

107TH CONGRESS
2D SESSION

S. 2741

To amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2002

Mr. GRASSLEY (for himself, and Mr. NELSON of Nebraska) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, 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. IMPROVEMENT OF PROCEDURES FOR DETER-**
4 **MINATION OF INABILITY TO DEFRAY EX-**
5 **PENSES OF NECESSARY MEDICAL CARE.**

6 (a) EXCLUSION OF CERTAIN ASSETS FROM ATTRIB-
7 UTABLE INCOME AND CORPUS OF ESTATES.—Subsection

1 (f) of section 1722 of title 38, United States Code, is
2 amended—

3 (1) in paragraph (1), by inserting before the pe-
4 riod at the end the following: “, except that such in-
5 come shall not include the value of any real property
6 of the veteran or the veteran’s spouse or dependent
7 children, if any, or any income of the veteran’s de-
8 pendent children, if any”; and

9 (2) in paragraph (2), by striking “the estates”
10 and all that follows and inserting “the estate of the
11 veteran’s spouse, if any, but does not include any
12 real property of the veteran, the veteran’s spouse, or
13 any dependent children of the veteran, nor any in-
14 come of dependent children of the veteran.”.

15 (b) ALTERNATIVE YEAR FOR DETERMINATION OF
16 ATTRIBUTABLE INCOME.—That section is further amend-
17 ed by adding at the end the following new subsection:

18 “(h) For purposes of determining the attributable in-
19 come of a veteran under this section, the Secretary may
20 determine the attributable income of the veteran for the
21 year preceding the previous year, rather than for the pre-
22 vious year, if the Secretary finds that available data do
23 not permit a timely determination of the attributable in-
24 come of the veteran for the previous year for such pur-
25 poses.”.

1 (c) USE OF INCOME INFORMATION FROM CERTAIN
2 OTHER FEDERAL AGENCIES.—Section 5317 of that title
3 is amended—

4 (1) by redesignating subsections (f) and (g) as
5 subsections (g) and (h), respectively; and

6 (2) by inserting after subsection (e) the fol-
7 lowing new subsection (f):

8 “(f) In addition to any other activities under this sec-
9 tion, the Secretary may utilize income information ob-
10 tained under this section from the Secretary of Health and
11 Human Services or the Secretary of the Treasury for the
12 purpose of determining the attributable income of a vet-
13 eran under section 1722 of this title, in lieu of obtaining
14 income information directly from the veteran for that pur-
15 pose.”.

16 (d) PERMANENT AUTHORITY TO OBTAIN INFORMA-
17 TION.—(1) Section 5317 of that title, as amended by sub-
18 section (c), is further amended by striking subsection (h).

19 (2) Section 6103(l)(7)(D) of the Internal Revenue
20 Code of 1986 (26 U.S.C. 6103(l)(7)(D)) is amended in
21 the flush matter at the end by striking the second sen-
22 tence.

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