

Madam Speaker, I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I urge all of my colleagues to join me in passing this important piece of legislation, H.R. 4771, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 4771, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: “A bill to amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans’ Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes.”

A motion to reconsider was laid on the table.

VA OVERPAYMENT ACCOUNTABILITY ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Overpayment Accountability Act”.

SEC. 2. REPAIR OF CREDIT.

(a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by adding at the end the following new section:

§ 5320. Correction of erroneous information submitted to consumer reporting agencies

“(a) CORRECTING ERRORS BY THE DEPARTMENT.—In any case in which the Secretary finds that the Department has submitted erroneous information to a consumer reporting agency about the indebtedness of any person who has been determined by the Secretary to be indebted to the United States by virtue of the participation of that person in a benefits program administered by the Secretary, the Secretary shall—

“(1) instruct the consumer reporting agency to remove such erroneous information from the consumer report of such person or take such other action as may be required to ensure that such erroneous information is not included in the report of such person; and

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

“(b) CORRECTING ERRORS BY DEBT COLLECTORS.—In any case in which the Secretary

finds that a debt collector acting on behalf of the Department has submitted erroneous information to a consumer reporting agency about the indebtedness of any person who has been determined by the Secretary to be indebted to the United States by virtue of the participation of that person in a benefits program administered by the Secretary, the Secretary shall instruct the debt collector to request the consumer reporting agency remove such erroneous information from the consumer report of such person or take such other action as may be required to ensure such erroneous information is not included in the report of such person.

“(c) NOTICE.—Not later than 60 days after the date on which the Secretary issues an instruction under subsection (a)(1) or (b) with respect to a person, the Secretary shall notify the person that the Secretary issued such instruction.

“(d) DEFINITIONS.—In this section:

“(1) The terms ‘consumer report’ and ‘consumer reporting agency’ have the meanings given such terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

“(2) The term ‘debt collector’ has the meaning given such term in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a).’’

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

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

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

SEC. 3. IMPROVED PROCESSING OF BENEFITS BY DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall improve the information technology of the Department of Veterans Affairs (including the eBenefits system or successor system) as may be necessary to achieve the following:

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

(A) is entitled to a payment from the Secretary under a benefits program administered by the Secretary;

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

(C) elects to receive such notifications.

(2) REVIEW OF INFORMATION REGARDING DEPENDENTS.—A person entitled to a payment from the Secretary under a benefits program administered by the Secretary may review information relating to dependents of that person.

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

(A) the number and amount of payments made by the Secretary to a person entitled to a payment from the Secretary under a benefits program administered by the Secretary who incurs a debt to the United States under such program;

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

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

(D) such other metrics the Secretary determines appropriate.

SEC. 4. AUDIT OF ERRONEOUS PAYMENTS BY VETERANS BENEFITS ADMINISTRATION; PLAN OF CORRECTION.

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

(1) The frequency by which the Department of Veterans Affairs makes an error that results in a payment to a person by virtue of such person’s participation in a benefits program administered by the Secretary that such person is not entitled to or in an amount that exceeds the amount to which the person is entitled.

(2) Whether and to what degree vacant positions in the Veterans Benefits Administration affect such frequency.

(b) PLAN.—Not later than 30 days after the completion of the audit under subsection (a), the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a plan and description of resources necessary to align information technology systems to ensure that errors described in subsection (a)(1) are not the result of communication or absence of communication between information technology systems.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Tennessee (Mr. DAVID P. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 4360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4360, the VA Overpayment Accountability Act, introduced by Representative KIM.

This bill protects veterans by ensuring that the Department of Veterans Affairs reviews and updates its systems and policies to minimize overpayments in the future and mitigate negative effects on veterans.

Now, under certain circumstances, if the Department of Veterans Affairs makes accounting errors that result in overpayment of benefits, veterans are left saddled with debt. Then, within a short period of time, these veterans are required to pay these overpayments back to VA, placing an extraordinary financial burden on them.

The VA can, and sometimes does, withhold part of veterans’ monthly benefit checks to recover overpayments, exacerbating these financial hardships.

In some cases, VA may send these debts to a debt collection agency, compounding veterans’ financial stress.

If the information submitted by VA to a consumer reporting agency is incorrect either because VA later determines its payment was not in error or

because VA decides to waive the debt, veterans may still suffer harm to their credit. This bill makes sure VA rights this wrong.

Under this legislation, VA would be required to instruct the consumer reporting agency to remove any erroneous information from veterans' consumer reports. And if VA employs a debt collection agency and that agency then reports erroneous information to a consumer reporting agency, VA must instruct the debt agency to fix the error.

Importantly, this bill also requires VA to maintain future tracking metrics. This information tracks the number of VA overpayments, average amount of overpayment, and how often VA grants and denies veterans' requests for relief from this debt.

As we know, VA's information technology system hinders its ability to manage erroneous or duplicate payments. That is why this legislation requires an audit of overpayments, so whether it is staffing shortages or IT failures, data can guide VA and Congress on where resources should be directed.

