

transfer the land. I want to thank the chairman for helping us out on this situation.

Mr. STEARNS. Mr. Speaker, the legislation we consider today, H.R. 3643, is a credit to the Veterans Committee. I want to compliment both Chairman BOB STUMP and ranking minority member Representative SONNY MONTGOMERY for the bipartisan spirit they have shown in getting this bill to the House floor. This bill extends priority health care for veterans exposed to agent orange and those who served in the Persian Gulf war through December 31, 1998.

Mr. Speaker, my commitment to providing priority health care to the Vietnam veterans who were exposed to agent orange and to those who served in gulf war is longstanding. As you know, I have long supported efforts to find a link between exposure to agent orange and the plethora of illnesses which have occurred in Vietnam veterans.

With respect to what has been known as the gulf war syndrome, I took a deep interest in requesting that we aggressively seek answers to the many unexplained illnesses experienced by gulf war veterans. One of first casualties of this mysterious group of disease was a constituent of mine, Michael C. Adcock of Ocala, FL, who died at the age of 22 after serving in Operation Desert Storm.

After returning home from the gulf war, Michael suffered from a number of symptoms which had befallen many other gulf war veterans, including persistent nausea, skin rashes, aching joints, hair loss, bleeding gums, blurred vision, and lack of energy, among others.

Michael died in 1993, 3 years after coming home from the Desert Storm operation. We are still looking for answers to the causes of this mysterious syndrome which appears to be indigenous to those who served in the gulf war.

I think we all know how terribly urgent it is that we continue with our research efforts until we find the answer to the cause for this syndrome which is so ubiquitous to veterans of Desert Storm.

In light of the controversy surrounding unexplained illnesses Desert Storm veterans are experiencing, the VA, DOD, NIH, and HHS have been conducting extensive research into possible causes of the unexplained illnesses associated with this military campaign.

On March 19, 1995, Dr. Kizer testified that the VA would be initiating a national survey of Persian Gulf veterans and that this study that would involve selecting a random sample of 15,000 Persian Gulf veterans and 15,000 contemporaneous non-Persian Gulf era veterans. The survey would include a mail-in health questionnaire as well as physical examinations for a subgroup of those veterans included in a broader survey. Hopefully, the data collected will shed further light and provide us with additional clues surrounding the various illnesses being experienced by the men and women who served in Desert Storm.

I believe the results of the VA mortality followup study comparing Persian Gulf veterans with a control group of Persian-Gulf-era veterans could produce some answers to several troubling questions.

I am optimistic that through such efforts we might find the missing link that will explain this rash of perplexing illnesses which seem to be indigenous to these particular veterans. We all know how invaluable the research being con-

ducted is and the need to find answers as to what is causing thousands of gulf war veterans to be plagued by a rash of unexplained symptoms.

I hope that the DOD and the VA will continue to both aggressively treat symptoms associated with Desert Storm syndrome and investigate its cause or causes.

My reason for sounding skeptical is that the medical follow up agency of medicine [IOM] made an independent study of the collective efforts to date. The IOM was rather harsh in its evaluation of the piecemeal study and the duplication of efforts between DOD, VA, and HHS. The IOM made several suggestions regarding the data and databases, the coordination process, and the consideration of study design needs. Hopefully, implementation of these suggestions will prove beneficial.

I also noted that the IOM concluded that it could not find any reliable intelligence of medical or biological justification for allegations that U.S. troops were exposed to chemical warfare agencies. Unfortunately, this seems to be at odds with statements from our troops both then and now.

On March 14, 1996, "Veterans and Agent Orange: Update 1996" found sufficient evidence between herbicide exposure and soft tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease, chloracne, and porphyria cutanea tarda. The primary focus in these updated studies was whether or not there is a connection between birth defects of children of those servicemen who were sprayed with herbicides while serving in Vietnam. Previous studies conducted by the National Academy of Sciences for the Department of Veterans Affairs at the direction of Congress found a link between agent orange and that at certain levels it caused a plethora of cancers and other health hazards.

It is my hope that further studies may be conducted so that we have a final pronouncement as to whether or not agent orange is culpable for causing such deformities in children born to Vietnam veterans. This bill would also establish five centers of excellence for mental illness, research, education and clinical activities [MIRECC]. I have long advocated that we provide our veterans with access to mental health services and care. In fact, I proposed a 120-bed psychiatric unit be a component of the ambulatory care addition in Gainesville. While I am gratified by the fact the VA in Gainesville just received a \$19.8 million grant for this ambulatory care center, I suggest here today that one of these proposed centers, be housing in the VA in Gainesville, FL.

