

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**13**

**OFFERED BY MR. CORREA OF CALIFORNIA**

Add at the end of title LX the following new section:

1 **SEC. 60\_\_ . COLLECTION OF OVERPAYMENTS OF SPE-**  
2 **cially ADAPTED HOUSING ASSISTANCE.**

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

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

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

10 “(B) who is liable to the United States for such  
11 overpayment.

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

14 “(A) An individual who—

15 “(i) applied for assistance under this chap-  
16 ter; or

17 “(ii) under chapter 31 of this title who is  
18 pursuing a rehabilitation program under such  
19 chapter in acquiring adaptations to a residence.

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

3           “(C) A builder, contractor, supplier,  
4           tradesperson, corporation, trust, partnership, or  
5           other person, related to assistance under this chap-  
6           ter.

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

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

13          “(3) Any overpayment referred to in this subsection  
14          may be recovered in the same manner as any other debt  
15          due the United States. In recovering the overpayment, the  
16          Secretary may charge administrative costs, fees, and inter-  
17          est, as appropriate, in a manner similar to the authority  
18          under section 5315 of this title.

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

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

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

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

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

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

11           “(A) administrative error that results in an in-  
12          dividual receiving assistance to which that individual  
13          is not entitled;

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

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

18           “(ii) compensate any party performing  
19          services or supplying goods relating to assist-  
20          ance under this chapter; and

21           “(C) any disbursement of funds relating to as-  
22          sistance under this chapter, that, in the sole discre-  
23          tion of the Secretary, constitutes a misuse of such  
24          assistance.

1       “(8) Prior to collecting an overpayment under this  
2 subsection, the Secretary shall provide to the person whom  
3 the Secretary has determined liable for such overpay-  
4 ment—

5           “(A) notice of the finding by the Secretary of  
6 such overpayment;

7           “(B) a reasonable opportunity for such person  
8 to remedy the circumstances that effectuated the  
9 overpayment; and

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

13       “(9) For the purposes of section 511 of this title, a  
14 decision to collect an overpayment from a person other  
15 than a person described in paragraph (2)(A), or a depend-  
16 ent or survivor of such person, may not be treated as a  
17 decision that affects the provision of benefits.”.

