

Union Calendar No. 28

110TH CONGRESS
1ST SESSION

H. R. 797

[Report No. 110–57]

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

MARCH 20, 2007

Additional sponsors: Mr. FRANK of Massachusetts, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, Ms. KAPTUR, Mr. FATTAH, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mr. WALZ of Minnesota, Ms. CORRINE BROWN of Florida, Mr. DOYLE, Mr. DAVIS of Alabama, Mr. HIGGINS, Mr. CUMMINGS, Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. REYES, Mr. CARNEY, Ms. CARSON, Ms. BORDALLO, Mr. RYAN of Wisconsin, Mr. KIND, Mr. YARMUTH, Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Mr. HOLDEN, Mr. PAYNE, Mr. SPACE, Ms. HIRONO, Ms. MCCOLLUM of Minnesota, Mr. SENSENBRENNER, Mr. KAGEN, Mr. McDERMOTT, Mr. MANZULLO, Mr. COHEN, Mr. BILIRAKIS, Mr. MICHAUD, Mr. CLEAVER, Mr. TIM MURPHY of Pennsylvania, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, Ms. MATSUI, Mr. HOLT, Ms. SCHAKOWSKY, Ms. DEGETTE, Mr. MURTHA, Mr. WEXLER, Mr. BAKER, Mr. KLINE of Minnesota, Ms. MOORE of Wisconsin, Mr. HARE, Mr. BUYER, Mr. STEARNS, Mr. LAMBORN, Mr. BUCHANAN, Mr. McNERNEY, and Mr. ORTIZ

MARCH 20, 2007

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 2007]

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”.*

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

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

12 (2) *by inserting before the semicolon at the end*
13 *the following: “, where the impairment in each eye is*
14 *to a visual acuity of 20/200 or less or of a peripheral*
15 *field of 20 degrees or less”.*

1 **SEC. 2. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR**
 2 **INCOME VERIFICATION PURPOSES FOR CER-**
 3 **TAIN VETERANS BENEFITS.**

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

7 **“§ 5320. Use of National Directory of New Hires for in-**
 8 **come verification purposes**

9 *“(a) INFORMATION FROM NATIONAL DIRECTORY OF*
 10 *NEW HIRES.—(1) The Secretary shall furnish to the Sec-*
 11 *retary of Health and Human Services, on a quarterly basis*
 12 *or at such intervals as may be determined by the Secretary,*
 13 *information in the custody of the Secretary for comparison*
 14 *with information in the National Directory of New Hires*
 15 *maintained by the Secretary of Health and Human Serv-*
 16 *ices pursuant to section 453 of the Social Security Act (42*
 17 *U.S.C. 653), in order to obtain the information in such di-*
 18 *rectory with respect to individuals under the age of 65 who*
 19 *are applicants for or recipients of benefits or services speci-*
 20 *fied in subsection (d).*

21 *“(2) The Secretary shall seek information pursuant to*
 22 *this subsection only to the extent essential to determining*
 23 *eligibility for benefits and services specified in subsection*
 24 *(d) and the amount of benefits specified in paragraphs (1)*
 25 *and (2) of that subsection for individuals under the age of*
 26 *65.*

1 “(3)(A) *The Secretary of Health and Human Services,*
2 *in cooperation with the Secretary, shall compare informa-*
3 *tion in the National Directory of New Hires with informa-*
4 *tion in the custody of the Secretary furnished pursuant to*
5 *paragraph (1), and disclose information in that Directory*
6 *to the Secretary, in accordance with this subsection, for the*
7 *purposes specified in this subsection.*

8 “(B) *The Secretary of Health and Human Services*
9 *may make a disclosure in accordance with subparagraph*
10 *(A) only to the extent that the Secretary determines that*
11 *such disclosure does not interfere with the effective operation*
12 *of the program under part D of title IV of the Social Secu-*
13 *rity Act.*

14 “(4) *The Secretary may use information resulting*
15 *from a data match pursuant to this subsection only for the*
16 *purpose of determining eligibility for benefits and services*
17 *specified in subsection (d) and the amount of benefits speci-*
18 *fied in paragraphs (1) and (2) of that subsection.*

19 “(5) *The Secretary shall reimburse the Secretary of*
20 *Health and Human Services for the additional costs in-*
21 *curred by that Secretary in furnishing information under*
22 *this subsection. Such reimbursement shall be at rates that*
23 *the Secretary of Health and Human Services determines*
24 *to be reasonable (which rates shall include payment for the*

1 *costs of obtaining, verifying, maintaining, and comparing*
2 *the information).*

