

105TH CONGRESS  
1ST SESSION

# H. R. 1092

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 1997

Received; read twice and referred to the Committee on Veterans' Affairs Mr.  
introduced the following bill; which was referred to the Committee on

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## AN ACT

To amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the United States Court of Veterans Appeals and the National Cemetery System, 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. REFERENCES TO TITLE 38, UNITED STATES**  
4 **CODE.**

5 Except as otherwise expressly provided, whenever in  
6 this Act an amendment or repeal is expressed in terms  
7 of an amendment to, or repeal of, a section or other provi-  
8 sion, the reference shall be considered to be made to a  
9 section or other provision of title 38, United States Code.

10 **TITLE I—ENHANCED-USE LEAS-**  
11 **ES OF DEPARTMENT OF VET-**  
12 **ERANS AFFAIRS REAL PROP-**  
13 **ERTY**

14 **SEC. 101. EXPANSION OF AUTHORITY FOR ENHANCED-USE**  
15 **LEASES OF DEPARTMENT OF VETERANS AF-**  
16 **FAIRS REAL PROPERTY.**

17 (a) FIVE-YEAR EXTENSION OF AUTHORITY.—Sec-  
18 tion 8169 is amended by striking out “December 31,  
19 1997” and inserting in lieu thereof “December 31, 2002”.

20 (b) REPEAL OF LIMITATION ON NUMBER OF AGREE-  
21 MENTS.—(1) Section 8168 is repealed.

22 (2) The table of sections at the beginning of chapter  
23 81 is amended by striking out the item relating to section  
24 8168.

1                   **TITLE II—RENAMING**  
2                   **PROVISIONS**

3 **SEC. 201. RENAMING OF THE COURT OF VETERANS AP-**  
4                   **PEALS.**

5           (a) IN GENERAL.—(1) The United States Court of  
6 Veterans Appeals shall hereafter be known and designated  
7 as the United States Court of Appeals for Veterans  
8 Claims.

9           (2) Section 7251 is amended by striking out “United  
10 States Court of Veterans Appeals” and inserting in lieu  
11 thereof “United States Court of Appeals for Veterans  
12 Claims”.

13          (b) CONFORMING AMENDMENTS.—

14           (1) The following sections are amended by  
15 striking out “Court of Veterans Appeals” each place  
16 it appears and inserting in lieu thereof “Court of  
17 Appeals for Veterans Claims”: sections 5904,  
18 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261,  
19 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a),  
20 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286,  
21 7291, 7292, 7296, 7297, and 7298.

22           (2)(A)(i) The heading of section 7286 is  
23 amended to read as follows:

1 **“§ 7286. Judicial Conference of the Court of Appeals**  
2 **for Veterans Claims”.**

3 (ii) The item relating to section 7286 in the  
4 table of sections at the beginning of chapter 72 is  
5 amended to read as follows:

“7286. Judicial Conference of the Court of Appeals for Veterans Claims.”.

6 (B)(i) The heading of section 7291 is amended  
7 to read as follows:

8 **“§ 7291. Date when United States Court of Appeals**  
9 **for Veterans Claims decision becomes**  
10 **final”.**

11 (ii) The item relating to section 7291 in the  
12 table of sections at the beginning of chapter 72 is  
13 amended to read as follows:

“7291. Date when United States Court of Appeals for Veterans Claims decision  
becomes final.”.

14 (C)(i) The heading of section 7298 is amended  
15 to read as follows:

16 **“§ 7298. Court of Appeals for Veterans Claims Retire-**  
17 **ment Fund”.**

18 (ii) The item relating to section 7298 in the  
19 table of sections at the beginning of chapter 72 is  
20 amended to read as follows:

“7298. Court of Appeals for Veterans Claims Retirement Fund.”.

21 (3) The item relating to chapter 72 in the table  
22 of chapters at the beginning of title 38 and the item  
23 relating to such chapter in the table of chapters at

1 the beginning of part V are amended to read as fol-  
 2 lows:

“72. United States Court of Appeals for Veterans Claims ..... 7251”.

3 (c) CONFORMING AMENDMENTS TO OTHER LAWS.—

4 (1) The following provisions of law are amended  
 5 by striking out “Court of Veterans Appeals” each  
 6 place it appears and inserting in lieu thereof “Court  
 7 of Appeals for Veterans Claims”:

8 (A) Section 8440d of title 5, United States  
 9 Code.

