

Calendar No. 328110TH CONGRESS
1ST SESSION**S. 1163****[Report No. 110-143]**

To amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2007

Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, Mr. WEBB, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

AUGUST 3, 2007

Reported by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

To amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Blinded Veterans
3 Paired Organ Act of 2007”.

4 **SEC. 2. IMPROVEMENT IN COMPENSATION AND SPECIALLY**
5 **ADAPTED HOUSING FOR VETERANS IN CER-**
6 **TAIN CASES OF IMPAIRMENT OF VISION IN-**
7 **VOLVING BOTH EYES.**

8 (a) **COMPENSATION BENEFITS.**—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 striking “misconduct,” and inserting
13 “misconduct if—

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

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

18 (b) **SPECIALLY ADAPTED HOUSING.**—Section
19 2101(b)(2)(A) of such title is amended by striking “eyes
20 with 5/200 visual acuity or less.” and inserting “eyes—

21 “(i) with 20/200 visual acuity or less; or

22 “(ii) with a peripheral field of vision of 20
23 degrees or less.”.

1 **SEC. 3. 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
 5 OF NEW HIRES.—Chapter 53 of title 38, United States
 6 Code, is amended by adding at the end the following new
 7 section:

8 **“§ 5320. Use of National Directory of New Hires for**
 9 **income verification purposes**

10 “(a) INFORMATION FROM NATIONAL DIRECTORY OF
 11 NEW HIRES.—(1) The Secretary shall furnish to the Sec-
 12 retary of Health and Human Services information in the
 13 custody of the Secretary on individuals under the age of
 14 65 who are applicants for or recipients of benefits or serv-
 15 ices specified in subsection (d) for comparison with infor-
 16 mation on such individuals in the National Directory of
 17 New Hires maintained by the Secretary of Health and
 18 Human Services pursuant to section 453 of the Social Se-
 19 curity Act (42 U.S.C. 653). The Secretary shall furnish
 20 the information on a quarterly basis or at such other inter-
 21 vals as may be determined by the Secretary.

22 “(2) The Secretary shall furnish information under
 23 paragraph (1) with respect to any individual only if doing
 24 so is essential to determine the individual’s eligibility for
 25 benefits and services specified in subsection (d) or the

1 amount of benefits specified in paragraphs (1), (2), and
 2 (4) of subsection (d), to which the individual is entitled.

3 ~~“(3)(A) The Secretary of Health and Human Serv-~~
 4 ~~ices shall, in cooperation with the Secretary and in accord-~~
 5 ~~ance with this subsection—~~

6 ~~“(i) compare information in the National Direc-~~
 7 ~~tory of New Hires with information furnished pursu-~~
 8 ~~ant to paragraph (1); and~~

9 ~~“(ii) disclose information in that directory to~~
 10 ~~the Secretary for the purposes specified in this sub-~~
 11 ~~section.~~

12 ~~“(B) The Secretary of Health and Human Services~~
 13 ~~may make a disclosure in accordance with subparagraph~~
 14 ~~(A) only to the extent that the Secretary of Health and~~
 15 ~~Human Services determines that such disclosure does not~~
 16 ~~interfere with the effective operation of the program under~~
 17 ~~part D of title IV of the Social Security Act (42 U.S.C.~~
 18 ~~651 et seq.).~~

19 ~~“(4) The Secretary may use information resulting~~
 20 ~~from a data match pursuant to this subsection only for~~
 21 ~~the purpose of determining eligibility for benefits and serv-~~
 22 ~~ices specified in subsection (d), and the amount of benefits~~
 23 ~~specified in paragraphs (1), (2), and (4) of that sub-~~
 24 ~~section, for individuals under the age of 65.~~

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

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

18 “(c) INDEPENDENT VERIFICATION REQUIRED.—The
19 Secretary may terminate, deny, suspend, or reduce any
20 benefit or service described in subsection (d) by reason of
21 information obtained from the Secretary of Health and
22 Human Services under subsection (a) only if the Secretary
23 takes appropriate steps to verify independently informa-
24 tion relating to employment and income from employment.

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

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

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

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

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

17 “(e) OPPORTUNITY TO CONTEST FINDINGS.—The
 18 Secretary shall inform the individual of the findings made
 19 by the Secretary on the basis of verified information under
 20 subsection (c), and shall give the individual an opportunity
 21 to contest such findings in the same manner as applies
 22 to other information and findings relating to eligibility for
 23 the benefit or service involved.

24 “(f) SOURCE OF FUNDS FOR ADMINISTRATION OF
 25 SECTION.—The Secretary shall pay the expenses of car-

1 rying out this section from amounts available to the De-
 2 partment for the payment of compensation and pensions.