I wholeheartedly support this legislation to financially protect veterans, because it is an essential step that we need to take to ensure that veterans are not forced to face severe consequences due to VA's mistakes.

Madam Speaker, I reserve the balance of my time.

Mr. DAVID P. ROE of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 4360, the VA Overpayment Accountability Act.

Veterans receive overpayments for many reasons. For example, a veteran may erroneously receive drill pay and disability compensation at the same time. A veteran may reduce their course load after their GI Bill payment has been sent from the Department of Veterans Affairs to the school, or a veterans' marital status may have changed, but they continue to receive additional compensation for dependents. As a result, VA creates a debt that the veteran must pay back.

In some instances, the veteran may be aware that he or she had been overpaid and that VA will most likely ask them to return the money, but in other circumstances, they may not.

I am concerned that many overpayments are caused by VA's negligence, not the veterans.

Unexpectedly receiving a debt notification letter can create big problems for veterans and their families, especially if they can't afford to pay VA back; therefore, it is critical that the VA has the tools it needs to effectively prevent overpayments, and that if certain types of overpayments are unavoidable, VA's recoupment process is fair and considerate for veterans.

This bill is sponsored by Congressman ANDY KIM from New Jersey and is intended to ensure that veterans are

not unduly harmed by VA's debt collection process.

Madam Speaker, I appreciate his leadership on this issue, and I urge my colleagues to support H.R. 4360.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. KIM), my good friend.

Mr. KIM. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today because America's veterans deserve America's best. They deserve the best healthcare and the best government service.

I introduced this bipartisan VA Overpayment Accountability Act with Congressman FRENCH HILL, because sometimes our veterans do not receive the best.

Through several programs, the Department of Veterans Affairs provides monthly payments to veterans and other beneficiaries. Because the VA often relies on outdated systems to provide those payments, those recipients sometimes receive overpayments at no fault of their own. When this happens, it is the veteran who pays a price.

In order to compensate for their mistake, the VA will withhold payment from veterans.

At a time in which 1.4 million veterans across the United States are struggling with poverty issues, withholding payment can have severe consequences for Americans who earned these benefits.

Because there is no limit on how much the VA can ask a vet to repay and no limit on how far back it can go to collect the debt, these sums can impact the credit and financial stability of veterans.

The VA Overpayment Accountability Act aims to fix these issues by improving the VA IT systems that are often the cause of these overpayments. It also provides credit protection for veterans who are the victims of overpayments and become targets of unfair practices.

As a grateful Nation, we should aim to honor our veterans, not send debt collectors after them because of a failure at the Department of Veterans Affairs.

Barbara Kim-Hagemann, the State Commander of the Department of New Jersey Veterans of Foreign Wars said in her endorsement remarks of this bill that it is imperative that Congress work to correct "harsh Veterans Administration procedures in recouping benefit overpayments from veterans who are barely living paycheck to paycheck."

Madam Speaker, on behalf of the thousands of veterans that Barbara fights for every day and the millions across our country who sacrificed in their service, I call on my colleagues to join me and Congressman HILL in this bipartisan effort to make the VA work and honor our veterans.

Mr. DAVID P. ROE of Tennessee. Mr. Speaker, I yield 3 minutes to the gen-

tleman from Arkansas (Mr. HILL), my good friend.

He is incredibly committed to our veterans. I have toured two different veterans' medical centers in his home State of Arkansas.

Mr. HILL of Arkansas. Mr. Speaker, I thank my friend from Tennessee and my good friend from California for their leadership of our Veterans' Affairs Committee. They are a dynamic duo. I appreciate the opportunity to be on the floor to be in support of this list of good bills tonight.

Mr. Speaker, I particularly want to thank my friend from New Jersey, Mr. KIM, for his hard work and collaboration on this important bill for our veterans.

Mr. Speaker, in the last 5 years I have served in this House, I have had over 3,200 cases completed and closed for veterans in my district.

As a former community banker, when I look at those cases and I listen to these stories, this too often is a challenge for our veterans. It is a crazy challenge. Mr. Speaker, that withholding a payment can have severe consequences for our brave veterans who are out there just doing their job, through no fault of their own and through a computer mess up or an IT problem, our veterans receive an overpayment and then suddenly get a letter a few weeks later saying, "Oh, hey, we made a mistake. You owe us \$5,000 back."

Well, the normal American, Mr. Speaker, doesn't have that kind of financial planning expertise, and relies on the quality of our VA services to not make mistakes like that.

So it is a pleasure to work with Mr. KIM on this measure to try to improve that situation and answer the IG's own report at the VA that this is a serious problem affecting over 1.5 million veterans.

This bill tries to tackle this issue by improving Veterans Administration IT systems, which are often the cause of this challenge, and offers veterans that unknowingly are forced to go without their earned benefits for extended periods of time some recourse on being a victim of an overpayment and have their credit impaired.

I am proud to represent veterans from Camp Robinson and Little Rock Air Force Base in our central Arkansas area. I am proud to work on something that rectifies a common problem across this country.

Mr. Speaker, I thank my friend from New Jersey for his work and for the leadership of the committee for bringing this bill to the House floor.

