

110TH CONGRESS
1ST SESSION

H. R. 797

To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2007

Ms. BALDWIN (for herself, Mr. BOOZMAN, Mr. FILNER, Mr. MILLER of Florida, Ms. HERSETH, Ms. BERKLEY, and Mr. HALL of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, 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. ENHANCED COMPENSATION BENEFITS FOR**
4 **VETERANS IN CERTAIN CASES OF IMPAIR-**
5 **MENT OF VISION INVOLVING BOTH EYES.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Dr. James Allen Veteran Vision Equity Act”.

1 (b) ENHANCED COMPENSATION.—Section
2 1160(a)(1) of title 38, United States Code, is amended—

3 (1) by striking “blindness” both places it ap-
4 pears and inserting “impairment of vision”; and

5 (2) by inserting before the semicolon at the end
6 the following: “, where the impairment in each eye
7 is to a visual acuity of 20/200 or less or of a periph-
8 eral field loss of 20 degrees or less”.

9 **SEC. 2. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR**
10 **INCOME VERIFICATION PURPOSES FOR CER-**
11 **TAIN VETERANS BENEFITS.**

12 (a) USE OF INFORMATION IN NATIONAL DIRECTORY
13 OF NEW HIRES.—Chapter 53 of title 38, United States
14 Code, is amended by adding at the end the following new
15 section:

16 **“§ 5320. Use of National Directory of New Hires for**
17 **income verification purposes**

18 “(a) INFORMATION FROM NATIONAL DIRECTORY OF
19 NEW HIRES.—(1) The Secretary shall furnish to the Sec-
20 retary of Health and Human Services, on a quarterly basis
21 or at such intervals as may be determined by the Sec-
22 retary, information in the custody of the Secretary for
23 comparison with information in the National Directory of
24 New Hires maintained by the Secretary of Health and
25 Human Services pursuant to section 453 of the Social Se-

1 curity Act (42 U.S.C. 653), in order to obtain the informa-
2 tion in such directory with respect to individuals under
3 the age of 65 who are applicants for or recipients of bene-
4 fits or services specified in subsection (d).

5 “(2) The Secretary shall seek information pursuant
6 to this subsection only to the extent essential to deter-
7 mining eligibility for benefits and services specified in sub-
8 section (d) and the amount of benefits specified in para-
9 graphs (1) and (2) of that subsection for individuals under
10 the age of 65.

11 “(3)(A) The Secretary of Health and Human Serv-
12 ices, in cooperation with the Secretary, shall compare in-
13 formation in the National Directory of New Hires with
14 information in the custody of the Secretary furnished pur-
15 suant to paragraph (1), and disclose information in that
16 Directory to the Secretary, in accordance with this sub-
17 section, for the purposes specified in this subsection.

18 “(B) The Secretary of Health and Human Services
19 may make a disclosure in accordance with subparagraph
20 (A) only to the extent that the Secretary determines that
21 such disclosure does not interfere with the effective oper-
22 ation of the program under part D of title IV of the Social
23 Security Act.

24 “(4) The Secretary may use information resulting
25 from a data match pursuant to this subsection only for

1 the purpose of determining eligibility for benefits and serv-
2 ices specified in subsection (d) and the amount of benefits
3 specified in paragraphs (1) and (2) of that subsection.

4 “(5) The Secretary shall reimburse the Secretary of
5 Health and Human Services for the additional costs in-
6 curred by that Secretary in furnishing information under
7 this subsection. Such reimbursement shall be at rates that
8 the Secretary of Health and Human Services determines
9 to be reasonable (which rates shall include payment for
10 the costs of obtaining, verifying, maintaining, and com-
11 paring the information).

12 “(b) NOTIFICATION TO BENEFICIARIES.—The Sec-
13 retary shall notify each applicant for, or recipient of, a
14 benefit or service specified in subsection (d) that income
15 information furnished by the applicant to the Secretary
16 may be compared with information obtained by the Sec-
17 retary from the Secretary of Health and Human Services
18 under subsection (a). The Secretary shall periodically
19 transmit to recipients of such benefits additional notifica-
20 tions of such matters.

21 “(c) INDEPENDENT VERIFICATION REQUIRED.—The
22 Secretary may not, by reason of information obtained from
23 the Secretary of Health and Human Services under sub-
24 section (a) , terminate, deny, suspend, or reduce any ben-
25 efit or service described in subsection (d) until the Sec-

1 retary takes appropriate steps to verify independently in-
2 formation relating to employment and employment in-
3 come.

4 “(d) COVERED BENEFITS AND SERVICES.—The ben-
5 efits and services specified in this subsection are the fol-
6 lowing:

7 “(1) Needs-based pension benefits provided
8 under chapter 15 of this title or under any other law
9 administered by the Secretary.

10 “(2) Parents’ dependency and indemnity com-
11 pensation provided under section 1315 of this title.

12 “(3) Health-care services furnished under sub-
13 sections (a)(2)(G), (a)(3), and (b) of section 1710 of
14 this title.

15 “(4) Compensation paid under chapter 11 of
16 this title at the 100 percent rate based solely on
17 unemployability and without regard to the fact that
18 the disability or disabilities are not rated as 100 per-
19 cent disabling under the rating schedule.

20 “(e) LIMITATION WITH RESPECT TO INDIVIDUAL
21 UNEMPLOYABILITY CASES.—In the case of compensation
22 described in subsection (d)(4), the Secretary may inde-
23 pendently verify or otherwise act upon wage or self-em-
24 ployment information referred to in subsection (c) of this
25 section only if the Secretary finds that the amount and

1 duration of the earnings reported in that information
2 clearly indicate that the individual is not qualified for a
3 rating of total disability.

4 “(f) OPPORTUNITY TO CONTEST FINDINGS.—The
5 Secretary shall inform the individual of the findings made
6 by the Secretary on the basis of verified information under
7 subsection (e), and shall give the individual an opportunity
8 to contest such findings, in the same manner as applies
9 to other information and findings relating to eligibility for
10 the benefit or service involved.

11 “(g) SOURCE OF FUNDS FOR ADMINISTRATION OF
12 SECTION.—The Secretary shall pay the expenses of car-
13 rying out this section from amounts available to the De-
14 partment for the payment of compensation and pension.

15 “(h) TERMINATION OF AUTHORITY.—The authority
16 of the Secretary to obtain information from the Secretary
17 of Health and Human Services under subsection (a) ex-
18 pires on September 30, 2010.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by adding
21 at the end the following new item:

“5320. Use of National Directory of New Hires for income verification pur-
poses.”.

22 (c) EFFECTIVE DATE.—Section 5320 of title 38,
23 United States Code, as added by subsection (a), shall take

1 effect 270 days after the date of the enactment of this
2 Act.

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