

110TH CONGRESS
1ST SESSION

H. R. 797

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2007

Received; read twice and referred to the Committee on Veterans' Affairs

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.

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
9 1160(a)(1) 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
14 is to a visual acuity of 20/200 or less or of a periph-
15 eral field of 20 degrees or less”.

16 **SEC. 2. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR**
17 **INCOME VERIFICATION PURPOSES FOR CER-**
18 **TAIN VETERANS BENEFITS.**

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

1 **“§ 5320. Use of National Directory of New Hires for**
2 **income verification purposes**

3 “(a) INFORMATION FROM NATIONAL DIRECTORY OF
4 NEW HIRES.—(1) The Secretary shall furnish to the Sec-
5 retary of Health and Human Services, on a quarterly basis
6 or at such intervals as may be determined by the Sec-
7 retary, information in the custody of the Secretary for
8 comparison with information in the National Directory of
9 New Hires maintained by the Secretary of Health and
10 Human Services pursuant to section 453 of the Social Se-
11 curity Act (42 U.S.C. 653), in order to obtain the informa-
12 tion in such directory with respect to individuals under
13 the age of 65 who are applicants for or recipients of bene-
14 fits or services specified in subsection (d).

15 “(2) The Secretary shall seek information pursuant
16 to this subsection only to the extent essential to deter-
17 mining eligibility for benefits and services specified in sub-
18 section (d) and the amount of benefits specified in para-
19 graphs (1) and (2) of that subsection for individuals under
20 the age of 65.

21 “(3)(A) The Secretary of Health and Human Serv-
22 ices, in cooperation with the Secretary, shall compare in-
23 formation in the National Directory of New Hires with
24 information in the custody of the Secretary furnished pur-
25 suant to paragraph (1), and disclose information in that

1 Directory to the Secretary, in accordance with this sub-
2 section, for the purposes specified in this subsection.

3 “(B) The Secretary of Health and Human Services
4 may make a disclosure in accordance with subparagraph
5 (A) only to the extent that the Secretary determines that
6 such disclosure does not interfere with the effective oper-
7 ation of the program under part D of title IV of the Social
8 Security Act.

9 “(4) The Secretary may use information resulting
10 from a data match pursuant to this subsection only for
11 the purpose of determining eligibility for benefits and serv-
12 ices specified in subsection (d) and the amount of benefits
13 specified in paragraphs (1) and (2) of that subsection.

14 “(5) The Secretary shall reimburse the Secretary of
15 Health and Human Services for the additional costs in-
16 curred by that Secretary in furnishing information under
17 this subsection. Such reimbursement shall be at rates that
18 the Secretary of Health and Human Services determines
19 to be reasonable (which rates shall include payment for
20 the costs of obtaining, verifying, maintaining, and com-
21 paring the information).

22 “(b) NOTIFICATION TO BENEFICIARIES.—The Sec-
23 retary shall notify each applicant for, or recipient of, a
24 benefit or service specified in subsection (d) that income
25 information furnished by the applicant to the Secretary

1 may be compared with information obtained by the Sec-
2 retary from the Secretary of Health and Human Services
3 under subsection (a). The Secretary shall periodically
4 transmit to recipients of such benefits additional notifica-
5 tions of such matters.

6 “(c) INDEPENDENT VERIFICATION REQUIRED.—The
7 Secretary may not, by reason of information obtained from
8 the Secretary of Health and Human Services under sub-
9 section (a) , terminate, deny, suspend, or reduce any ben-
10 efit or service described in subsection (d) until the Sec-
11 retary takes appropriate steps to verify independently in-
12 formation relating to employment and employment in-
13 come.

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

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

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

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

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

6 “(e) LIMITATION WITH RESPECT TO INDIVIDUAL
7 UNEMPLOYABILITY CASES.—In the case of compensation
8 described in subsection (d)(4), the Secretary may inde-
9 pendently verify or otherwise act upon wage or self-em-
10 ployment information referred to in subsection (c) of this
11 section only if the Secretary finds that the amount and
12 duration of the earnings reported in that information
13 clearly indicate that the individual is not qualified for a
14 rating of total disability.

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

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

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

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

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

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

12 **SEC. 3. EXTENSION OF AUTHORITY OF SECRETARY OF VET-**
13 **ERANS AFFAIRS TO PROVIDE AN EDU-**
14 **CATIONAL ASSISTANCE ALLOWANCE TO PER-**
15 **SONS PERFORMING QUALIFYING WORK-**
16 **STUDY ACTIVITIES.**

17 Section 3485(a)(4) of title 38, United States Code,
18 is amended by striking “June 30, 2007” each place it ap-
19 pears and inserting “June 30, 2012”.

1 **SEC. 4. PROVISION OF BRONZE REPRESENTATIONS OF THE**
2 **LETTER “V” FOR GRAVE OF ELIGIBLE INDI-**
3 **VIDUAL 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 para-
8 graph:

9 “(5) In lieu of furnishing a headstone or marker
10 under this subsection, the Secretary may furnish, if re-
11 quested, a bronze representation of the letter ‘V’ to be at-
12 tached to a headstone or marker furnished at private ex-
13 pense. The Secretary shall make available two sizes of
14 such representations for such purpose.”.

Passed the House of Representatives March 21,
2007.

Attest: LORRAINE C. MILLER,
Clerk.