Another important component of this bill is that it requires VA to promulgate mammography quality standards, and it also directs the VA to report to Congress and efforts being made by the Department to ensure privacy and safety for women veterans who require hospitalization for psychiatric reasons.

Mr. Speaker, I strongly support this important legislation and urge my colleagues to give it their full support and pass this bill today.

Mrs. SMITH of Washington. Mr. Speaker, I rise today in strong support of H.R. 3643. This legislation will provide priority health care for Persian Gulf veterans suffering from the gulf war syndrome. In addition, this bill ensures our commitment to these veterans by providing funding to establish five centers for mental illness research, education and clinical activities, and improve VA health care services for women veterans.

Mr. Speaker, I recently had the opportunity to read some disturbing testimony from the Department of Defense at the House Government Reform and Oversight Committee hearing on the gulf war syndrome. The Pentagon admitted that when an Army unit blew up an Iraqi ammunition depot, soldiers might have been exposed to nerve gas. This announcement may help explain some of the mysterious illnesses reported by Americans who served in the gulf.

I will continue to do all that I can to ensure that VA resources are focused and coordinated to yield answers for Persian Gulf veterans. I will not tolerate the Federal Government dragging its feet for the fear of the financial consequences as it did with agent orange. This bill sends a message that we will not abandon our soldiers when they get in harm's way. Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. EDWARDS. Mr. Speaker, H.R. 3643, as amended, is an omnibus health care bill which tackles a broad spectrum of issues affecting special veteran populations—women, veterans exposed to toxic and hazardous substances, and veterans suffering with chronic mental illness.

Mr. Speaker, I'm very pleased that this bill includes two provisions I introduced last year. One calls for VA to establish a committee of experts to assess its mental health programs and make recommendations for improvements. The other authorizes appropriations for VA to establish up to five centers of excellence that would provide mental health research, education, and clinical care.

Mr. Speaker, I think it's important to appreciate that more than 50 percent of all eligible veterans who suffer from severe mental illness rely on VA for care; that's more than five times the proportion of veterans in the general population who use VA for any health care. The Department reports that 64 percent of those veterans are service-connected for a psychiatric condition. I believe these data underscore the importance of VA mental health programs, and the need for this legislation.

I urge Members to support H.R. 3643.

Mr. MONTGOMERY. Mr. Speaker, I have no more requests for time and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### VETERANS' COMPENSATION AND READJUSTMENT BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 3673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

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

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

**TITLE I—VETERANS COMPENSATION BENEFITS**

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

Section 1112(c)(2) is amended by adding at the end the following new subparagraph: “(P) Bronchiolo-alveolar carcinoma.”

**SEC. 102. PRESUMPTION OF PERMANENT AND TOTAL DISABILITY FOR VETERANS OVER AGE 65 WHO ARE NURSING HOME PATIENTS.**

Section 1502(a) is amended by inserting “is 65 years of age or older and a patient in a nursing home or, regardless of age,” after “such a person”.

**SEC. 103. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.**

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

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

(c) **SOURCE OF FUNDS.**—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of examinations of applicants for benefits.

(d) **REPORT TO CONGRESS.**—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

**SEC. 104. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.**

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

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

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

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

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

**SEC. 105. EXTENSION OF VETERANS’ CLAIMS ADJUDICATION COMMISSION.**

(a) **EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.**—Section 402(e)(2) of the Veterans’ Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659) is amended by striking out “Not later than 18 months after such date” and inserting in lieu thereof “Not later than December 31, 1996”.

(b) **FUNDING.**—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and fiscal year 1997 for the payment of compensation and pension, the amount of \$75,000 is hereby made available for the activities of the Veterans’ Claims Adjudication Commission under title IV of the Veterans’ Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659).

**TITLE II—EDUCATION AND OTHER READJUSTMENT BENEFITS**

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

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

(A) by striking out section 3689; and

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

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

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

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

“(1) the educational institution has been operating for less than two years;

“(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

“(3) following either a change in ownership or a complete move outside its original general locality the educational institution does not retain substantially the same faculty, student body, and courses, as determined in accordance with regulations the Secretary shall prescribe, as before the change in ownership or the move outside the general locality.

