

104TH CONGRESS
2D SESSION

H.R. 3673

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.

IN THE SENATE OF THE UNITED STATES

JULY 17, 1996

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
2 **UNITED STATES CODE.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Veterans’ Compensation and Readjustment Benefits
5 Amendments of 1996”.

6 (b) **REFERENCES.**—Except as otherwise expressly
7 provided, whenever in this Act an amendment is expressed
8 in terms of an amendment to a section or other provision,
9 the reference shall be considered to be made to a section
10 or other provision of title 38, United States Code.

11 **TITLE I—VETERANS**
12 **COMPENSATION BENEFITS**

13 **SEC. 101. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR**
14 **CARCINOMA IS SERVICE-CONNECTED.**

15 Section 1112(c)(2) is amended by adding at the end
16 the following new subparagraph:

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

18 **SEC. 102. PRESUMPTION OF PERMANENT AND TOTAL DIS-**
19 **ABILITY FOR VETERANS OVER AGE 65 WHO**
20 **ARE NURSING HOME PATIENTS.**

21 Section 1502(a) is amended by inserting “is 65 years
22 of age or older and a patient in a nursing home or, regard-
23 less of age,” after “such a person”.

1 **SEC. 103. PILOT PROGRAM FOR USE OF CONTRACT PHYSI-**
2 **CIANS FOR DISABILITY EXAMINATIONS.**

3 (a) **AUTHORITY.**—The Secretary of Veterans Affairs
4 may conduct a pilot program under this section under
5 which examinations with respect to medical disability of
6 applicants for benefits under laws administered by the
7 Secretary that are carried out through the Under Sec-
8 retary for Benefits may be made by persons other than
9 employees of the Department of Veterans Affairs pursuant
10 to contracts entered into with those persons.

11 (b) **LIMITATION.**—The Secretary may carry out the
12 pilot program under this section through not more than
13 10 regional offices of the Department of Veterans Affairs.

14 (c) **SOURCE OF FUNDS.**—Payments for contracts
15 under the pilot program under this section shall be made
16 from amounts available to the Secretary of Veterans Af-
17 fairs for payment of examinations of applicants for bene-
18 fits.

19 (d) **REPORT TO CONGRESS.**—Not later than three
20 years after the date of the enactment of this Act, the Sec-
21 retary shall submit to Congress a report on the effect of
22 the use of the authority provided by subsection (a) on the
23 cost, timeliness, and thoroughness of medical disability ex-
24 aminations.

1 **SEC. 104. LIMITATION ON CLOTHING ALLOWANCE FOR IN-**
 2 **CARCERATED VETERANS.**

3 (a) PRO RATA REDUCTION.—Chapter 53 is amended
 4 by inserting after section 5313 the following new section:

5 **“§ 5313A. Limitation on payment of clothing allow-**
 6 **ance to incarcerated veterans**

7 “In the case of a veteran who is incarcerated in a
 8 Federal, State, or local penal institution for a period in
 9 excess of 60 days and who is furnished clothing without
 10 charge by the institution, the amount of an annual cloth-
 11 ing allowance payable to such veteran under section 1162
 12 of this title shall be reduced on a pro rata basis for each
 13 day on which the veteran was so incarcerated during the
 14 12-month period preceding the date on which payment of
 15 the allowance would be due. This section shall be carried
 16 out under regulations prescribed by the Secretary.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 at the beginning of such chapter is amended by inserting
 19 after the item relating to section 5313 the following new
 20 item:

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

21 **SEC. 105. EXTENSION OF VETERANS’ CLAIMS ADJUDICA-**
 22 **TION COMMISSION.**

23 (a) EXTENSION OF TIME FOR SUBMISSION OF FINAL
 24 REPORT.—Section 402(e)(2) of the Veterans’ Benefits
 25 Improvements Act of 1994 (Public Law 103–446; 108

1 Stat. 4659) is amended by striking out “Not later than
2 18 months after such date” and inserting in lieu thereof
3 “Not later than December 31, 1996”.

4 (b) FUNDING.—From amounts appropriated to the
5 Department of Veterans Affairs for each of fiscal years
6 1996 and fiscal year 1997 for the payment of compensa-
7 tion and pension, the amount of \$75,000 is hereby made
8 available for the activities of the Veterans’ Claims Adju-
9 dication Commission under title IV of the Veterans’ Bene-
10 fits Improvements Act of 1994 (Public Law 103–446; 108
11 Stat. 4659).

