

104TH CONGRESS  
2D SESSION

# H. R. 3248

To amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1996

Mr. EVERETT (for himself and Mr. EVANS) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, 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. SHORT TITLE.**

4 This Act may be cited as the "Veterans Programs  
5 Amendments of 1996".

1 **SEC. 2. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CAR-**  
2 **CINOMA IS SERVICE-CONNECTED.**

3 Section 1112(c)(2) of title 38, United States Code,  
4 is amended by adding at the end the following new sub-  
5 paragraph:

6 “(P) Bronchiolo-alveolar carcinoma.”.

7 **SEC. 3. PRESUMPTION OF PERMANENT AND TOTAL DIS-**  
8 **ABILITY FOR VETERANS OVER AGE 65 WHO**  
9 **ARE NURSING HOME PATIENTS.**

10 Section 1502(a) of title 38, United States Code, is  
11 amended by inserting “is 65 years of age or older and  
12 a patient in a nursing home or, regardless of age,” after  
13 “such a person”.

14 **SEC. 4. PILOT PROGRAM FOR USE OF CONTRACT PHYSI-**  
15 **CIANS FOR DISABILITY EXAMINATIONS.**

16 (a) **AUTHORITY.**—The Secretary of Veterans Affairs  
17 may conduct a pilot program under this section under  
18 which examinations with respect to medical disability of  
19 applicants for benefits under laws administered by the  
20 Secretary that are carried out through the Under Sec-  
21 retary for Benefits may be made by persons other than  
22 employees of the Department of Veterans Affairs pursuant  
23 to contracts entered into with those persons.

24 (b) **LIMITATION.**—The Secretary may carry out the  
25 pilot program under this section through not more than  
26 10 regional offices of the Department of Veterans Affairs.

1 (c) SOURCE OF FUNDS.—Payments for contracts  
2 under the pilot program under this section shall be made  
3 from amounts available to the Secretary of Veterans Af-  
4 fairs for payment of examinations of applicants for bene-  
5 fits.

6 (d) REPORT TO CONGRESS.—Not later than three  
7 years after the date of the enactment of this Act, the Sec-  
8 retary shall submit to Congress a report on the effect of  
9 the use of the authority provided by subsection (a) on the  
10 timeliness and thoroughness of medical disability examina-  
11 tions.

12 **SEC. 5. INCREASE IN AUTOMOBILE ALLOWANCE.**

13 (a) IN GENERAL.—Section 3902(a) of title 38,  
14 United States Code, is amended by striking out “\$5,500”  
15 and inserting in lieu thereof “\$6,000”.

16 (b) EFFECTIVE DATE.—The amendment made by  
17 subsection (a) shall apply with respect to purchases of  
18 automobiles and other conveyances on or after the date  
19 of the enactment of this Act.

20 **SEC. 6. EFFECTIVE DATE OF DISCONTINUANCE OF CER-**  
21 **TAIN VETERANS’ BENEFITS BY REASON OF**  
22 **DEATH OF RECIPIENT.**

23 (a) IN GENERAL.—Section 5112(b)(1) of title 38,  
24 United States Code, is amended to read as follows:

25 “(1) by reason of—

1           “(A) the marriage or remarriage of the  
2           payee, shall be the last day of the month before  
3           the month during which such marriage or re-  
4           marriage occurs; and

5           “(B) the death of the payee, shall be (i)  
6           the last day of the month before the month dur-  
7           ing which the death occurs, or (ii) in the case  
8           of a payee who was in receipt of compensation  
9           or pension and who has a surviving spouse, the  
10          date on which the death occurs;”.

11          (b) PAYMENT OF BENEFIT FOR FINAL MONTH.—  
12          Section 5112 of such title is further amended by adding  
13          at the end the following new subsection:

14          “(d) In the case of discontinuance of payment of com-  
15          pensation or pension covered by subsection (b)(1)(B)(ii),  
16          the payment for the final calendar month (or any portion  
17          thereof) for which such benefit is payable shall (notwith-  
18          standing any other provision of law) be payable to the sur-  
19          viving spouse.”.