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

“(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

“(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

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

(c) **APPROVAL OF ACCREDITED COURSES.**—Subsection (b) of section 3675 is amended to read as follows:

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

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

“(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

“(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.”

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

(a) **VETERANS’ EDUCATIONAL ASSISTANCE PROGRAM.**—Subsection (f) of section 3482 is amended by striking out “in part”.

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

(1) in subsection (a)(4), by inserting “(including open circuit television)” after “independent study program” the second place it appears; and

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

(c) **ADMINISTRATION OF EDUCATIONAL BENEFITS.**—Subsection (c) of section 3680A is amended by striking out “radio” and all that follows through the end and inserting in lieu thereof “radio.”

**SEC. 203. MEDICAL QUALIFICATIONS FOR FLIGHT TRAINING.**

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

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

**SEC. 204. COOPERATIVE PROGRAMS.**

(a) **CHAPTER 30.**—Section 3032 of chapter 30 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) **CHAPTER 32.**—Section 3231 of chapter 32 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

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

(d) **CHAPTER 106.**—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

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

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

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

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

(a) **IN GENERAL.**—Paragraph (1) of section 738(e) of the Stewart B. McKinney Homeless

Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

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

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

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

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

### TITLE III—OTHER MATTERS

#### SEC. 301. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

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

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

(2) by adding at the end the following:

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

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

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

“(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.”

#### SEC. 302. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

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

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

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

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

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

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

“(B) an institution at which the deceased veteran was, at the time of death, receiving—

“(i) hospital care in accordance with section 1703 of this title;

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

“(iii) nursing home care pursuant to payments made under section 1741 of this title.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

#### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3673.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, H.R. 3673, the veterans' compensation and readjustment benefits amendments of 1996, makes various improvements to VA disability programs, education benefits, and administration of the home loan program.

It also reauthorizes the Homeless Veterans Reintegration Project and authorizes the American Battle Monuments Commission to accept private funds for maintenance of overseas memorials transferred to the Commission.

Additionally, H.R. 3673, expands eligibility for burial benefits to certain veterans who die in State veterans nursing homes.

I urge my colleagues to support this bill.

Again Mr. Speaker, I want to express my appreciation to the ranking minority member of the full committee.

I also want to thank TERRY EVERETT, STEVE BUYER, LANE EVANS, and BOB FILNER, the respective chairmen and ranking minority members on the subcommittees with jurisdiction over these provisions.

Mr. Speaker, I also want to recognize CHRIS SMITH, the vice chairman of the Veterans' Affairs Committee for his leadership in adding another presumptive disability condition for radiation-exposed veterans.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, H.R. 3673 contains program improvements for several veterans benefits.

Section 101 adds bronchiolo-alveolar carcinoma to the presumptive list of service connected illnesses presumed to be the result of radiation-exposure.

Section 102 provides a presumption of permanent and total disability for veterans over the age of 65 who are nursing home patients.

Section 103 establishes a pilot program under which contract physicians would provide disability examinations to applicants for VA benefits. This pilot program is anticipated to speed up the examination-gathering process for the adjudication of claims.

Section 104 would limit the clothing allowance for veterans incarcerated for more than 60 days in a penal institution where they receive clothing at no cost.

Section 105 extends the time for the Veterans' Claims Adjudication Commission to submit a final report to December 31, 1996 and authorizes an additional \$150,000 to complete their work.

Section 201 removes the GI bill's 2-year restriction on all degree granting institutions, including branch campuses.

Section 202 would allow individuals the opportunity to pursue their educational programs through open circuit TV without taking part of the course in residence.

Section 203 would permit payment of educational benefits for flight training provided the veterans meets the medical requirements for a commercial pilot's certificate at the beginning of training and within 60 days after completion of training.

Section 204 allows veterans training under cooperative training programs to be paid full-time educational benefits instead of the current 80 percent of the full-time educational benefit rate. Cooperative education is an increasingly popular and effective approach to education and this change will make these programs more affordable.

Section 205 extends VA's authority to guarantee the real estate mortgage investment conduits [REMIC's] that are used to market vendee loans on the secondary market for an additional year.

Section 206 extends the homeless veterans reintegration project [HVRP] through fiscal year 1999 and authorize appropriations in the amount of \$10 million per year. The homeless veterans reintegration project is a Veterans Employment and Training Service program to assist homeless veterans with finding employment.

Section 301 authorizes the American Battle Monuments Commission to accept private funds to help maintain overseas war memorials transferred to the ABMC.