10 (B) Section 2412 of title 28, United States  
 11 Code.

12 (C) Section 906 of title 44, United States  
 13 Code.

14 (D) Section 109 of the Ethics in Govern-  
 15 ment Act of 1978 (5 U.S.C. App.).

16 (2)(A) The heading of section 8440d of title 5,  
 17 United States Code, is amended to read as follows:

18 **“§ 8440d. Judges of the United States Court of Ap-  
 19 peals for Veterans Claims”.**

20 (B) The item relating to such section in the  
 21 table of sections at the beginning of chapter 84 of  
 22 such title is amended to read as follows:

“8440d. Judges of the United States Court of Appeals for Veterans Claims.”.

23 (d) OTHER LEGAL REFERENCES.—Any reference in  
 24 a law, regulation, document, paper, or other record of the

1 United States to the United States Court of Veterans Ap-  
2 peals shall be deemed to be a reference to the United  
3 States Court of Appeals for Veterans Claims.

4 **SEC. 202. REDESIGNATION OF NATIONAL CEMETERY SYS-**  
5 **TEM.**

6 (a) REDESIGNATION AS NATIONAL CEMETERY AD-  
7 MINISTRATION.—(1) The National Cemetery System of  
8 the Department of Veterans Affairs shall hereafter be  
9 known and designated as the National Cemetery Adminis-  
10 tration. The position of Director of the National Cemetery  
11 System is hereby redesignated as Assistant Secretary of  
12 Veterans Affairs for Memorial Affairs.

13 (2) Section 301(c)(4) is amended by striking out  
14 “National Cemetery System” and inserting in lieu thereof  
15 “National Cemetery Administration”.

16 (3) Section 307 of such title is amended—

17 (A) in the first sentence, by striking out “a Di-  
18 rector of the National Cemetery System” and insert-  
19 ing in lieu thereof “an Assistant Secretary for Me-  
20 morial Affairs”; and

21 (B) in the second sentence, by striking out  
22 “The Director” and all that follows through “Na-  
23 tional Cemetery System” and inserting in lieu there-  
24 of “The Assistant Secretary is the head of the Na-  
25 tional Cemetery Administration”.

1 (b) CONFORMING AMENDMENTS.—

2 (1)(A) The heading of section 307 is amended  
3 to read as follows:

4 **“§ 307. Assistant Secretary for Memorial Affairs”.**

5 (B) The item relating to section 307 in the  
6 table of sections at the beginning of chapter 3 is  
7 amended to read as follows:

“307. Assistant Secretary for Memorial Affairs.”.

8 (2) Section 308 is amended—

9 (A) in subsection (a), by inserting before  
10 the period at the end of the first sentence “, in  
11 addition to the Assistant Secretary for Memo-  
12 rial Affairs”;

13 (B) in subsection (b), by inserting “other  
14 than the Assistant Secretary for Memorial Af-  
15 fairs” after “Assistant Secretaries”; and

16 (C) in subsection (c), by inserting “pursu-  
17 ant to subsection (b)” after “Assistant Sec-  
18 retary”.

19 (3) Section 2306(d) is amended by striking out  
20 “within the National Cemetery System” each place  
21 such term appears and inserting in lieu thereof  
22 “under the control of the National Cemetery Admin-  
23 istration”.

24 (4) Section 2400 is amended—

25 (A) in subsection (a)—

1 (i) by striking out “National Ceme-  
2 tery System” and inserting in lieu thereof  
3 “National Cemetery Administration re-  
4 sponsible”; and

5 (ii) in the second sentence, by striking  
6 out “Such system” and all that follows  
7 through “National Cemetery System” and  
8 inserting in lieu thereof “The National  
9 Cemetery Administration shall be headed  
10 by the Assistant Secretary for Memorial  
11 Affairs”;

12 (B) in subsection (b), by striking out “Na-  
13 tional Cemetery System” and inserting in lieu  
14 thereof “national cemeteries and other facilities  
15 under the control of the National Cemetery Ad-  
16 ministration”; and

17 (C) by amending the heading to read as  
18 follows:

19 **“§ 2400. Establishment of National Cemetery Admin-  
20 istration; composition of Administration”.**

21 (5) The item relating to section 2400 in the  
22 table of sections at the beginning of chapter 24 is  
23 amended to read as follows:

“2400. Establishment of National Cemetery Administration; composition of Ad-  
ministration.”.

