H. R. 4360

To amend title 38, United States Code, to improve the due process accorded veterans with respect to recovery of overpayments made by the Department and other amounts owed by veterans to the United States, to improve the processing of veterans benefits by the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2019

Mr. KIM (for himself and Mr. HILL of Arkansas) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the due process accorded veterans with respect to recovery of overpayments made by the Department and other amounts owed by veterans to the United States, to improve the processing of veterans benefits by 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 “VA Overpayment Ac-
5 countability Act”.

1 **SEC. 2. REPAIR OF CREDIT.**

2 (a) IN GENERAL.—Chapter 53 of title 38, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 5320. Correction of erroneous information sub-**
6 **mitted to consumer reporting agencies**

7 “(a) CORRECTING ERRORS BY THE DEPARTMENT.—

8 In any case in which the Secretary finds that the Depart-
9 ment has submitted erroneous information to a consumer
10 reporting agency about the indebtedness of any person
11 who has been determined by the Secretary to be indebted
12 to the United States by virtue of the participation of that
13 person in a benefits program administered by the Sec-
14 retary, the Secretary shall—

15 “(1) instruct the consumer reporting agency to
16 remove such erroneous information from the con-
17 sumer report of such person or take such other ac-
18 tion as may be required to ensure that such erro-
19 neous information is not included in the report of
20 such person; and

21 “(2) transmit to the consumer reporting agency
22 such information as the consumer reporting agency
23 may require to take such appropriate actions.

24 “(b) CORRECTING ERRORS BY DEBT COLLECTORS.—

25 In any case in which the Secretary finds that a debt col-
26 lector acting on behalf of the Department has submitted

1 erroneous information to a consumer reporting agency
2 about the indebtedness of any person who has been deter-
3 mined by the Secretary to be indebted to the United States
4 by virtue of the participation of that person in a benefits
5 program administered by the Secretary, the Secretary
6 shall instruct the debt collector to request the consumer
7 reporting agency remove such erroneous information from
8 the consumer report of such person or take such other
9 action as may be required to ensure such erroneous infor-
10 mation is not included in the report of such person.

11 “(c) NOTICE.—Not later than 60 days after the date
12 on which the Secretary issues an instruction under sub-
13 section (a)(1) or (b) with respect to a person, the Sec-
14 retary shall notify the person that the Secretary issued
15 such instruction.

16 “(d) DEFINITIONS.—In this section:

17 “(1) The terms ‘consumer report’ and ‘con-
18 sumer reporting agency’ have the meanings given
19 such terms in section 603 of the Fair Credit Report-
20 ing Act (15 U.S.C. 1681a).

21 “(2) The term ‘debt collector’ has the meaning
22 given such term in section 803 of the Fair Debt Col-
23 lection Practices Act (15 U.S.C. 1692a).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 53 of such title is amended
3 by adding at the end the following new item:

“5320. Correction of erroneous information submitted to consumer reporting agencies.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act and shall apply with respect to deductions
7 made under section 5314 of such title, administrative
8 costs under section 5315 of such title, and suits filed
9 under section 5316 of such title on or after such date.

10 **SEC. 3. IMPROVED PROCESSING OF BENEFITS BY DEPART-**
11 **MENT OF VETERANS AFFAIRS.**

12 The Secretary of Veterans Affairs shall improve the
13 information technology of the Department of Veterans Af-
14 fairs (including the eBenefits system or successor system)
15 as may be necessary to achieve the following:

16 (1) NOTIFICATION OF DEBTS INCURRED.—The
17 Secretary shall provide a notification to a person
18 who—

19 (A) is entitled to a payment from the Sec-
20 retary under a benefits program administered
21 by the Secretary;

22 (B) incurs a debt to the United States
23 under that benefits program; and

24 (C) elects to receive such notifications.

1 (2) REVIEW OF INFORMATION REGARDING DE-
2 PENDENTS.—A person entitled to a payment from
3 the Secretary under a benefits program administered
4 by the Secretary may review information relating to
5 dependents of that person.

6 (3) TRACKING METRICS.—The Secretary shall
7 be able to track—

8 (A) the number and amount of payments
9 made by the Secretary to a person entitled to
10 a payment from the Secretary under a benefits
11 program administered by the Secretary who in-
12 curs a debt to the United States under such
13 program;

14 (B) the average debt to the United States
15 incurred by a person described in subparagraph
16 (A);

17 (C) how frequently the Secretary approves
18 and denies applications for relief under section
19 5302(a) of title 38, United States Code; and

20 (D) such other metrics the Secretary deter-
21 mines appropriate.

1 **SEC. 4. AUDIT OF ERRONEOUS PAYMENTS BY VETERANS**
2 **BENEFITS ADMINISTRATION; PLAN OF COR-**
3 **RECTION.**

4 (a) **AUDIT.**—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Veterans
6 Affairs shall complete an audit to determine the following:

7 (1) The frequency by which the Department of
8 Veterans Affairs makes an error that results in a
9 payment to a person by virtue of such person’s par-
10 ticipation in a benefits program administered by the
11 Secretary that such person is not entitled to or in
12 an amount that exceeds the amount to which the
13 person is entitled.

14 (2) Whether and to what degree vacant posi-
15 tions in the Veterans Benefits Administration affect
16 such frequency.

17 (b) **PLAN.**—Not later than 30 days after the comple-
18 tion of the audit under subsection (a), the Secretary of
19 Veterans Affairs shall submit to the Committees on Vet-
20 erans’ Affairs of the Senate and House of Representatives
21 a plan and description of resources necessary to align in-
22 formation technology systems to ensure that errors de-
23 scribed in subsection (a)(1) are not the result of commu-
24 nication or absence of communication between information
25 technology systems.