Section 302 authorizes VA to pay transportation expenses for the body and up to \$300 in burial costs to reimburse State nursing homes for certain veterans who die in their care.

Mr. Speaker, I am pleased that we are able to offer these program improvements. This bill, along with the provisions in H.R. 3674 comprise a realistic package of benefits improvements and we've done it in a very bipartisan manner. I thank the distinguished chairman, the ranking member for their work and leadership. I urge my colleagues to support the bill.

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Mr. Speaker, I would like to thank the distinguished chairman of the full committee and the ranking member of the full committee, and also I would like to thank my ranking member, the gentleman from Illinois, LANE EVANS, for the outstanding work he has done with this bill.

I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3673, as amended, has a number of good provisions which are designed to improve the administration of veterans benefits and make them easier for veterans to use. I want to commend Mr. EVERETT, Mr. EVANS, Mr. BUYER, and Mr. FILNER for working together to report these various provisions.

This bill includes several common-sense provisions, and it saves money. Almost everyone understands that veterans who are receiving long-term care in a nursing home and who are over 65 are not going to come back to the work force. If these veterans apply for the VA pension program, VA believes that there should be a presumption that they are permanently and totally disabled. This saves time and money in deciding their eligibility for this means-tested program, and is included in this bill.

This bill also makes a number of minor improvements in the laws governing the administration of the Montgomery GI bill. Our Subcommittee on Education, Training, Employment, and Housing, chaired by Congressman STEVE BUYER, has learned that changes in the education arena make the laws governing the provision of education assistance unreasonable or unnecessarily bureaucratic. Relaxing the 2-year rule and improving benefits for veterans enrolled in cooperative training programs are examples of the thoughtful provisions contained in this bill. Mr. BUYER and Ranking Member BOB FILNER, who is doing a great job in his new position as the ranking Democrat on this important subcommittee, have recommended some very necessary changes to the programs under their jurisdiction, and I commend them for their efforts.

Mr. Speaker, I yield 2 minutes to the gentleman from California, [Mr. FILNER] who has become the ranking member, and commend him for the fine job he is doing.

Mr. FILNER. Mr. Speaker, I thank the gentleman for his generosity in yielding time to me.

Mr. Speaker, I want Members to know how much I have enjoyed serving as ranking member on the subcommittee that has jurisdiction over the Montgomery GI bill and other issues of special interest to you.

Mr. Speaker, H.R. 3673 is a good bill, and I particularly want to express my strong support for the education and employment-related provisions contained in title II of this measure.

The chairman of the subcommittee has already fully explained the details of H.R. 3673, so I will not take up our time repeating that information. I do want to say, however, that I am particularly pleased that this bill includes the reauthorization of the Homeless Veterans Reintegration project. Under this very successful program, which is administered by the Veterans' Employment and Training Service in the Department of Labor, thousands of homeless veterans have been placed in permanent, substantial jobs.

I urge my colleagues to support H.R. 3673.

Mr. STUMP. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3673, the Veterans' Compensation and Readjustment Benefits Amendments, and I commend the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs, and the distinguished ranking minority member, the gentleman from Mississippi [Mr. MONTGOMERY], for their efforts in bringing these important revisions to the floor.

Mr. Speaker, this legislation makes several significant adjustments to veterans' compensation and educational programs and authorizes the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of our war memorials.

Mr. Speaker, among the compensation benefits provisions is a provision adding bronchiolo-alveolar carcinoma to the list of service-connected illnesses presumed to manifest in a radiation-exposed veteran.

Those veterans who were exposed to radiation and have subsequently contracted this condition will now be eligible for benefits.

The legislation also provides an important presumption of permanent and total disability for veterans over the age of 65 who are nursing home patients, thus making the rating procedure for eligibility determination unnecessary. Moreover, it also authorizes the VA to establish a pilot program to allow contract physicians to provide disability examinations to applicants for disability benefits. It is hoped this program will speed up the disability examination process for claims adjudication.

In terms of education benefits, this bill permits veterans who receive training under cooperative programs to be paid full-time education benefits, instead of the current rate of 80 percent. It also allows veterans the opportunity to pursue educational programs through open-circuit television.

Finally, H.R. 3673 facilitates the repair and long-term maintenance of

overseas war memorials by authorizing the American Battle Monuments Commission to collect private donations and establish a fund to cover maintenance expenses, in addition to relying solely on appropriated funds.