1           (6) Section 2402 is amended in the matter pre-  
2           ceding paragraph (1) by striking out “in the Na-  
3           tional Cemetery System” and inserting in lieu there-  
4           of “under the control of the National Cemetery Ad-  
5           ministration”.

6           (7) Section 2403(c) is amended by striking out  
7           “in the National Cemetery System created by this  
8           chapter” and inserting in lieu thereof “under the  
9           control of the National Cemetery Administration”.

10          (8) Section 2405(c) is amended—

11                 (A) by striking out “within the National  
12                 Cemetery System” and inserting in lieu thereof  
13                 “under the control of the National Cemetery  
14                 Administration”; and

15                 (B) by striking out “within such System”  
16                 and inserting in lieu thereof “under the control  
17                 of such Administration”.

18          (9) Section 2408(c)(1) is amended by striking  
19           out “in the National Cemetery System” and insert-  
20           ing in lieu thereof “under the control of the National  
21           Cemetery Administration”.

22          (10) Section 5315 of title 5, United States  
23          Code, is amended—

1 (A) by striking out “(6)” after “Assistant  
2 Secretaries, Department of Veterans Affairs”  
3 and inserting in lieu thereof “(7)”; and

4 (B) by striking out “Director of the Na-  
5 tional Cemetery System.”.

6 (c) SAVINGS PROVISIONS.—

7 (1) Any reference in a law, map, regulation,  
8 document, paper, or other record of the United  
9 States to the National Cemetery System shall be  
10 deemed to be a reference to the National Cemetery  
11 Administration.

12 (2) Any reference in a law, map, regulation,  
13 document, paper, or other record of the United  
14 States to the Director of the National Cemetery Sys-  
15 tem shall be deemed to be a reference to the Assist-  
16 ant Secretary of Veterans Affairs for Memorial Af-  
17 fairs.

18 (d) INITIAL APPOINTMENT.—The initial appointment  
19 of an individual to the position of Assistant Secretary of  
20 Veterans Affairs for Memorial Affairs may be made by  
21 the President alone if the individual appointed is the indi-  
22 vidual who was serving as the Director of the National  
23 Cemetery System on the day before the date of the enact-  
24 ment of this Act.

1 **TITLE III—CODIFICATION OF**  
2 **PRIOR COMPENSATION RATE**  
3 **INCREASES**

4 **SEC. 301. DISABILITY COMPENSATION.**

5 Section 1114 is amended—

6 (1) by striking out “\$87” in subsection (a) and  
7 inserting in lieu thereof “\$94”;

8 (2) by striking out “\$166” in subsection (b)  
9 and inserting in lieu thereof “\$179”;

10 (3) by striking out “\$253” in subsection (c)  
11 and inserting in lieu thereof “\$274”;

12 (4) by striking out “\$361” in subsection (d)  
13 and inserting in lieu thereof “\$391”;

14 (5) by striking out “\$515” in subsection (e)  
15 and inserting in lieu thereof “\$558”;

16 (6) by striking out “\$648” in subsection (f)  
17 and inserting in lieu thereof “\$703”;

18 (7) by striking out “\$819” in subsection (g)  
19 and inserting in lieu thereof “\$887”;

20 (8) by striking out “\$948” in subsection (h)  
21 and inserting in lieu thereof “\$1,028”;

22 (9) by striking out “\$1,067” in subsection (i)  
23 and inserting in lieu thereof “\$1,157”;

24 (10) by striking out “\$1,774” in subsection (j)  
25 and inserting in lieu thereof “\$1,924”;

1 (11) in subsection (k)—

2 (A) by striking out “\$70” each place it ap-  
3 pears and inserting in lieu thereof “\$74”; and

4 (B) by striking out “\$2,207” and  
5 “\$3,093” and inserting in lieu thereof  
6 “\$2,393” and “\$3,356”, respectively;

7 (12) by striking out “\$2,207” in subsection (l)  
8 and inserting in lieu thereof “\$2,393”;

9 (13) by striking out “\$2,432” in subsection (m)  
10 and inserting in lieu thereof “\$2,639”;

11 (14) by striking out “\$2,768” in subsection (n)  
12 and inserting in lieu thereof “\$3,003”;

13 (15) by striking out “\$3,093” each place it ap-  
14 pears in subsections (o) and (p) and inserting in lieu  
15 thereof “\$3,356”;

16 (16) by striking out “\$1,328” and “\$1,978” in  
17 subsection (r) and inserting in lieu thereof “\$1,441”  
18 and “\$2,145”, respectively; and

19 (17) by striking out “\$1,985” in subsection (s)  
20 and inserting in lieu thereof “\$2,154”.