12 **TITLE II—EDUCATION AND**
13 **OTHER READJUSTMENT BEN-**
14 **EFITS**

15 **SEC. 201. PERIOD OF OPERATION FOR APPROVAL.**

16 (a) IN GENERAL.—(1) Chapter 36 is amended—

17 (A) by striking out section 3689; and

18 (B) by striking out the item relating to section
19 3689 in the table of sections at the beginning of
20 chapter 36.

21 (2) Subparagraph (C) of section 3680A(d)(2) is
22 amended by striking out “3689(b)(6)” and inserting in
23 lieu thereof “3680A(g)”.

1 (b) DISAPPROVAL OF ENROLLMENT IN CERTAIN
2 COURSES.—Section 3680A is amended by adding after
3 subsection (d) the following new subsections:

4 “(e) The Secretary shall not approve the enrollment
5 of an eligible veteran in a course not leading to a standard
6 college degree offered by a proprietary profit or propri-
7 etary nonprofit educational institution when—

8 “(1) the educational institution has been oper-
9 ating for less than two years;

10 “(2) the course is offered at a branch of the
11 educational institution and the branch has been op-
12 erating for less than two years; or

13 “(3) following either a change in ownership or
14 a complete move outside its original general locality
15 the educational institution does not retain substan-
16 tially the same faculty, student body, and courses, as
17 determined in accordance with regulations the Sec-
18 retary shall prescribe, as before the change in owner-
19 ship or the move outside the general locality.

20 “(f) The Secretary shall not approve the enrollment
21 of an eligible veteran in a course as a part of a program
22 of education offered by an educational institution when the
23 course is provided under contract by another educational
24 institution or entity and—

1 “(1) the Secretary would be barred under sub-
2 section (e) from approving the enrollment of an eli-
3 gible veteran in the course of the educational institu-
4 tion or entity providing the course under contract; or

5 “(2) the educational institution or entity provid-
6 ing the course under contract has not obtained ap-
7 proval for the course under this chapter.

8 “(g) Notwithstanding subsections (e) and (f), the
9 Secretary may approve the enrollment of an eligible vet-
10 eran in a course approved under this chapter if the course
11 is offered by an educational institution under contract
12 with the Department of Defense or the Department of
13 Transportation and is given on or immediately adjacent
14 to a military base, Coast Guard station, National Guard
15 facility, or facility of the Selected Reserve.”.

16 (c) APPROVAL OF ACCREDITED COURSES.—Sub-
17 section (b) of section 3675 is amended to read as follows:

18 “(b) As a condition of approval under this section,
19 the State approving agency must find the following:

20 “(1) Adequate records, as prescribed by the
21 State approving agency, are kept by the educational
22 institution to show the student’s progress and
23 grades and that satisfactory standards relating to
24 progress and conduct are enforced.

1 “(2) The educational institution maintains a
 2 written record of the previous education and training
 3 of the eligible person or veteran that clearly indi-
 4 cates that appropriate credit has been given by the
 5 educational institution for previous education and
 6 training, with the training period shortened propor-
 7 tionately.

8 “(3) The educational institution and its ap-
 9 proved courses meet the criteria of paragraphs (1),
 10 (2), and (3) of section 3676(c) of this title.”.

11 **SEC. 202. ELIMINATION OF DISTINCTION BETWEEN OPEN**
 12 **CIRCUIT TV AND INDEPENDENT STUDY.**

13 (a) **VETERANS’ EDUCATIONAL ASSISTANCE PRO-**
 14 **GRAM.**—Subsection (f) of section 3482 is amended by
 15 striking out “in part”.

16 (b) **SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL**
 17 **ASSISTANCE.**—Section 3523 is amended—

18 (1) in subsection (a)(4), by inserting “(includ-
 19 ing open circuit television)” after “independent
 20 study program” the second place it appears; and

21 (2) in subsection (c), by striking out “radio”
 22 and all that follows through the end and inserting
 23 in lieu thereof “radio.”.

24 (c) **ADMINISTRATION OF EDUCATIONAL BENE-**
 25 **FITS.**—Subsection (c) of section 3680A is amended by

1 striking out “radio” and all that follows through the end
2 and inserting in lieu thereof “radio.”.

3 **SEC. 203. MEDICAL QUALIFICATIONS FOR FLIGHT TRAIN-**
4 **ING.**

5 (a) CHAPTER 30 AND 32 PROGRAMS.—Sections
6 3034(d)(2) and 3241(b)(2) are each amended by inserting
7 before the semicolon at the end the following: “on the first
8 day of such training and within 60 days after successfully
9 completing such training”.