3 ~~“(g) TERMINATION OF AUTHORITY.—The authority~~
 4 ~~of the Secretary to obtain information from the Secretary~~
 5 ~~of Health and Human Services under subsection (a) ex-~~
 6 ~~pires on September 30, 2012.”.~~

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

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

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

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Blinded Veterans Paired*
 16 *Organ Act of 2007”.*

17 **TITLE I—LOW-VISION BENEFITS**
 18 **MATTERS**

19 **SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT**
 20 **FOR PAYMENT OF DISABILITY COMPENSA-**
 21 **TION.**

22 *Section 1114(o) of title 38, United States Code, is*
 23 *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”; and*

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

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

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

14 **SEC. 103. USE OF NATIONAL DIRECTORY OF NEW HIRES**
 15 **FOR INCOME VERIFICATION PURPOSES FOR**
 16 **CERTAIN VETERANS BENEFITS.**

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

20 **“§ 5320. Use of National Directory of New Hires for in-**
 21 **come verification purposes**

22 *“(a) INFORMATION FROM NATIONAL DIRECTORY OF*
 23 *NEW HIRES.—(1) The Secretary shall furnish to the Sec-*
 24 *retary of Health and Human Services information in the*
 25 *custody of the Secretary on individuals under the age of*
 26 *65 who are applicants for or recipients of benefits or serv-*

1 *ices specified in subsection (d) for comparison with infor-*
 2 *mation on such individuals in the National Directory of*
 3 *New Hires maintained by the Secretary of Health and*
 4 *Human Services pursuant to section 453 of the Social Secu-*
 5 *rity Act (42 U.S.C. 653). The Secretary shall furnish the*
 6 *information on a quarterly basis or at such other intervals*
 7 *as may be determined by the Secretary.*

8 “(2) *The Secretary shall furnish information under*
 9 *paragraph (1) with respect to any individual only if doing*
 10 *so is essential to determine the individual’s eligibility for*
 11 *benefits and services specified in subsection (d) or the*
 12 *amount of benefits specified in paragraphs (1), (2), and (4)*
 13 *of subsection (d), to which the individual is entitled.*

14 “(3)(A) *The Secretary of Health and Human Services*
 15 *shall, in cooperation with the Secretary and in accordance*
 16 *with this subsection—*

17 “(i) *compare information in the National Direc-*
 18 *tory of New Hires with information furnished pursu-*
 19 *ant to paragraph (1); and*

20 “(ii) *disclose information in that directory to the*
 21 *Secretary for the purposes specified in this subsection.*

22 “(B) *The Secretary of Health and Human Services*
 23 *may make a disclosure in accordance with subparagraph*
 24 *(A) only to the extent that the Secretary of Health and*
 25 *Human Services determines that such disclosure does not*

1 *interfere with the effective operation of the program under*
 2 *part D of title IV of the Social Security Act (42 U.S.C.*
 3 *651 et seq.).*

4 “(4) *The Secretary may use information resulting*
 5 *from a data match pursuant to this subsection only for the*
 6 *purpose of determining eligibility for benefits and services*
 7 *specified in subsection (d), and the amount of benefits speci-*
 8 *fied in paragraphs (1), (2), and (4) of that subsection, for*
 9 *individals under the age of 65.*

10 “(5) *The Secretary shall reimburse the Secretary of*
 11 *Health and Human Services for the additional costs in-*
 12 *curred by that Secretary in furnishing information under*
 13 *this subsection. Such reimbursement shall be at rates that*
 14 *the Secretary of Health and Human Services determines*
 15 *to be reasonable (and shall include payment for the costs*
 16 *of obtaining, verifying, maintaining, and comparing the*
 17 *information).*

18 “(b) *NOTIFICATION TO BENEFICIARIES.—The Sec-*
 19 *retary shall notify each applicant for, or recipient of, a ben-*
 20 *efit or service specified in subsection (d) that income infor-*
 21 *mation furnished by the applicant to the Secretary may*
 22 *be compared with information obtained by the Secretary*
 23 *from the Secretary of Health and Human Services under*
 24 *subsection (a). The Secretary shall periodically transmit to*

1 recipients of such benefits additional notices under this sub-
 2 section.

3 “(c) *INDEPENDENT VERIFICATION REQUIRED.*—The
 4 Secretary may terminate, deny, suspend, or reduce any ben-
 5 efit or service described in subsection (d) by reason of infor-
 6 mation obtained from the Secretary of Health and Human
 7 Services under subsection (a) only if the Secretary takes ap-
 8 propriate steps to verify independently information relating
 9 to employment and income from employment.

