

107TH CONGRESS
2D SESSION

H. R. 3735

To amend title 38, United States Code, to extend the time for application for a waiver of recovery of claims of overpayments of veterans benefits and to otherwise improve the administration of overpayments of veterans benefits.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2002

Mr. REYES (for himself, Mr. EVANS, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend the time for application for a waiver of recovery of claims of overpayments of veterans benefits and to otherwise improve the administration of overpayments of veterans benefits.

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 “Department of Vet-
5 erans Affairs Overpayment Administration Improvement
6 Act of 2002”.

1 **SEC. 2. TIME FOR APPLICATION FOR WAIVER OF RECOV-**
2 **ERY OF OVERPAYMENTS.**

3 (a) PERIOD FOR APPLICATION WHEN APPEAL OF
4 OVERPAYMENT DECISION IS PENDING.—Subsection (a)
5 of section 5302 of title 38, United States Code, is
6 amended—

7 (1) by inserting “(1)” after “(a)”;

8 (2) by designating the second sentence as para-
9 graph (2); and

10 (3) in paragraph (1), as designated by para-
11 graph (1) of this subsection, by striking “is made”
12 and all that follows through the period and inserting
13 “is made—

14 “(A) within 180 days from the date of notifica-
15 tion of the indebtedness by the Secretary to the
16 payee (except that, in a case in which the payee
17 demonstrates to the satisfaction of the Secretary
18 that notification of the indebtedness was not actually
19 received by the payee within a reasonable period
20 after such date, within such longer period as the
21 Secretary determines is reasonable); or

22 “(B) within 180 days from the date of final de-
23 termination of the amount of the overpayment, in a
24 case in which a timely appeal of the overpayment de-
25 cision is filed, if later than the limit otherwise appli-
26 cable under subparagraph (A).”.

1 (b) ADMINISTRATIVE CONVENIENCE WAIVERS.—

2 Such subsection is further amended by adding at the end

3 the following new paragraph:

4 “(3) Pursuant to regulations that the Secretary shall

5 prescribe, the Secretary may for the convenience of the

6 Government waive any overpayment of any benefit under

7 laws administered by the Secretary if the Secretary deter-

8 mines that recovery of the amount of the overpayment

9 would impede the efficient or effective administration of

10 veterans benefits due to the small amount involved and

11 the costs of assessment and collection of the overpay-

12 ment.”.

13 (c) EFFECTIVE DATES.—(1) The amendment made

14 by subsection (a) shall apply to overpayment determina-

15 tions made by the Secretary of Veterans Affairs on or

16 after the date of the enactment of this Act.

17 (2) The amendment made by subsection (b) shall

18 apply to any overpayment determination made by the Sec-

19 retary of Veterans Affairs, whether made before, on, or

20 after the date of the enactment of this Act.

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