

116TH CONGRESS  
2D SESSION

# H. R. 6018

To authorize the Secretary of Veterans Affairs to collect overpayments of specially adapted housing assistance.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2020

Mr. CORREA introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To authorize the Secretary of Veterans Affairs to collect overpayments of specially adapted housing assistance.

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. COLLECTION OF OVERPAYMENTS OF SPE-**  
4 **CIALLY ADAPTED HOUSING ASSISTANCE.**

5 Section 2102 of title 38, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(f)(1) Whenever the Secretary finds that an over-  
9 payment has been made to, or on behalf of, a person de-  
10 scribed in paragraph (2), the Secretary shall determine—

1           “(A) the amounts to recover, if any; and

2           “(B) who is liable to the United States for such  
3 overpayment.

4           “(2) A person described in this paragraph is any of  
5 the following:

6           “(A) An individual who—

7               “(i) applied for assistance under this chap-  
8 ter; or

9               “(ii) under chapter 31 of this title who is  
10 pursuing a rehabilitation program under such  
11 chapter in acquiring adaptations to a residence.

12           “(B) An owner or seller of real estate related  
13 to assistance under this chapter.

14           “(C) A builder, contractor, supplier,  
15 tradesperson, corporation, trust, partnership, or  
16 other person, related to assistance under this chap-  
17 ter.

18           “(D) An attorney, escrow agent, or financial in-  
19 stitution, that receives, or holds in escrow, funds re-  
20 lating to assistance under this chapter.

21           “(E) A surviving spouse, heir, assignee, or suc-  
22 cessor in interest of or to, any person described in  
23 this paragraph.

24           “(3) Any overpayment referred to in this subsection  
25 may be recovered in the same manner as any other debt

1 due the United States. In recovering the overpayment, the  
2 Secretary may charge administrative costs, fees, and inter-  
3 est, as appropriate, in a manner similar to the authority  
4 under section 5315 of this title.

5 “(4) The recovery of any overpayment referred to in  
6 this subsection may be waived by the Secretary. Waiver  
7 of any such overpayment as to a person described in para-  
8 graph (2) shall in no way release any other person de-  
9 scribed in such paragraph from liability.

10 “(5) The Secretary shall waive recovery under this  
11 subsection of any overpayment—

12 “(A) to a person described in paragraph (2)(A),  
13 or a dependent or survivor of such person; and

14 “(B) that arises from administrative error de-  
15 scribed in paragraph (7)(A).

16 “(6) Nothing in this section shall be construed as pre-  
17 cluding the imposition of any civil or criminal liability  
18 under this title or any other law.

19 “(7) The Secretary shall prescribe in regulations  
20 what constitutes an overpayment for the purposes of this  
21 subsection, which, at a minimum, shall include—

22 “(A) administrative error that results in an in-  
23 dividual receiving assistance to which that individual  
24 is not entitled;

1           “(B) the failure of any person described in  
2 paragraph (2) to—

3                 “(i) perform or allow to be performed any  
4 act relating to assistance under this chapter; or

5                 “(ii) compensate any party performing  
6 services or supplying goods relating to assist-  
7 ance under this chapter; and

8           “(C) any disbursement of funds relating to as-  
9 sistance under this chapter, that, in the sole discre-  
10 tion of the Secretary, constitutes a misuse of such  
11 assistance.

12         “(8) Prior to collecting an overpayment under this  
13 subsection, the Secretary shall provide to the person whom  
14 the Secretary has determined liable for such overpay-  
15 ment—

16                 “(A) notice of the finding by the Secretary of  
17 such overpayment;

18                 “(B) a reasonable opportunity for such person  
19 to remedy the circumstances that effectuated the  
20 overpayment; and

21                 “(C) a reasonable opportunity for such person  
22 to present evidence to the Secretary that an overpay-  
23 ment was not made.

24         “(9) For the purposes of section 511 of this title, a  
25 decision to collect an overpayment from a person other

1 than a person described in paragraph (2)(A), or a depend-  
2 ent or survivor of such person, may not be treated as a  
3 decision that affects the provision of benefits.”.

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