

105TH CONGRESS  
1ST SESSION

# S. 987

To amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 7, 1997

Mr. SPECTER (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; 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 Cost-of-Living Adjustment and  
 5 Benefit Programs Improvement Act of 1997”.

6 (b) **REFERENCES.**—Except as otherwise expressly  
 7 provided, whenever in this Act an amendment or repeal  
 8 is expressed in terms of an amendment to, or repeal of,  
 9 a section or other provision, the reference shall be consid-  
 10 ered to be made to a section or other provision of title  
 11 38, United States Code.

12 **TITLE I—COMPENSATION AND PENSIONS**

13 **SEC. 101. INCREASE IN COMPENSATION RATES AND LIM-**  
 14 **TATIONS.**

15 (a) **IN GENERAL.**—(1) The Secretary of Veterans Af-  
 16 fairs shall, as provided in paragraph (2), increase, effec-  
 17 tive December 1, 1997, the rates of and limitations on  
 18 Department of Veterans Affairs disability compensation  
 19 and dependency and indemnity compensation.

20 (2) The Secretary shall increase each of the rates and  
 21 limitations in sections 1114, 1115(1), 1162, 1311, 1313,  
 22 and 1314 of title 38, United States Code, that were in-  
 23 creased by the amendments made by the Veterans’ Com-  
 24 pensation Cost-of-Living Adjustment Act of 1996 (Public  
 25 Law 104–263; 110 Stat. 3212). This increase shall be  
 26 made in such rates and limitations as in effect on Novem-

ber 30, 1997, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1997, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

**SEC. 102. ROUNDING DOWN OF COMPENSATION-RATE INCREASES.**

In computing rates and limitations pursuant to legislation enacted for fiscal years 1998 and thereafter which increases by a specified percentage, or which directs the

1 Secretary of Veterans Affairs to adjust administratively,  
2 the rates and limitations in sections 1114, 1115(1), 1162,  
3 1311, 1313, and 1314 of title 38, United States Code,  
4 the Secretary of Veterans Affairs shall round down to the  
5 next lower whole-dollar amount any amount which as so  
6 computed is not an even multiple of \$1.

7 **SEC. 103. EXTENSION OF INCOME-VERIFICATION AUTHOR-**  
8 **ITY.**

9 (a) Section 5317 is amended by striking out sub-  
10 section (g).

11 (b) Subparagraph (D) of section 6103(1)(7) of the  
12 Internal Revenue Code of 1986 (relating to disclosure of  
13 return information to Federal, State, and local agencies  
14 administering certain programs) is amended by striking  
15 “Clause (viii) shall not apply after September 30, 1998.”.

16 **SEC. 104. EXTENSION OF LIMITATION ON PENSION FOR**  
17 **CERTAIN RECIPIENTS OF MEDICAID-COV-**  
18 **ERED NURSING HOME CARE.**

19 Section 5503(f) is amended by striking out para-  
20 graph (7).

1 **SEC. 105. PROHIBITION REGARDING PAYMENT OF COM-**  
2 **PENSATION FOR DISABILITY OR DEATH DUE**  
3 **TO TOBACCO USE.**

4 (a) SERVICE CONNECTION.—Chapter 11 is amended  
5 by adding at the end of subchapter I the following new  
6 section:

7 **“§ 1103. Special provisions relating to claims based**  
8 **upon effects of tobacco products**

9 “(a) Notwithstanding any other provision of law, a  
10 veteran’s disability or death shall not be considered to  
11 have resulted from personal injury suffered or disease con-  
12 tracted in line of duty in the active military, naval, or air  
13 service for purposes of this title on the basis that it re-  
14 sulted from injury or disease attributable in whole or in  
15 part to the use of tobacco products by the veteran during  
16 the veteran’s service.

17 “(b) Nothing in subsection (a) shall be construed as  
18 precluding the establishment of service connection for dis-  
19 ability or death from a disease or injury which became  
20 manifest or was aggravated in active military, naval or air  
21 service or became manifest to the requisite degree of dis-  
22 ability during any applicable presumptive period specified  
23 in section 1112 or 1116 of this title.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 11 is amended by adding the  
26 following new item after the item relating to section 1102:



1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 77 is amended by adding the  
 3 following new item after the item relating to section 7703:  
 “7705. Reimbursement for compensation and pension medical examinations.”.

4 TITLE II—MEMORIAL AFFAIRS

5 **SEC. 201. STATE CEMETERY GRANTS PROGRAM.**

6 (a)(1) AMOUNT OF GRANT RELATIVE TO PROJECT  
 7 COST.—Section 2408(b) is amended by striking out para-  
 8 graphs (1) and (2) and inserting in lieu thereof the follow-  
 9 ing:

10 “(1) The amount of any grant under this sec-  
 11 tion may not exceed—

12 “(A) in the case of the establishment of a  
 13 new cemetery, the total of—

14 “(i) the cost of improvements to be  
 15 made on the land to be converted into a  
 16 cemetery, and

17 “(ii) the initial cost of equipment nec-  
 18 essary to operate the cemetery; or

19 “(B) in the case of the expansion or im-  
 20 provement of an existing cemetery, the total  
 21 of—

22 “(i) the cost of improvements to be  
 23 made on any land to be added to the ceme-  
 24 tery, and

1                   “(ii) the cost of any improvements to  
2                   be made to the existing cemetery.

3                   “(2) If the amount of a grant under this sec-  
4                   tion is less than the amount of costs referred to in  
5                   paragraph (1), the State receiving the grant shall  
6                   contribute the amount by which the costs exceed the  
7                   grant, in addition to any land acquired or dedicated  
8                   by the State for the cemetery.”.

9                   (2) EFFECTIVE DATE.—The amendment made by  
10 this subsection shall become effective 60 days after the  
11 date of enactment of this Act.

12                   “(b) AUTHORIZATION OF NO-YEAR APPROPRIA-  
13 TIONS.—Section 2408 (d) is amended by striking out “the  
14 end of the second fiscal year following the fiscal year for  
15 which they are appropriated” and inserting in lieu thereof  
16 “expended”.

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