

115TH CONGRESS
2D SESSION

S. 3777

To require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2018

Mr. BOOZMAN (for himself, Mr. SCHATZ, Mr. TESTER, Mr. BLUMENTHAL, Mr. TILLIS, Mr. WARNER, Ms. HASSAN, and Ms. STABENOW) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

To require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Forever GI Bill Hous-
3 ing Payment Fulfillment Act of 2018”.

4 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) On August 16, 2017, the Harry W. Colmery
7 Veterans Educational Assistance Act of 2017 (Pub-
8 lic Law 115–48) (known by some as the “Forever
9 GI Bill”) was enacted into law.

10 (2) Such Act makes certain improvements to
11 the Post-9/11 Educational Assistance program for
12 veterans, including improvements relating to how the
13 Secretary of Veterans Affairs calculates the amount
14 of payments for monthly housing stipends under
15 that program.

16 (3) Section 107 of such Act (Public Law 115–
17 48; 33 U.S.C. 3313 note) requires the Secretary to
18 calculate the amount of payments for monthly hous-
19 ing stipends based on the location of the campus of
20 the institution of higher learning where the indi-
21 vidual attends classes, a change from the previous
22 direction to make such calculation based on the loca-
23 tion of the institution of higher learning.

24 (4) Section 501 of such Act (Public Law 115–
25 48; 37 U.S.C. 403 note) repeals the inapplicability
26 of a modification of the basic allowance for housing

1 for members of the uniformed services to benefits
2 administered by the Department of Veterans Affairs.

3 (5) The amendments made by section 107 and
4 501 of such Act became effective on August 1, 2018,
5 and January 1, 2018, respectively.

6 (6) Representatives of the Department of Vet-
7 erans Affairs have stated that the Department will
8 not be able to determine proper payment amounts
9 based on the amendment made by section 107 of
10 such Act until December 1, 2019.

11 (7) Representatives of the Department have
12 also stated that outdated information technology
13 systems have stymied efforts to update necessary in-
14 formation that enable proper housing payments as
15 required by the provisions of law amended by sec-
16 tions 107 and 501 of such Act.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) as soon as possible, the Secretary of Vet-
20 erans Affairs should end the making of improper
21 payment amounts for monthly stipends under sec-
22 tion 3313 of title 38, United States Code;

23 (2) by January 1, 2020, the Secretary should
24 make whole the individuals entitled to payments of
25 monthly stipends under section 3313 of title 38,

1 United States Code, who have been underpaid as a
2 result of the difficulties encountered by the Depart-
3 ment of Veterans Affairs in carrying out such sec-
4 tion after the enactment of sections 107 and 501 of
5 the Harry W. Colmery Veterans Educational Assist-
6 ance Act of 2017 (Public Law 115–48); and

7 (3) no individuals entitled to payments of
8 monthly stipend under section 3313 of title 38,
9 United States Code, who have been overpaid as a re-
10 sult of the difficulties encountered by the Depart-
11 ment in carrying out such section after the enact-
12 ment of sections 107 and 501 of such Act should
13 have overpayments recuperated by the Department.

14 **SEC. 3. TIGER TEAM FOR HOUSING STIPENDS.**

15 (a) ESTABLISHMENT.—Not later than one day after
16 the date of the enactment of this Act, the Secretary of
17 Veterans Affairs shall establish a tiger team (in this sec-
18 tion referred to as the “Tiger Team”) dedicated to ad-
19 dressing the difficulties encountered by the Department
20 of Veterans Affairs in carrying out section 3313 of title
21 38, United States Code, after the enactment of sections
22 107 and 501 of the Harry W. Colmery Veterans Edu-
23 cational Assistance Act of 2017 (Public Law 115–48; 38
24 U.S.C. 3313 note and 37 U.S.C. 403 note).

1 (b) COMPOSITION.—Not later than 15 days after the
2 date of the enactment of this Act, the Secretary shall sub-
3 mit to Congress the names and titles of the employees of
4 the Department who compose the Tiger Team established
5 under subsection (a), including the name and title of the
6 senior-level employee of the Department who serves as the
7 lead accountable official of the Tiger Team.

8 (c) DUTIES.—

9 (1) SUBMISSION TO CONGRESS.—Not later than
10 90 days after the date of the enactment of this Act,
11 the Tiger Team shall submit to Congress the fol-
12 lowing:

13 (A) A plan describing the following:

14 (i) How the Secretary will obtain the
15 information necessary to determine the
16 correct payment amounts for monthly sti-
17 pends under section 3313 of title 38,
18 United States Code, made after the enact-
19 ment of sections 107 and 501 of the Harry
20 W. Colmery Veterans Educational Assist-
21 ance Act of 2017 (Public Law 115–48; 38
22 U.S.C. 3313 note and 37 U.S.C. 403
23 note), from officials responsible for the cer-
24 tification of payments of monthly stipends
25 made under section 3313 of such title.