3 “(b) *NOTIFICATION TO BENEFICIARIES.—The Sec-*
4 *retary shall notify each applicant for, or recipient of, a ben-*
5 *efit or service specified in subsection (d) that income infor-*
6 *mation furnished by the applicant to the Secretary may*
7 *be compared with information obtained by the Secretary*
8 *from the Secretary of Health and Human Services under*
9 *subsection (a). The Secretary shall periodically transmit to*
10 *recipients of such benefits additional notifications of such*
11 *matters.*

12 “(c) *INDEPENDENT VERIFICATION REQUIRED.—The*
13 *Secretary may not, by reason of information obtained from*
14 *the Secretary of Health and Human Services under sub-*
15 *section (a) , terminate, deny, suspend, or reduce any benefit*
16 *or service described in subsection (d) until the Secretary*
17 *takes appropriate steps to verify independently information*
18 *relating to employment and employment income.*

19 “(d) *COVERED BENEFITS AND SERVICES.—The bene-*
20 *fits and services specified in this subsection are the fol-*
21 *lowing:*

22 “(1) *Needs-based pension benefits provided under*
23 *chapter 15 of this title or under any other law ad-*
24 *ministered by the Secretary.*

1 “(2) *Parents’ dependency and indemnity com-*
2 *ensation provided under section 1315 of this title.*

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

6 “(4) *Compensation paid under chapter 11 of this*
7 *title at the 100 percent rate based solely on*
8 *unemployability and without regard to the fact that*
9 *the disability or disabilities are not rated as 100 per-*
10 *cent disabling under the rating schedule.*

11 “(e) *LIMITATION WITH RESPECT TO INDIVIDUAL*
12 *UNEMPLOYABILITY CASES.—In the case of compensation*
13 *described in subsection (d)(4), the Secretary may independ-*
14 *ently verify or otherwise act upon wage or self-employment*
15 *information referred to in subsection (c) of this section only*
16 *if the Secretary finds that the amount and duration of the*
17 *earnings reported in that information clearly indicate that*
18 *the individual is not qualified for a rating of total dis-*
19 *ability.*

20 “(f) *OPPORTUNITY TO CONTEST FINDINGS.—The Sec-*
21 *retary shall inform the individual of the findings made by*
22 *the Secretary on the basis of verified information under sub-*
23 *section (c), and shall give the individual an opportunity*
24 *to contest such findings, in the same manner as applies to*

1 *other information and findings relating to eligibility for the*
 2 *benefit or service involved.*

3 “(g) *SOURCE OF FUNDS FOR ADMINISTRATION OF*
 4 *SECTION.—The Secretary shall pay the expenses of carrying*
 5 *out this section from amounts available to the Department*
 6 *for the payment of compensation and pension.*

7 “(h) *TERMINATION OF AUTHORITY.—The authority of*
 8 *the Secretary to obtain information from the Secretary of*
 9 *Health and Human Services under subsection (a) expires*
 10 *on September 30, 2012.”.*

11 (b) *CLERICAL AMENDMENT.—The table of sections at*
 12 *the beginning of such chapter is amended by adding at the*
 13 *end the following new item:*

“5320. Use of National Directory of New Hires for income verification purposes.”.

14 (c) *EFFECTIVE DATE.—Section 5320 of title 38,*
 15 *United States Code, as added by subsection (a), shall take*
 16 *effect 270 days after the date of the enactment of this Act.*

17 **SEC. 3. EXTENSION OF AUTHORITY OF SECRETARY OF VET-**
 18 **ERANS AFFAIRS TO PROVIDE AN EDU-**
 19 **CATIONAL ASSISTANCE ALLOWANCE TO PER-**
 20 **SONS PERFORMING QUALIFYING WORK-**
 21 **STUDY ACTIVITIES.**

22 *Section 3485(a)(4) of title 38, United States Code, is*
 23 *amended by striking “June 30, 2007” each place it appears*
 24 *and inserting “June 30, 2009”.*

1 **SEC. 4. PROVISION OF BRONZE REPRESENTATION OF THE**
 2 **LETTER “V” FOR GRAVE OF ELIGIBLE INDIVIDUAL**
 3 **BURIED IN PRIVATE CEMETERY IN**
 4 **LIEU OF GOVERNMENT-PROVIDED HEAD-**
 5 **STONE OR MARKER.**

6 *Section 2306(d) of title 38, United States Code, is*
 7 *amended by adding at the end the following new paragraph:*
 8 *“(5) In lieu of furnishing a headstone or marker under*
 9 *this subsection, the Secretary may furnish, if requested, a*
 10 *bronze representation of the letter ‘V’ to be attached to a*
 11 *headstone or marker furnished at private expense. The Sec-*
 12 *retary shall make such representation available in two sizes*
 13 *for such purpose.”.*

Amend the title so as to read: “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, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter ‘V’ for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.”.

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