

period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.

(Added Pub. L. 104-275, title V, §502(a), Oct. 9, 1996, 110 Stat. 3341; amended Pub. L. 109-461, title X, §1002(g), Dec. 22, 2006, 120 Stat. 3465.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-461 substituted “local, or other penal institution or correctional facility” for “or local penal institution”.

§ 5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons

(a) A veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran is a fugitive felon. A dependent of a veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran or such dependent is a fugitive felon.

(b) For purposes of this section:

(1) The term “fugitive felon” means a person who is a fugitive by reason of—

(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

(B) violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

(2) The term “felony” includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

(3) The term “dependent” means a spouse, surviving spouse, child, or dependent parent of a veteran.

(c) A benefit specified in this subsection is a benefit under any of the following:

- (1) Chapter 11 of this title.
- (2) Chapter 13 of this title.
- (3) Chapter 15 of this title.
- (4) Chapter 17 of this title.
- (5) Chapter 19 of this title.
- (6) Chapter 30, 31, 32, 34, or 35 of this title.
- (7) Chapter 37 of this title.

(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a person who is eligible for a benefit specified in subsection (c) if such official—

(A) provides to the Secretary such information as the Secretary may require to fully identify the person;

(B) identifies the person as being a fugitive felon; and

(C) certifies to the Secretary that apprehending such person is within the official duties of such official.

(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).

(Added Pub. L. 107-103, title V, §505(a)(1), Dec. 27, 2001, 115 Stat. 995.)

§ 5314. Indebtedness offsets

(a)(1) Subject to subsections (b) and (d) of this section and section 3485(e) of this title, the Secretary shall (unless the Secretary waives recovery under section 5302 of this title) deduct the amount of the indebtedness of any person who has been determined to be indebted to the United States by virtue of such person's participation in a benefits program administered by the Secretary from future payments made to such person under any law administered by the Secretary.

(2) The Secretary may not make a deduction under paragraph (1) while the existence or amount of such indebtedness is disputed under section 5314A of this title.

(b) Deductions may not be made under subsection (a) of this section with respect to the indebtedness of a person described in such subsection unless the Secretary—

(1) has made reasonable efforts to notify such person of such person's right to dispute through prescribed administrative processes the existence or amount of such indebtedness and of such person's right to request a waiver of such indebtedness under section 5302 of this title;

(2) has made a determination with respect to any such dispute or request or has determined that the time required to make such a determination before making deductions would jeopardize the Secretary's ability to recover the full amount of such indebtedness through deductions from such payments; and

(3) has made reasonable efforts to notify such person about the proposed deductions from such payments.

(c) Notwithstanding any other provision of this title or of any other law, the authority of the Secretary to make deductions under this section or to take other administrative action authorized by law for the purpose of collecting an indebtedness described in subsection (a) of this section, or for the purpose of determining the creditworthiness of a person who owes such an indebtedness, shall not be subject to any limitation with respect to the time for bringing civil actions or for commencing administrative proceedings.

(d) The Secretary shall prescribe regulations for the administration of this section.

(Added Pub. L. 96-466, title VI, §605(a)(1), Oct. 17, 1980, 94 Stat. 2209, §3114; amended Pub. L. 102-16, §6(b)(3), Mar. 22, 1991, 105 Stat. 51; renumbered §5314 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 117-328, div. U, title II, §255(a), Dec. 29, 2022, 136 Stat. 5464.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328 designated existing provisions as par. (1) and added par. (2).

1991—Pub. L. 102-40, §402(b)(1), renumbered section 3114 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3485(e)” for “1685(e)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration” in two places.

Pub. L. 102-40, §402(d)(1), substituted “5302” for “3102”.

Pub. L. 102-16 inserted “and section 1685(e) of this title” after “Subject to subsections (b) and (d) of this section”.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions and “Secretary’s” for “Administrator’s” in par. (2).

Pub. L. 102-40, §402(d)(1), substituted “5302” for “3102” in par. (1).

Subsecs. (c), (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 96-466, title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2218, provided that:

“(1) Except as provided in paragraph (2), the amendments made by title VI [see Tables for classification] shall become effective on October 1, 1980.

