

H. Res. 855

In the House of Representatives, U. S.,

December 11, 2007.

Resolved, That upon the adoption of this resolution the bill (H.R. 797) entitled “An Act 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”, with the Senate amendment thereto, shall be considered to have been taken from the Speaker’s table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Dr.*
 3 *James Allen Veteran Vision Equity Act of 2007”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—LOW-VISION BENEFITS MATTERS

Sec. 101. Modification of rate of visual impairment for payment of disability compensation.

Sec. 102. Improvement in compensation for veterans in certain cases of impairment of vision involving both eyes.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

Sec. 201. Provision of medallion or other device for privately-purchased grave markers.

Sec. 202. Improvement in provision of assistance to States relating to the interment of veterans in cemeteries other than national cemeteries.

Sec. 203. Modification of authorities on provision of Government headstones and markers for burials of veterans at private cemeteries.

TITLE III—OTHER MATTERS

Sec. 301. Use of national directory of new hires for income verification purposes for certain veterans benefits.

Sec. 302. Extension of authority of Secretary of Veterans Affairs to provide an educational assistance allowance to persons performing qualifying work-study activities.

6 **TITLE I—LOW-VISION BENEFITS**
 7 **MATTERS**

8 **SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT**
 9 **FOR PAYMENT OF DISABILITY COMPENSA-**
 10 **TION.**

11 *Section 1114(o) of title 38, United States Code, is*
 12 *amended by striking “5/200” and inserting “20/200”.*

1 **SEC. 102. IMPROVEMENT IN COMPENSATION FOR VET-**
 2 **ERANS IN CERTAIN CASES OF IMPAIRMENT**
 3 **OF VISION INVOLVING BOTH EYES.**

4 *Section 1160(a)(1) of title 38, United States Code, is*
 5 *amended—*

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

8 *(2) by striking “misconduct;” and inserting*
 9 *“misconduct and—”; and*

10 *(3) by adding at the end the following new sub-*
 11 *paragraphs:*

12 *“(A) the impairment of vision in each eye*
 13 *is rated at a visual acuity of 20/200 or less; or*

14 *“(B) the peripheral field of vision for each*
 15 *eye is 20 degrees or less;”.*

16 **TITLE II—MATTERS RELATING**
 17 **TO BURIAL AND MEMORIAL**
 18 **AFFAIRS**

19 **SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE**
 20 **FOR PRIVATELY-PURCHASED GRAVE MARK-**
 21 **ERS.**

22 *Section 2306(d) of title 38, United States Code, is*
 23 *amended by adding at the end the following new paragraph:*

24 *“(5) In lieu of furnishing a headstone or marker under*
 25 *this subsection, the Secretary may furnish, upon request,*
 26 *a medallion or other device of a design determined by the*

1 *Secretary to signify the deceased's status as a veteran, to*
 2 *be attached to a headstone or marker furnished at private*
 3 *expense.”.*

4 **SEC. 202. IMPROVEMENT IN PROVISION OF ASSISTANCE TO**
 5 **STATES RELATING TO THE INTERMENT OF**
 6 **VETERANS IN CEMETERIES OTHER THAN NA-**
 7 **TIONAL CEMETERIES.**

8 *(a) REPEAL OF TIME LIMITATION FOR STATE FILING*
 9 *FOR REIMBURSEMENT FOR INTERMENT COSTS.—*

10 *(1) IN GENERAL.—The second sentence of section*
 11 *3.1604(d)(2) of title 38, Code of Federal Regulations,*
 12 *shall have no further force or effect as it pertains to*
 13 *unclaimed remains of a deceased veteran.*

14 *(2) RETROACTIVE APPLICATION.—Paragraph (1)*
 15 *shall take effect as of October 1, 2006 and apply with*
 16 *respect to interments and inurnments occurring on or*
 17 *after that date.*

18 *(b) GRANTS FOR OPERATION AND MAINTENANCE OF*
 19 *STATE VETERANS' CEMETERIES.—*

20 *(1) IN GENERAL.—Subsection (a) of section 2408*
 21 *of title 38, United States Code, is amended to read as*
 22 *follows:*

23 *“(a)(1) Subject to subsection (b), the Secretary may*
 24 *make a grant to any State for the following purposes:*

1 “(A) *Establishing, expanding, or improving a*
 2 *veterans’ cemetery owned by the State.*

3 “(B) *Operating and maintaining such a ceme-*
 4 *tery.*

5 “(2) *A grant under paragraph (1) may be made only*
 6 *upon submission of an application to the Secretary in such*
 7 *form and manner, and containing such information, as the*
 8 *Secretary may require.”.*

9 (2) *LIMITATION ON AMOUNTS AWARDED.—Sub-*
 10 *section (e) of such section is amended—*

11 (A) *by inserting “(1)” before “Amounts”;*
 12 *and*

13 (B) *by adding at the end the following new*
 14 *paragraph:*

15 “(2) *In any fiscal year, the aggregate amount of grants*
 16 *awarded under this section for the purposes specified in sub-*
 17 *section (a)(1)(B) may not exceed \$5,000,000.”.*

18 (3) *CONFORMING AMENDMENTS.—Such section is*
 19 *further amended—*

20 (A) *in subsection (b)—*

21 (i) *by striking “Grants under this sec-*
 22 *tion” and inserting “A grant under this*
 23 *section for a purpose described in subsection*
 24 *(a)(1)(A)”;* *and*

1 (ii) by striking “a grant under this
2 section” each place it appears and inserting
3 “such a grant”;

4 (B) in subsection (d), by striking “to assist
5 such State in establishing, expanding, or im-
6 proving a veterans’ cemetery”; and

7 (C) in subsection (f)(1), by inserting “, or
8 in operating and maintaining such cemeteries,”
9 after “veterans’ cemeteries”.