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

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

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

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

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

1 “(e) *OPPORTUNITY TO CONTEST FINDINGS.*—*The Sec-*
 2 *retary shall inform the individual of the findings made by*
 3 *the Secretary on the basis of verified information under sub-*
 4 *section (c), and shall give the individual an opportunity*
 5 *to contest such findings in the same manner as applies to*
 6 *other information and findings relating to eligibility for the*
 7 *benefit or service involved.*

8 “(f) *SOURCE OF FUNDS FOR ADMINISTRATION OF SEC-*
 9 *TION.*—*The Secretary shall pay the expenses of carrying out*
 10 *this section from amounts available to the Department for*
 11 *the payment of compensation and pensions.*

12 “(g) *TERMINATION OF AUTHORITY.*—*The authority of*
 13 *the Secretary to obtain information from the Secretary of*
 14 *Health and Human Services under subsection (a) expires*
 15 *on September 30, 2012.”.*

16 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
 17 *the beginning of such chapter is amended by adding at the*
 18 *end the following new item:*

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

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

1 **TITLE II—BURIAL AND**
 2 **MEMORIAL AFFAIRS MATTERS**

3 **SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE**
 4 **FOR PRIVATELY PURCHASED GRAVE MARK-**
 5 **ERS.**

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

8 “(5) *The Secretary may, upon request, furnish in lieu*
 9 *of a headstone or marker authorized by this subsection a*
 10 *medallion or other device of a design determined by the Sec-*
 11 *retary to signify the deceased’s status as a veteran to be*
 12 *affixed to a headstone or marker purchased at private ex-*
 13 *pense.”.*

14 **SEC. 202. INCREASE IN ASSISTANCE FOR VETERANS IN-**
 15 **TERRED IN CEMETERIES OTHER THAN NA-**
 16 **TIONAL CEMETERIES.**

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

19 *(1) IN GENERAL.—The second sentence of section*
 20 *3.1604(d)(2) of title 38, Code of Federal Regulations,*
 21 *shall have no further force or effect as it pertains to*
 22 *unclaimed remains of a deceased veteran.*

23 *(2) RETROACTIVE APPLICATION.—The provision*
 24 *of paragraph (1) shall take effect as of October 1,*
 25 *2006.*

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

3 ***(1) IN GENERAL.—****Subsection (a) of section 2408*
 4 *of title 38, United States Code, is amended—*

5 ***(A)*** *by inserting “(1)” before “Subject to”;*

6 ***(B)*** *by designating the second sentence as*
 7 *paragraph (2) and indenting the margin of such*
 8 *paragraph, as so designated, two ems from the*
 9 *left margin; and*

10 ***(C)*** *in paragraph (1), as designated by sub-*
 11 *paragraph (A) of this paragraph, by striking*
 12 *“assist such State in establishing, expanding, or*
 13 *improving veterans’ cemeteries owned by such*
 14 *State.” and inserting “assist such State in the*
 15 *following:*

16 ***“(A) Establishing, expanding, or improving vet-***
 17 *erans’ cemeteries owned by such State.*

18 ***“(B) Operating and maintaining such ceme-***
 19 *teries.”.*

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

22 ***(A)*** *by inserting “(1)” before “Amounts”;*

23 *and*

24 ***(B)*** *by adding at the end the following new*
 25 *paragraph:*

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

4 (3) *CONFORMING AMENDMENTS.—(A) Subsection*
 5 *(b) of such section is amended—*

6 (i) *by striking “Grants under this section”*
 7 *and inserting “Grants under this section for the*
 8 *purposes described in subsection (a)(1)(A)”;* *and*

9 (ii) *by striking “a grant under this section”*
 10 *each place it appears and inserting “such a*
 11 *grant”.*

12 (B) *Subsection (d) of such section is amended by*
 13 *inserting “, or in operating and maintaining a vet-*
 14 *erans’ cemetery,” after “veterans’ cemetery”.*

15 (C) *Subsection (f)(1) of such section is amended*
 16 *by inserting “, or in operating and maintaining vet-*
 17 *erans’ cemeteries,” after “veterans’ cemeteries”.*

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

1 **SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION**
 2 **OF GOVERNMENT HEADSTONES AND MARK-**
 3 **ERS FOR BURIALS OF VETERANS AT PRIVATE**
 4 **CEMETERIES.**

5 (a) *REPEAL OF EXPIRATION OF AUTHORITY.*—Sub-
 6 section (d) of section 2306 of title 38, United States Code,
 7 as amended by section 201 of this Act, is further amended—

8 (1) *by striking paragraph (3); and*

9 (2) *by redesignating paragraphs (4) and (5) (as*
 10 *added by section 201) as paragraphs (3) and (4), re-*
 11 *spectively.*

12 (b) *RETROACTIVE EFFECTIVE DATE.*—Notwith-
 13 standing subsection (d) of section 502 of the Veterans Edu-
 14 cation and Benefits Expansion Act of 2001 (Public Law
 15 107–103; 115 Stat. 995; 38 U.S.C. 2306 note), the amend-
 16 ments made to section 2306(d) of title 38, United States
 17 Code, by such section 502 and the amendments made by
 18 section 402 of the Veterans Benefits, Health Care, and In-
 19 formation Technology Act of 2006 (Public Law 109–461),
 20 other than the amendment made by subsection (e) of such
 21 section 402, shall take effect as of November 1, 1990, and
 22 shall apply with respect to the graves of individuals who
 23 have died on or after that day.

Calendar No. 328

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1ST Session

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A BILL

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