The burial benefits program is also amended to extend eligibility to veterans who die in either a State home, or an institution receiving hospital care, nursing home care, or nursing home care payment, providing for payment of transportation expenses and up to \$300 in burial costs.

Mr. Speaker, this bill makes a number of timely, needed adjustments to our veterans benefits programs. I thank our Committee on Veterans' Affairs for bringing it to the floor and I strongly support passage of this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, since Mr. STUMP and Mr. EVERETT have already summarized the bills, I want to draw my colleagues' attention to particular portions of this bill that should help resolve veterans' claims for benefits in a more timely and complete manner.

On April 7, 1995, I introduced the veterans programs amendments of 1995, H.R. 1482. I am pleased that four of the issues which that bill addressed are contained in modified or improved form in this bill. I want to express my thanks to the subcommittee chairman, TERRY EVERETT, for his hard work and his collegiality during the subcommittee's work this year.

H.R. 3673 would establish a pilot program for VBA to contract with competent medical authorities for examination of veterans applying for VA disability benefits. I included this provision in H.R. 1482 after reading the recommendations of the Blue Ribbon Panel on the Adjudication of Claims, which found that in some instances, VA medical centers were not responsive to VBA requirements for thorough medical exams. By giving VA regional offices the authority, on a pilot basis, to choose someone other than an unresponsive VA medical center for its medical examinations, we hope to improve the quality and timeliness of compensation and pension examinations.

This bill includes a provision that will make it easier for VA to award pension benefits to veterans who are 65 years of age or older and who are patients in nursing homes. It is both common sense and humane to presume that such individuals are permanently and totally disabled; the result of this will be less time spent trying to establish the obvious and more time spent on deciding claims in a timely manner.

H.R. 3673 also includes a provision that would authorize the American Battle Monuments Commission [ABMC], which maintains cemeteries in foreign nations containing the remains of American service members, to assume responsibility for private memorials erected by American citizens

which commemorate the service of American fighting units overseas. This provision would authorize ABMC to accept responsibility for upkeep of these memorials and to accept private contributions to defray the cost of the maintenance and upkeep. I am advised that several of these private memorial groups have expressed an interest in turning over their memorials to an agency which will ensure their upkeep, and I am pleased that this could be done under this legislation at no additional cost to the taxpayer.

Finally, I should mention a provision included in this measure which will help to defray the burial costs of certain veterans who die in State nursing homes. VA helps to defray the burial costs of veterans who die in VA hospitals and nursing homes, and since State veteran homes are an essential part of the VA's extended care capability, it only makes sense to offer this same assistance to the families of veterans who die in State nursing homes. I want to single out the commander of the Iowa Veterans Nursing Home, Mr. Jack Dack, for bringing this need to our attention.

Mr. Speaker, I urge my colleagues to support this measure.

Again, Mr. Speaker, I want to thank everyone who has been involved, including the chairman of the full committee and our ranking member, for their work today.

Mr. STUMP. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], vice chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time to me, and I want to commend him on this excellent bill, and the gentleman from Alabama [Mr. EVERETT], for their fine work in casting it, and the gentleman from Mississippi [Mr. MONTGOMERY] for the good work he has done as well.

Mr. Speaker, I rise in strong support of the bill.

This important provision adds bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation in accordance with the provisions of Public Law 100-321.

Mr. Speaker, in 1986—10 years ago—I became involved with the case of one of those victims, Joan McCarthy, a constituent from New Jersey. Joan has for many years worked to locate other atomic veterans and their widows, and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom, was a participant in Operation Wigwam, a nuclear test in May 1955 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles southwest of San Diego.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe the Operation Wig-

wam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with the airborne products of the detonation. The spray from the explosion was described in the official Government reports as an "insidious hazard which turned into an invisible radioactive aerosol." McCarthy spent four days in this environment while serving aboard the *McKinley*.

In April 1981—at the age of 44—Thomas McCarthy died, and the cause of death was a very rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a non-smoking related cancer—which is remarkable given the estimate that about 97 percent of all lung cancer is caused by smoking. On his deathbed, Tom McCarthy informed his wife about his involvement in Operation Wigwam and wondered about the fate of other men who were present.

Mr. Speaker, smoking is not considered a cause for this ailment, but it has been well-documented that exposure to ionizing radiation can cause this lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V reports, stating that "Bronchiolo-Alveolar Carcinoma is the most common cause of delayed death from inhaled plutonium 239." The BEIR V report notes that this cancer is caused by the inhalation and deposition of alpha-emitting plutonium particles.