10 (4) *REGULATIONS.*—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Veterans Affairs shall prescribe regulations
13 to carry out the amendments made by this subsection.

14 **SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION**
15 **OF GOVERNMENT HEADSTONES AND MARK-**
16 **ERS FOR BURIALS OF VETERANS AT PRIVATE**
17 **CEMETERIES.**

18 (a) *REPEAL OF EXPIRATION OF AUTHORITY.*—Sub-
19 section (d) of section 2306 of title 38, United States Code,
20 as amended by section 201, is further amended—

21 (1) by striking paragraph (3); and

22 (2) by redesignating paragraphs (4) and (5), as
23 added by that section, as paragraphs (3) and (4), re-
24 spectively.

1 (b) *RETROACTIVE EFFECTIVE DATE.*—Notwith-
 2 standing subsection (d) of section 502 of the Veterans Edu-
 3 cation and Benefits Expansion Act of 2001 (Public Law
 4 107–103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other
 5 provision of law, the amendments made by that section and
 6 by subsections (a), (b), (c), (d), and (f) of section 402 of
 7 the Veterans Benefits, Health Care, and Information Tech-
 8 nology Act of 2006 (Public Law 109–461; 120 Stat. 3429)
 9 shall take effect as of November 1, 1990, and shall apply
 10 with respect to headstones and markers for the graves of
 11 individuals dying on or after that date.

12 ***TITLE III—OTHER MATTERS***

13 ***SEC. 301. USE OF NATIONAL DIRECTORY OF NEW HIRES*** 14 ***FOR INCOME VERIFICATION PURPOSES FOR*** 15 ***CERTAIN VETERANS BENEFITS.***

16 (a) *AUTHORITY FOR INFORMATION COMPARISONS AND*
 17 *DISCLOSURES OF INFORMATION TO ASSIST IN ADMINISTRA-*
 18 *TION OF CERTAIN VETERANS BENEFITS.*—Section 453(j) of
 19 the Social Security Act (42 U.S.C. 653(j)) is amended by
 20 adding at the end the following new paragraph:

21 “(11) *INFORMATION COMPARISONS AND DISCLO-*
 22 *SURES TO ASSIST IN ADMINISTRATION OF CERTAIN*
 23 *VETERANS BENEFITS.*—

24 “(A) *FURNISHING OF INFORMATION BY SEC-*
 25 *RETARY OF VETERANS AFFAIRS.*—Subject to the

1 *provisions of this paragraph, the Secretary of*
2 *Veterans Affairs shall furnish to the Secretary,*
3 *on such periodic basis as determined by the Sec-*
4 *retary of Veterans Affairs in consultation with*
5 *the Secretary, information in the custody of the*
6 *Secretary of Veterans Affairs for comparison*
7 *with information in the National Directory of*
8 *New Hires, in order to obtain information in*
9 *such Directory with respect to individuals who*
10 *are applying for or receiving—*

11 *“(i) needs-based pension benefits pro-*
12 *vided under chapter 15 of title 38, United*
13 *States Code, or under any other law admin-*
14 *istered by the Secretary of Veterans Affairs;*

15 *“(ii) parents’ dependency and indem-*
16 *nity compensation provided under section*
17 *1315 of title 38, United States Code;*

18 *“(iii) health care services furnished*
19 *under subsections (a)(2)(G), (a)(3), or (b) of*
20 *section 1710 of title 38, United States Code;*
21 *or*

22 *“(iv) compensation paid under chapter*
23 *11 of title 38, United States Code, at the*
24 *100 percent rate based solely on*
25 *unemployability and without regard to the*

1 *fact that the disability or disabilities are*
2 *not rated as 100 percent disabling under*
3 *the rating schedule.*

4 “(B) *REQUIREMENT TO SEEK MINIMUM IN-*
5 *FORMATION.—The Secretary of Veterans Affairs*
6 *shall seek information pursuant to this para-*
7 *graph only to the extent necessary to verify the*
8 *employment and income of individuals described*
9 *in subparagraph (A).*

10 “(C) *DUTIES OF THE SECRETARY.—*

11 “(i) *INFORMATION DISCLOSURE.—The*
12 *Secretary, in cooperation with the Secretary*
13 *of Veterans Affairs, shall compare informa-*
14 *tion in the National Directory of New Hires*
15 *with information provided by the Secretary*
16 *of Veterans Affairs with respect to individ-*
17 *uals described in subparagraph (A), and*
18 *shall disclose information in such Directory*
19 *regarding such individuals to the Secretary*
20 *of Veterans Affairs, in accordance with this*
21 *paragraph, for the purposes specified in this*
22 *paragraph.*

