

APPENDIX V

INTERAGENCY AGREEMENT
BETWEEN THE
DEPARTMENT OF VETERANS AFFAIRS
AND THE
DEPARTMENT OF DEFENSE
MILITARY RETIRED PAY

I. INTRODUCTION

A. Purpose: This Interagency Agreement establishes responsibilities for the purpose of allowing the Department of Veterans Affairs (VA) to collect, by administrative offset from veterans benefit compensation, amounts owed by retired military personnel to the Department of Defense (DoD) for participation in the Retired Serviceman's Family Protection Plan (RSFPP) or the Survivor Benefit Plan (SBP).

B. General: Public Law 99-576, October 28, 1986, as amended, 38 U.S.C. 3101, permits collection of amounts owed DoD for costs of participating in RSFPP or SBP from VA compensation or pension in accordance with the procedures prescribed in 31 U.S.C. 3716.

II. RESPONSIBILITIESA. Department of Defense:

1. The Deputy Comptroller (Management Systems)/Director Financial Services Policy shall be responsible for executing this Interagency Agreement.

2. The Military Services shall:

(a) Determine the amount of indebtedness for each member.

(b) Ensure any collection action is conducted in accordance with the procedures prescribed in 31 U.S.C. 3711-3720, as amended, and DoD regulations for administrative offset.

(c) Answer all inquiries from the retiree regarding the indebtedness.

(d) Certify to VA that due process procedures, in accordance with 31 U.S.C. 3716, have been completed for each member and that each member has been notified that his or her VA compensation or pension is to be withheld.

(e) Certify to VA that the military service (a) has attempted to collect the debt; (b) has been unable to collect the debt; and (c) has determined that the debt is not collectable from amounts payable by the military to the veteran or that the veteran is not receiving any payment from the military service.

(f) Request VA to offset the total debt amount from the veteran's compensation or pension.

(g) Credit any payment collected to the DoD Military Retirement Fund under Chapter 74 of Title 10 in accordance with 38 U.S.C., Section 3101(c)(4).

(h) Refund any amounts overcollected directly to the member.

B. Department of Veterans Affairs:

1. The Chief, Benefits Payment Policy Division, Financial Management Service (047F2), Department of Affairs shall be responsible for:

(a) Computing the maximum amount to be collected from the veteran's compensation or pension.

(b) Complying with the provisions of 38 CFR, 1, 912a and initiating collection action against the veteran's compensation or pension, and return the funds collected to the appropriate military service for crediting to the Military Retirement Fund.

III. TERMS OF IMPLEMENTATION

A. Effective Date: This agreement will become effective upon the signature of both parties.

B. Amendment or Cancellation: This agreement may be revised or amended by the signature approval of the signatories hereto or by their successors. Cancellation may be made upon 60 days written notice to either party or their successors, to the other.

ACCEPTED

ACCEPTED

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

BY: Signed
Sean O'Keefe
DoD Comptroller

BY: Signed
H. Robert Saldívar
Deputy Assistant Secretary
for Acquisition and Materiel
Management

DATE: Aug 6, 1990

DATE: 6-21-90