

115TH CONGRESS
2D SESSION

S. 5

To require the Secretary of Veterans Affairs to pay individuals who are owed educational assistance under the Post-9/11 Educational Assistance program the amounts of educational assistance that they are entitled to by law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2018

Mr. GARDNER (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To require the Secretary of Veterans Affairs to pay individuals who are owed educational assistance under the Post-9/11 Educational Assistance program the amounts of educational assistance that they are entitled to by law, and for other purposes.

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 “Fix Immediately Out-
5 standing Underpayments for Student Veterans Act of
6 2018” or the “Fix IOUs for Student Veterans Act of
7 2018”.

1 **SEC. 2. PAYMENT OF AMOUNTS OWED UNDER POST-9/11**
2 **EDUCATIONAL ASSISTANCE PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Veterans Affairs
4 shall ensure that on or before the date that is 60 days
5 after the date of the enactment of this Act, each individual
6 who received a monthly stipend under section 3313 of title
7 38, United States Code, during the period beginning on
8 August 1, 2018, and ending on December 31, 2018, in
9 an amount that was less than the amount to which the
10 individual was entitled under such section is provided an
11 amount that is equal to the difference between—

12 (1) the amount of monthly stipend to which the
13 individual is entitled under such section; and

14 (2) the amount of monthly stipend the indi-
15 vidual received under such section.

16 (b) ESTABLISHMENT OF COMMISSION.—The Sec-
17 retary shall establish a commission on the correction of
18 payments of monthly stipend under such section that were
19 deficient as a result of difficulties encountered by the De-
20 partment of Veterans Affairs in carrying out such section
21 after the enactment of sections 107 and 501 of the Harry
22 W. Colmery Veterans Educational Assistance Act of 2017
23 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C.
24 403 note).

25 (c) AUDITS.—The commission established under sub-
26 section (b) shall audit each payment of monthly stipend

1 made under such section during the period beginning on
2 August 1, 2018, and ending on December 31, 2018, to
3 determine whether the amount of the payment was defi-
4 cient with respect to the amounts of monthly stipend that
5 were required pursuant to section 3313 of such title as
6 in effect at the time.

7 (d) HIRING AUTHORITY.—The Secretary may hire
8 such personnel as the Secretary considers appropriate to
9 carry out this section.

10 (e) TREATMENT OF OVERPAYMENTS.—An overpay-
11 ment of monthly stipend under section 3313 of title 38,
12 United States Code, that occurred during the period be-
13 ginning on August 1, 2018, and ending on December 31,
14 2018, and that occurred as a result of difficulties de-
15 scribed in subsection (b) shall be treated as if the Sec-
16 retary had made a determination under section 5302(a)
17 of such title that recovery would be against equity and
18 good conscience.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary such sums
21 as may be necessary to carry out this section.

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