10 (b) SELECTED RESERVE.—Paragraph (2) of section
11 16136(c) of title 10, United States Code, is amended by
12 inserting before the period at the end the following: “on
13 the first day of such training and within 60 days after
14 successfully completing such training”.

15 **SEC. 204. COOPERATIVE PROGRAMS.**

16 (a) CHAPTER 30.—Section 3032 of chapter 30 is
17 amended by striking out subsection (d) and redesignating
18 subsections (e) and (f) as subsections (d) and (e), respec-
19 tively.

20 (b) CHAPTER 32.—Section 3231 of chapter 32 is
21 amended by striking out subsection (d) and redesignating
22 subsections (e) and (f) as subsections (d) and (e), respec-
23 tively.

1 (c) CHAPTER 35.—Subsection (b) of section 3532 is
2 amended by striking out “\$327” and inserting in lieu
3 thereof “\$404”.

4 (d) CHAPTER 106.—Section 16131 of title 10, Unit-
5 ed States Code, is amended—

6 (1) by striking out subsection (e) and redesignig-
7 nating subsections (f), (g), (h), (i), and (j) as sub-
8 sections (e), (f), (g), (h), and (i), respectively; and

9 (2) in subsection (b)(1), by striking out “(g)”
10 and inserting in lieu thereof “(f)”.

11 **SEC. 205. EXTENSION OF ENHANCED LOAN ASSET SALE**
12 **AUTHORITY.**

13 Paragraph (2) of section 3720(h) is amended by
14 striking out “December 31, 1996” and inserting in lieu
15 thereof “December 31, 1997”.

16 **SEC. 206. EXTENSION OF AUTHORITY FOR THE HOMELESS**
17 **VETERANS’ REINTEGRATION PROJECTS.**

18 (a) IN GENERAL.—Paragraph (1) of section 738(e)
19 of the Stewart B. McKinney Homeless Assistance Act (42
20 U.S.C. 11448(e)(1)) is amended by adding at the end the
21 following:

22 “(E) \$10,000,000 for fiscal year 1997.

23 “(F) \$10,000,000 for fiscal year 1998.

24 “(G) \$10,000,000 for fiscal year 1999.”.

1 (b) REPEAL OF CERTAIN EXTENSION.—Paragraph
2 (2) of section 102(d) of the Act entitled “An Act to amend
3 title 38, United States Code, to extend the authority of
4 the Secretary of Veterans Affairs to carry out certain pro-
5 grams and activities, to require certain reports from the
6 Secretary of Veterans Affairs, and for other purposes”,
7 approved February 13, 1996 (Public Law 104–110; 110
8 Stat. 769), is repealed, and the provisions of section 741
9 of the Stewart B. McKinney Homeless Assistance Act (42
10 U.S.C. 11450) are amended so as to appear as in effect
11 immediately before the enactment of Public Law 104–110.

12 **TITLE III—OTHER MATTERS**

13 **SEC. 301. REPAIR AND LONG-TERM MAINTENANCE OF WAR**

14 **MEMORIALS.**

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

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

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

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

1 be deposited by the Commission in the fund established
2 by paragraph (3).

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

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

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

1 **SEC. 302. BURIAL BENEFITS FOR CERTAIN VETERANS WHO**
2 **DIE IN STATE NURSING HOMES.**

3 Subsection (a) of section 2303 is amended to read
4 as follows:

5 “(a)(1) When a veteran dies in a facility described
6 in paragraph (2), the Secretary shall—

7 “(A) pay the actual cost (not to exceed \$300)
8 of the burial and funeral or, within such limits, may
9 make contracts for such services without regard to
10 the laws requiring advertisement for proposals for
11 supplies and services for the Department; and

12 “(B) when such a death occurs in a State,
13 transport the body to the place of burial in the same
14 or any other State.

15 “(2) A facility described in this paragraph is—

16 “(A) a Department facility (as defined in sec-
17 tion 1701(4) of this title) to which the deceased was
18 properly admitted for hospital, nursing home, or
19 domiciliary care under section 1710 or 1711(a) of
20 this title; or

21 “(B) an institution at which the deceased vet-
22 eran was, at the time of death, receiving—

23 “(i) hospital care in accordance with sec-
24 tion 1703 of this title;

25 “(ii) nursing home care under section 1720
26 of this title; or