23 “(ii) *CONDITION ON DISCLOSURE.—*
24 *The Secretary shall make disclosures in ac-*
25 *cordance with clause (i) only to the extent*

1 *that the Secretary determines that such dis-*
2 *closures do not interfere with the effective*
3 *operation of the program under this part.*

4 “(D) *USE OF INFORMATION BY SECRETARY*
5 *OF VETERANS AFFAIRS.—The Secretary of Vet-*
6 *erans Affairs may use information resulting*
7 *from a data match pursuant to this paragraph*
8 *only—*

9 “(i) *for the purposes specified in sub-*
10 *paragraph (B); and*

11 “(ii) *after removal of personal identi-*
12 *fiers, to conduct analyses of the employment*
13 *and income reporting of individuals de-*
14 *scribed in subparagraph (A).*

15 “(E) *REIMBURSEMENT OF HHS COSTS.—*
16 *The Secretary of Veterans Affairs shall reimburse*
17 *the Secretary, in accordance with subsection*
18 *(k)(3), for the costs incurred by the Secretary in*
19 *furnishing the information requested under this*
20 *paragraph.*

21 “(F) *CONSENT.—The Secretary of Veterans*
22 *Affairs shall not seek, use, or disclose informa-*
23 *tion under this paragraph relating to an indi-*
24 *vidual without the prior written consent of such*

1 *individual (or of a person legally authorized to*
 2 *consent on behalf of such individual).*

3 “(G) *EXPIRATION OF AUTHORITY.*—*The au-*
 4 *thority under this paragraph shall expire on*
 5 *September 30, 2011.”.*

6 (b) *AMENDMENTS TO VETERANS AFFAIRS AUTHOR-*
 7 *ITY.*—

8 (1) *IN GENERAL.*—*Chapter 53 of title 38, United*
 9 *States Code, is amended by inserting after section*
 10 *5317 the following new section:*

11 **“§ 5317A. Use of income information from other agen-**
 12 ***cies: independent verification required be-***
 13 ***fore termination or reduction of certain***
 14 ***benefits and services***

15 “(a) *INDEPENDENT VERIFICATION REQUIRED.*—*The*
 16 *Secretary may terminate, deny, suspend, or reduce any ben-*
 17 *efit or service specified in section 5317(c), with respect to*
 18 *an individual under age 65 who is an applicant for or re-*
 19 *cipient of such a benefit or service, by reason of information*
 20 *obtained from the Secretary of Health and Human Services*
 21 *under section 453(j)(11) of the Social Security Act, only*
 22 *if the Secretary takes appropriate steps to verify independ-*
 23 *ently information relating to the individual’s employment*
 24 *and income from employment.*

1 “(b) *OPPORTUNITY TO CONTEST FINDINGS.*—*The Sec-*
 2 *retary shall inform each individual for whom the Secretary*
 3 *terminates, denies, suspends, or reduces any benefit or serv-*
 4 *ice under subsection (a) of the findings made by the Sec-*
 5 *retary under such subsection on the basis of verified infor-*
 6 *mation and shall provide to the individual an opportunity*
 7 *to contest such findings in the same manner as applies to*
 8 *other information and findings relating to eligibility for the*
 9 *benefit or service involved.*

10 “(c) *SOURCE OF FUNDS FOR REIMBURSEMENT TO*
 11 *SECRETARY OF HEALTH AND HUMAN SERVICES.*—*The Sec-*
 12 *retary shall pay the expense of reimbursing the Secretary*
 13 *of Health and Human Services in accordance with section*
 14 *453(j)(11)(E) of the Social Security Act, for the cost in-*
 15 *curred by the Secretary of Health and Human Services in*
 16 *furnishing information requested by the Secretary under*
 17 *section 453(j)(11) of such Act, from amounts available to*
 18 *the Department for the payment of compensation and pen-*
 19 *sions.*

20 “(d) *EXPIRATION OF AUTHORITY.*—*The authority*
 21 *under this section shall expire on September 30, 2011.”.*

22 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 23 *tions at the beginning of such chapter is amended by*
 24 *inserting after the item relating to section 5317 the*
 25 *following new item:*

“5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services.”.

1 **SEC. 302. EXTENSION OF AUTHORITY OF SECRETARY OF**
 2 **VETERANS AFFAIRS TO PROVIDE AN EDU-**
 3 **CATIONAL ASSISTANCE ALLOWANCE TO PER-**
 4 **SONS PERFORMING QUALIFYING WORK-**
 5 **STUDY ACTIVITIES.**

6 *Section 3485(a)(4) of title 38, United States Code, is*
 7 *amended by striking “June 30, 2007” each place it appears*
 8 *and inserting “June 30, 2010”.*

Amend the title so as to read: “An Act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.”.

Attest:

Clerk.