1 (ii) How the Secretary will modify the
2 relevant information technology systems of
3 the Department to correct the payment
4 amounts for monthly stipends under sec-
5 tion 3313 of such title made after the en-
6 actment of sections 107 and 501 of such
7 Act (Public Law 115-48; 38 U.S.C. 3313
8 note and 37 U.S.C. 403 note) that were
9 deficient.

10 (iii) How the Secretary will identify
11 all of the individuals who received pay-
12 ments of monthly stipends under section
13 3313 of such title that were not in compli-
14 ance with such section, after the enactment
15 of sections 107 and 501 of such Act (Pub-
16 lic Law 115-48; 38 U.S.C. 3313 note and
17 37 U.S.C. 403 note).

18 (iv) How the Secretary will notify the
19 individuals described in clause (iii).

20 (v) The procedures the Secretary will
21 use to correct the payments of monthly sti-
22 pends under section 3313 of such title that
23 were deficient as a result of the difficulties
24 encountered by the Department of Vet-
25 erans Affairs in carrying out such section

1 after the enactment of sections 107 and
2 501 of such Act (Public Law 115–48; 38
3 U.S.C. 3313 note and 37 U.S.C. 403
4 note).

5 (B) A complete timeline for the implemen-
6 tation of the plan described in subparagraph
7 (A).

8 (C) Any additional funding and personnel
9 requirements necessary to support the imple-
10 mentation of the plan described in subpara-
11 graph (A), including any such requirements as
12 may be necessary for staffing increases or rel-
13 evant improvements to the information tech-
14 nology infrastructure of the Department.

15 (2) IMPLEMENTATION.—

16 (A) IN GENERAL.—The Secretary shall im-
17 plement the plan submitted under paragraph
18 (1)(A).

19 (B) PERIODIC UPDATES.—Not less fre-
20 quently than once every 90 days after submis-
21 sion of the items under paragraph (1), the
22 Tiger Team shall submit to Congress an update
23 on the implementation of the plan described in
24 subparagraph (A) of such paragraph.

25 (3) FINAL REPORT.—

1 (A) IN GENERAL.—Not later than July 1,
2 2020, the Tiger Team shall submit to the ap-
3 propriate congressional committees a final re-
4 port on the activities and findings of the Tiger
5 Team.

6 (B) CONTENTS.—The report required by
7 subparagraph (A) shall include the following:

8 (i) The number of individuals who
9 were affected by payments of monthly sti-
10 pends under section 3313 of title 38,
11 United States Code, that were not in com-
12 pliance with such section after the enact-
13 ment of sections 107 and 501 of the Harry
14 W. Colmery Veterans Educational Assist-
15 ance Act of 2017 (Public Law 115–48; 38
16 U.S.C. 3313 note and 37 U.S.C. 403
17 note).

18 (ii) The number of individuals de-
19 scribed in clause (i) who received deficient
20 payments as a result of the difficulties en-
21 countered by the Department in carrying
22 out section 3313 of such title after the en-
23 actment of sections 107 and 501 of such
24 Act (Public Law 115–48; 38 U.S.C. 3313
25 note and 37 U.S.C. 403 note), and the

1 total amount of the deficiency for each in-
2 dividual, disaggregated by State.

3 (iii) The number of individuals de-
4 scribed in clause (ii) who have not received
5 the amount of monthly stipend to which
6 such individuals are entitled under section
7 3313 of such title and an explanation of
8 why such individuals have not received
9 such amounts.

10 (iv) A certification of whether the De-
11 partment is fully compliant with sections
12 107 and 501 of such Act (Public Law
13 115–48; 38 U.S.C. 3313 note and 37
14 U.S.C. 403 note).

15 (C) APPROPRIATE CONGRESSIONAL COM-
16 MITTEES DEFINED.—In this paragraph, the
17 term “appropriate congressional committees”
18 means the following:

19 (i) The Subcommittee on Military
20 Construction and Veterans Affairs, and
21 Related Agencies of the Committee on Ap-
22 propriations and the Committee on Vet-
23 erans’ Affairs of the Senate.

24 (ii) The Subcommittee on Military
25 Construction and Veterans Affairs, and

1 Related Agencies of the Committee on Ap-
2 propriations and the Committee on Vet-
3 erans' Affairs of the House of Representa-
4 tives.

5 (d) TERMINATION.—On the date that is 60 days after
6 the date on which the Tiger Team submits the final report
7 required by subsection (c)(3), the Secretary shall termi-
8 nate the Tiger Team established under subsection (a).

○