20          (c) COMMENCEMENT DATE FOR DIC.—Section  
21          5110(d) of such title is amended by adding at the end  
22          the following new paragraph:

23          “(3) Notwithstanding paragraph (1), the effective  
24          date of an award of dependency and indemnity compensa-  
25          tion for which application is received within one year from

1 the date of death shall, in the case of a surviving spouse  
2 to whom an amount is payable pursuant to section  
3 5111(d) of this title, be the day following the date on  
4 which the death occurred.”.

5 (d) **EFFECTIVE DATE.**—The amendments made by  
6 this section shall apply with respect to the death of com-  
7 pensation and pension recipients occurring after October  
8 1, 1998.

9 **SEC. 7. INCREASE IN PERIOD FOR WHICH ACCRUED BENE-**  
10 **FITS PAYABLE.**

11 Section 5121(a) of title 38, United States Code, is  
12 amended by striking out “one year” in the matter preced-  
13 ing paragraph (1) and inserting in lieu thereof “two  
14 years”.

15 **SEC. 8. LIMITATION ON CLOTHING ALLOWANCE FOR IN-**  
16 **CARCERATED VETERANS.**

17 (a) **PRO RATA REDUCTION.**—Chapter 53 of title 38,  
18 United States Code, is amended by inserting after section  
19 5313 the following new section:

20 **“§ 5313A. Limitation on payment of clothing allow-**  
21 **ance to incarcerated veterans**

22 “In the case of a veteran who is incarcerated in a  
23 Federal, State, or local penal institution for a period in  
24 excess of 60 days and who is furnished clothing without  
25 charge by the institution, the amount of an annual cloth-

1 ing allowance payable to such veteran under section 1162  
2 of this title shall be reduced on a pro rata basis for each  
3 day on which the veteran was so incarcerated during the  
4 12-month period preceding the date on which payment of  
5 the allowance would be due. This section shall be carried  
6 out under regulations prescribed by the Secretary.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by inserting  
9 after the item relating to section 5313 the following new  
10 item:

“5313A. Limitation on payment of clothing allowance to incarcerated veterans.”.

11 **SEC. 9. REPAIR AND LONG-TERM MAINTENANCE OF WAR**  
12 **MEMORIALS.**

13 Section 5(b)(2) of the Act of March 4, 1923 (36  
14 U.S.C. 125(b)(2)), is amended—

15 (1) by inserting “(A)” after “(2)”; and

16 (2) by adding at the end the following:

17 “(B) In assuming responsibility for a war memorial  
18 under paragraph (1), the Commission may enter into ar-  
19 rangements with the sponsors of the memorial to provide  
20 for the repair or long-term maintenance of the memorial.  
21 Any funds transferred to the Commission for the purpose  
22 of this subparagraph shall, in lieu of subparagraph (A),  
23 be deposited by the Commission in the fund established  
24 by paragraph (3).

1       “(3)(A) There is established in the Treasury a fund  
2 which shall be available to the Commission for expenses  
3 for the maintenance and repair of memorials with respect  
4 to which the Commission enters into arrangements under  
5 paragraph (2)(B). The fund shall consist of (i) amounts  
6 deposited, and interest and proceeds credited, under sub-  
7 paragraph (B), and (ii) obligations obtained under sub-  
8 paragraph (C).

9       “(B) The Commission shall deposit in the fund such  
10 amounts from private contributions as may be accepted  
11 under paragraph (2)(B). The Secretary of the Treasury  
12 shall credit to the fund the interest on, and the proceeds  
13 from sale or redemption of, obligations held in the fund.

14       “(C) The Secretary of the Treasury shall invest any  
15 portion of the fund that, as determined by the Commis-  
16 sion, is not required to meet current expenses. Each in-  
17 vestment shall be made in an interest bearing obligation  
18 of the United States or an obligation guaranteed as to  
19 principal and interest by the United States that, as deter-  
20 mined by the Commission, has a maturity suitable for the  
21 fund.”.

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