21 **SEC. 302. ADDITIONAL COMPENSATION FOR DEPENDENTS.**

22 Section 1115(1) is amended—

23 (1) by striking out “\$105” in clause (A) and  
24 inserting in lieu thereof “\$112”;

1           (2) by striking out “\$178” and “\$55” in clause  
2           (B) and inserting in lieu thereof “\$191” and “\$59”,  
3           respectively;

4           (3) by striking out “\$72” and “\$55” in clause  
5           (C) and inserting in lieu thereof “\$77” and “\$59”,  
6           respectively;

7           (4) by striking out “\$84” in clause (D) and in-  
8           serting in lieu thereof “\$91”;

9           (5) by striking out “\$195” in clause (E) and  
10          inserting in lieu thereof “\$211”; and

11          (6) by striking out “\$164” in clause (F) and  
12          inserting in lieu thereof “\$177”.

13 **SEC. 303. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**  
14 **VETERANS.**

15          Section 1162 is amended by striking out “\$478” and  
16          inserting in lieu thereof “\$518.”

17 **SEC. 304. DEPENDENCY AND INDEMNITY COMPENSATION**  
18 **FOR SURVIVING SPOUSES.**

19          Section 1311 is amended—

20                 (1) in subsection (a)(1), by striking out “\$769”  
21                 and inserting in lieu thereof “\$833”;

22                 (2) in subsection (a)(2), by striking out “\$169”  
23                 and inserting in lieu thereof “\$182”;

1 (3) in subsection (a)(3), by striking out the  
 2 table therein and inserting in lieu thereof the  
 3 following:

“Pay grade	Monthly rate
E-7 .....	\$861
E-8 .....	909
E-9 .....	<sup>1</sup> 949
W-1 .....	880
W-2 .....	915
W-3 .....	943
W-4 .....	997
O-1 .....	880
O-2 .....	909
O-3 .....	972
O-4 .....	1,028
O-5 .....	1,132
O-6 .....	1,276
O-7 .....	1,378
O-8 .....	1,510
O-9 .....	1,618
O-10 .....	<sup>2</sup> 1,774

“<sup>1</sup>If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,023.

“<sup>2</sup>If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,902.”;

4 (4) in subsection (b), by striking out “\$100 for  
 5 each such child” and all that follows through “there-  
 6 after” and inserting in lieu thereof “\$211 for each  
 7 such child”;

8 (5) in subsection (c), by striking out “\$195”  
 9 and inserting in lieu thereof “\$211”; and

10 (6) in subsection (d), by striking out “\$95” and  
 11 inserting in lieu thereof “\$102”.

1 **SEC. 305. DEPENDENCY AND INDEMNITY COMPENSATION**  
2 **FOR CHILDREN.**

3 (a) DIC FOR ORPHAN CHILDREN.—Section 1313(a)  
4 is amended—

5 (1) by striking out “\$327” in clause (1) and in-  
6 serting in lieu thereof “\$354”;

7 (2) by striking out “\$471” in clause (2) and in-  
8 serting in lieu thereof “\$510”;

9 (3) by striking out “\$610” in clause (3) and in-  
10 serting in lieu thereof “\$662”; and

11 (4) by striking out “\$610” and “\$120” in  
12 clause (4) and inserting in lieu thereof “\$662” and  
13 “\$130”, respectively.

14 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT  
15 CHILDREN.—Section 1314 is amended—

16 (1) by striking out “\$195” in subsection (a)  
17 and inserting in lieu thereof “\$211”;

18 (2) by striking out “\$327” in subsection (b)  
19 and inserting in lieu thereof “\$354”; and

20 (3) by striking out “\$166” in subsection (c)  
21 and inserting in lieu thereof “\$179”.