“(2) The amendments made by sections 603 [amending sections 1677 and 1798 [now 3698] of this title] and 604 [amending section 1786 [now 3686] of this title] shall not apply to any person receiving educational assistance under chapter 34 or 35 of title 38, United States Code, on September 1, 1980, for the pursuit of a program of education, as defined in section 1652(b) [now 3452(b)] of such title, in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of such chapter and chapter 36 of such title as in effect on that date.”

RULES AND REGULATIONS

Pub. L. 96-466, title VI, §605(b), Oct. 17, 1980, 94 Stat. 2211, provided that: “The Administrator of Veterans’ Affairs [now Secretary of Veterans Affairs] shall, not later than January 1, 1981, prescribe the regulations required to be prescribed under sections 3114 and 3115 [now 5314 and 5315] of title 38, United States Code, as added by subsection (a).”

§ 5314A. Dispute of indebtedness

(a) ESTABLISHMENT.—The Secretary shall prescribe regulations that establish an administrative process for the dispute of the existence or amount of an indebtedness described in section 5314(a)(1) of this title (without regard to whether the Secretary has made a deduction under such section regarding such indebtedness).

(b) STANDARDS.—The process under subsection (a) shall be efficient, effective, and equitable.

(c) TIMELINESS.—The Secretary shall ensure that each dispute under subsection (a) proceeds in accordance with standards for timeliness prescribed by the Secretary under this section.

(d) LIMITATION.—The Secretary may not submit to any debt collector (as defined in section 803 of the Fair Debt Collection Practices Act (15

U.S.C. 1692a)) any dispute pending under this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the procedures for seeking review of a decision of the agency of original jurisdiction described in section 5104C(a)(1) of this title.

(Added Pub. L. 117-328, div. U, title II, §255(b)(1), Dec. 29, 2022, 136 Stat. 5464.)

Statutory Notes and Related Subsidiaries

ADMINISTRATIVE PROCESS FOR DISPUTE OF INDEBTEDNESS AND IMPROVEMENTS TO DEPARTMENT WEBSITE

Pub. L. 117-328, div. U, title II, §255(b)(2), (3), Dec. 29, 2022, 136 Stat. 5465, provided that:

“(2) EXISTING ADMINISTRATIVE PROCESS.—The Secretary of Veterans Affairs shall carry out section 5314A of such title, as added by paragraph (1), by improving the administrative process of the Department of Veterans Affairs for the dispute of the existing or amount of an indebtedness that was in effect on the day before the date of the enactment of this Act [Dec. 29, 2022].

“(3) IMPROVEMENTS TO DEPARTMENT WEBSITE AND NOTICES.—In carrying out paragraph (2), the Secretary shall—

“(A) improve the website of the Department; and

“(B) ensure that such website and written notices sent to a person about indebtedness described in section 5314(a) of title 38, United States Code, contain all information a person needs to dispute such an indebtedness, including a description of—

“(i) the specific actions the person will need to take in order to dispute the indebtedness;

“(ii) the documentation that will be required for the dispute; and

“(iii) how the documentation is to be submitted.”

§ 5315. Interest and administrative cost charges on delinquent payments of certain amounts due the United States

(a) Notwithstanding any other provision of this title or of any other law and subject to sections 3485(e) and 5302 of this title, interest and administrative costs (as described in subsections (b) and (c) of this section) shall be charged, under regulations which the Secretary shall prescribe, on any amount owed to the United States—

(1) for an indebtedness resulting from a person’s participation in a benefits program administered by the Secretary other than—

(A) a loan, loan-guaranty, or loan-insurance program;

(B) a disability compensation program;

(C) a pension program; or

(D) an educational assistance program.

(2) for an indebtedness resulting from the provision of care or services under chapter 17 of this title; or

(3) to the extent not precluded by the terms of the loan instruments concerned, for an indebtedness resulting from a person’s participation in a program of loans, loan guaranties, or loan insurance administered by the Secretary under this title.

(b)(1) Interest on the amount of any indebtedness described in subsection (a) of this section shall accrue from the day on which the initial notification of the amount due is mailed to the person who owes such amount (using the most current address of such person that is available