Mr. DAVID P. ROE of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to extend, again, my gratitude for the insightful and hard work that the gentleman from New Jersey (Mr. KIM) has done with this legislation to correct an injustice

which has been occurring. I thank Congressman KIM for this very important legislation.

Mr. Speaker, I also want to extend my gratitude to the gentleman from Arkansas (Mr. HILL), whose district I have visited and whose medical center I have also visited. And I have to say that he runs a crack operation. That came out wrong.

He runs, not a crack operation, but amazing constituent services for his veterans.

You know, this unfortunate situation where the VA overpays veterans and then claws back those payments will be corrected by this legislation.

Mr. Speaker, I want to say I have no further speakers and I am prepared to close.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. DAVID P. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I don't know about New Jersey and California, but a crack operation where we are is a good one, so I think I would take that as a compliment.

I thank Mr. KIM and my good friend Mr. HILL for their work on this.

It does create, as the chairman said, tremendous anxiety and problems for our veterans. It is needless. Many times, it is just a bureaucratic mistake. I think all of us have suffered those with the IRS or whomever, so this is a way to correct that. I thank these Members for bringing it up.

Mr. Speaker, I strongly support this bill, and I urge Members to.

Mr. Speaker, I yield back the balance of my time.

Mr. TAKANO. Mr. Speaker, I urge all of my colleagues to join me in passing H.R. 4360, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BEYER). The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 4360.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROTECTING FAMILIES OF FALLEN SERVICEMEMBERS ACT

Mr. TAKANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to amend the Servicemembers Civil Relief Act to allow certain individuals to terminate contracts for telephone, multichannel video programming, or internet access service, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Families of Fallen Servicemembers Act”.

SEC. 2. TERMINATION OF CONTRACTS FOR TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, OR INTERNET ACCESS SERVICE BY CERTAIN INDIVIDUALS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 305A(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3956(a)) is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL INDIVIDUALS COVERED.—For purposes of this section, the following individuals shall be treated as a servicemember covered by paragraph (1):

“(A) A spouse or dependent of a service-member who dies while in military service or a spouse or dependent of a member of the reserve components who dies while performing duty described in subparagraph (C).

“(B) A spouse or dependent of a service-member who incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the servicemember incurs the catastrophic injury or illness while in military service or performing duty described in subparagraph (C).

“(C) A member of the reserve components performing military service or performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Tennessee (Mr. DAVID P. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 4356, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4356, as amended, the Protecting Families of Fallen Servicemembers Act.

Mr. Speaker, this bill was introduced by Representative JOSH HARDER from California, and I thank him for his work with the committee on the bill. It expands on the work the committee did last Congress in partnership with Representative BUSTOS to improve the Servicemembers Civil Relief Act.

This bill ensures that spouses and dependents of both Active and Reserve component servicemembers who are catastrophically injured or pass away while in service to this Nation have protections under the Servicemembers Civil Relief Act, otherwise known as SCRA. Specifically, the bill allows impacted servicemembers or their families to terminate cable, internet, and phone service.

Servicemembers and families undergo difficult life transitions because of a catastrophic injury or death of loved ones. Families should have the flexi-

bility to be at the servicemember's side during recovery. Surviving spouses and family members of fallen servicemembers should easily be able to move closer to family and friends or other support networks. Families dealing with the difficult loss or injury of their loved ones should not have to worry about contracts or cancellation fees.

I would like to note that this legislation unanimously passed the House last Congress and has been updated to reflect improvements recommended by veterans service organizations.

I also thank Dr. WENSTRUP, who served with us on the committee for several Congresses, for his focus on the issue and for working with Mr. HARDER on this bill.

Finally, I thank the Paralyzed Veterans of America for highlighting the need to include catastrophically disabled veterans and families in our work to improve the SCRA.

Mr. Speaker, I applaud the bipartisan work of Congressman LEVIN and Congressman BILIRAKIS on moving this bill through committee.

Mr. Speaker, I encourage all of my colleagues to join me in voting to pass H.R. 4356, as amended, and I reserve the balance of my time.

Mr. DAVID P. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4356, as amended, the Protecting Families of Fallen Service-members Act.

Mr. Speaker, this bill would amend the Servicemembers Civil Relief Act to give a spouse or dependent of a service-member who experiences a catastrophic injury or who dies while in military service the ability to terminate telephone, multichannel video programming, or internet service contracts.

This bill would also extend SCRA protections to members of the National Guard and Reserve who are executing Active Duty orders or performing inactive duty training. These are worthwhile protections for our servicemembers and are worthy of our support.

This bill is sponsored by Congressman JOSH HARDER from California, and I appreciate his work.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID P. ROE of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WENSTRUP), my good friend. Dr. Colonel BRAD WENSTRUP is a combat veteran of Iraq who is still on Reserve duty and has served at both Fort Belvoir Hospital and Walter Reed Hospital.

Mr. WENSTRUP. Mr. Speaker, I thank Dr. ROE for yielding.

Mr. Speaker, I rise today in support of H.R. 4356, the Protecting Families of Fallen Servicemembers Act.