Mr. Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. In May 1994, Secretary Brown wrote to then-Chairman SONNY MONTGOMERY of the Veterans Affairs Committee regarding this issue. Secretary Brown stated as follows:

The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association of exposure to ionizing radiation and lung cancer has been strengthened by such recent evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiations (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

I met with Secretary Brown last year and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, however, the VA has repeatedly denied Joan McCarthy's claims for survivor's benefits. Unfortunately, Joan is not

alone in being denied the survivor's benefits that she deserves. Consider the case of Gwen Poitras, who lives in Pasco County, FL. Gwen's husband, Robert Poitras, was in command of the U.S.S. *Takelma*, one of the ships that observed the nuclear tests of Operation Hardtack in the South Pacific.

Just like Thomas McCarthy, Robert Poitras died of bronchiolo-alveolar pulmonary carcinoma. And just like Joan McCarthy, Robert's widow was denied the dependency and indemnity compensation which she applied for after her husband's death.

The VA has claimed in the past that adjudication on a case-by-case basis is the appropriate means of resolving these claims. Unfortunately, the practical experiences of claimants reveal deep flaws in the process used by the VA. A key problem involves the reliance on radiation dose reconstructions that are based on information that is decades old.

Problems with the individual adjudication process were summed up in the recent report of the Advisory Committee on Human Radiation Experiments, which was presented only last week to the President. The panel urged the Human Radiation Interagency Working Group, in conjunction with Congress, to address some of these concerns.

For example, the Advisory Committee noted that there are many concerns with the questionable condition of radiation exposure records that are maintained by the Government. It was also noted that the appeals process is especially cumbersome: Those who receive an initial denial of their claim are issued a form letter from the VA stating that it will take a minimum of 24 months—at least 2 years—to resolve the matter.

Mr. Speaker, I believe the widows of our servicemen who participated in these nuclear tests deserve better than this. They should not be required to meet an impossible standard of proof in order to receive DIC benefits, which CBO estimates will cost the Government, on average, a mere \$10 thousand a year for each affected widow. I am glad to see that today we are moving one step closer to achieving that.

I want to note that this legislation is supported by the American Legion, the Veterans of Foreign Wars, and the Vietnam Veterans of America.

I urge my colleagues to vote "yes" on this bill.

Mrs. COLLINS of Illinois. Mr. Speaker, in May 1996, there were approximately 2.2 million veterans receiving disability compensation. They are men and women who served the Nation with honor and pride. However, through no fault of their own, they now are disadvantaged to varying degrees and are experiencing impaired earning capacities due to their respective service connected disabilities.

This concerns me as much as it concerns the more than 1.2 million aging veterans in the State of Illinois. Among those are the more than 26,000 members of Illinois' Disabled American Veterans who write and call me with a real sense of alarm about their future.

I would like to think that my colleagues on both sides of the aisle recognize the sacrifices and contributions these men and women have made. According to a recent national survey commissioned by the Disabled American Veterans, 96 percent of those polled believe our Nation has an obligation to provide ongoing disability and death benefits to veterans and their families for injuries and fatalities occurring while in the Armed Services.

Mr. Speaker, passage of this amendment is essential, and with the passage of time, it is becoming critical. As we vote today, let us remember that the basic purpose of the disability compensation program is to provide a measure of relief from the impaired earning capacity of veterans disabled as the result of their military service.

Many such disabled veterans are located in Chicago's metropolitan area where I represent the Seventh District. Four VA medical centers, Lakeside, Westside, Hines, and North Chicago, already serving a population of nearly 900,000 veterans. My point is this. Let's help those veterans needing help the most. I encourage support for this amendment.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back to the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3673, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### VETERANS' EDUCATION AND COMPENSATION BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3674) to amend title 38, United States Code, to clarify the causal relationship required between a veteran's service-connected disability and employment handicap for purposes of determining eligibility for training and rehabilitation assistance, to transfer certain educational assistance entitlements from the Post-Vietnam Era Educational Assistance Program to the Montgomery GI bill, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3674

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Education and Compensation Benefits Amendments of 1996".

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

#### TITLE I—VETERANS' EDUCATION PROGRAMS

##### SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—  
(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap."

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title."

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

##### SEC. 102. INCREASE IN BASIC MONTGOMERY GI BILL RATES.

(a) IN GENERAL.—Section 3015 is amended—