

Union Calendar No. 33

105TH CONGRESS
1ST Session

H. R. 1092

[Report No. 105-47]

A BILL

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.

APRIL 9, 1997

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1997

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

APRIL 9, 1997

Additional sponsors: Mr. SMITH of New Jersey, Mr. KENNEDY of Massachusetts, Mr. BILIRAKIS, Mr. FILNER, Mr. SPENCE, Mr. GUTIERREZ, Mr. EVERETT, Mr. CLYBURN, Mr. BUYER, Ms. BROWN of Florida, Mr. QUINN, Mr. DOYLE, Mr. BACHUS, Mr. MASCARA, Mr. STEARNS, Mr. PETERSON of Minnesota, Mr. DAN SCHAEFER of Colorado, Ms. CARSON, Mr. MORAN of Kansas, Mr. REYES, Mr. COOKSEY, Mr. SNYDER, Mr. HUTCHINSON, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. LAHOOD, Mr. FOX of Pennsylvania, and Mrs. THURMAN.

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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.

1 (2) The table of sections at the beginning of chapter
2 81 is amended by striking out the item relating to section
3 8168.

4 **TITLE II—RENAMING** 5 **PROVISIONS**

6 **SEC. 201. RENAMING OF THE COURT OF VETERANS AP-** 7 **PEALS.**

8 (a) **IN GENERAL.**—(1) The United States Court of
9 Veterans Appeals shall hereafter be known and designated
10 as the United States Court of Appeals for Veterans
11 Claims.

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

16 (b) **CONFORMING AMENDMENTS.**—

17 (1) The following sections are amended by
18 striking out “Court of Veterans Appeals” each place
19 it appears and inserting in lieu thereof “Court of
20 Appeals for Veterans Claims”: sections 5904,
21 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261,
22 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a),
23 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286,
24 7291, 7292, 7296, 7297, and 7298.

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

3 **“§ 7286. Judicial Conference of the Court of Appeals
4 for Veterans Claims”.**

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

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

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

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

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

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

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

18 **“§ 7298. Court of Appeals for Veterans Claims Retire-
19 ment Fund”.**

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

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

1 (3) The item relating to chapter 72 in the table
2 of chapters at the beginning of title 38 and the item
3 relating to such chapter in the table of chapters at
4 the beginning of part V are amended to read as fol-
5 lows:

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

6 (c) CONFORMING AMENDMENTS TO OTHER LAWS.—

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

11 (A) Section 8440d of title 5, United States
12 Code.

13 (B) Section 2412 of title 28, United States
14 Code.

15 (C) Section 906 of title 44, United States
16 Code.

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

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

1 **“§ 8440d. Judges of the United States Court of Ap-**
2 **peals for Veterans Claims”.**

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

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

6 (d) OTHER LEGAL REFERENCES.—Any reference in
7 a law, regulation, document, paper, or other record of the
8 United States to the United States Court of Veterans Ap-
9 peals shall be deemed to be a reference to the United
10 States Court of Appeals for Veterans Claims.

11 **SEC. 202. REDESIGNATION OF NATIONAL CEMETERY SYS-**
12 **TEM.**

13 (a) REDESIGNATION AS NATIONAL CEMETERY AD-
14 MINISTRATION.—(1) The National Cemetery System of
15 the Department of Veterans Affairs shall hereafter be
16 known and designated as the National Cemetery Adminis-
17 tration. The position of Director of the National Cemetery
18 System is hereby redesignated as Assistant Secretary of
19 Veterans Affairs for Memorial Affairs.

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

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

24 (A) in the first sentence, by striking out “a Di-
25 rector of the National Cemetery System” and insert-

1 ing in lieu thereof “an Assistant Secretary for Me-
2 morial Affairs”; and

3 (B) in the second sentence, by striking out
4 “The Director” and all that follows through “Na-
5 tional Cemetery System” and inserting in lieu there-
6 of “The Assistant Secretary is the head of the Na-
7 tional Cemetery Administration”.

8 (b) CONFORMING AMENDMENTS.—

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

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

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

“307. Assistant Secretary for Memorial Affairs.”.

15 (2) Section 308 is amended—

16 (A) in subsection (a), by inserting before
17 the period at the end of the first sentence “, in
18 addition to the Assistant Secretary for Memo-
19 rial Affairs”;

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

23 (C) in subsection (c), by inserting “pursu-
24 ant to subsection (b)” after “Assistant Sec-
25 retary”.

1 (3) Section 2306(d) is amended by striking out
2 “within the National Cemetery System” each place
3 such term appears and inserting in lieu thereof
4 “under the control of the National Cemetery Admin-
5 istration”.

6 (4) Section 2400 is amended—

7 (A) in subsection (a)—

8 (i) by striking out “National Ceme-
9 tery System” and inserting in lieu thereof
10 “National Cemetery Administration re-
11 sponsible”; and

12 (ii) in the second sentence, by striking
13 out “Such system” and all that follows
14 through “National Cemetery System” and
15 inserting in lieu thereof “The National
16 Cemetery Administration shall be headed
17 by the Assistant Secretary for Memorial
18 Affairs”;

19 (B) in subsection (b), by striking out “Na-
20 tional Cemetery System” and inserting in lieu
21 thereof “national cemeteries and other facilities
22 under the control of the National Cemetery Ad-
23 ministration”; and

24 (C) by amending the heading to read as
25 follows:

1 **“§ 2400. Establishment of National Cemetery Admin-**
2 **istration; composition of Administration”.**

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

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

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

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

15 (8) Section 2405(c) is amended—

16 (A) by striking out “within the National
17 Cemetery System” and inserting in lieu thereof
18 “under the control of the National Cemetery
19 Administration”; and

20 (B) by striking out “within such System”
21 and inserting in lieu thereof “under the control
22 of such Administration”.

23 (9) Section 2408(c)(1) is amended by striking
24 out “in the National Cemetery System” and insert-

1 ing in lieu thereof “under the control of the National
2 Cemetery Administration”.

3 (10) Section 5315 of title 5, United States
4 Code, is amended—

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

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

10 (c) SAVINGS PROVISIONS.—

11 (1) Any reference in a law, map, regulation,
12 document, paper, or other record of the United
13 States to the National Cemetery System shall be
14 deemed to be a reference to the National Cemetery
15 Administration.

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

22 (d) INITIAL APPOINTMENT.—The initial appointment
23 of an individual to the position of Assistant Secretary of
24 Veterans Affairs for Memorial Affairs may be made by
25 the President alone if the individual appointed is the indi-

1 vidual who was serving as the Director of the National
2 Cemetery System on the day before the date of the enact-
3 ment of this Act.

4 **TITLE III—CODIFICATION OF**
5 **PRIOR COMPENSATION RATE**
6 **INCREASES**

7 **SEC. 301. DISABILITY COMPENSATION.**

8 Section 1114 is amended—

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

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

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

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

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

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

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

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

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

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

5 (11) in subsection (k)—

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

8 (B) by striking out “\$2,207” and
9 “\$3,093” and inserting in lieu thereof
10 “\$2,393” and “\$3,356”, respectively;

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

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

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

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

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

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

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

2 Section 1115(1) is amended—

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

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

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

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

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

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

17 **SEC. 303. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**
18 **VETERANS.**

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

21 **SEC. 304. DEPENDENCY AND INDEMNITY COMPENSATION**
22 **FOR SURVIVING SPOUSES.**

23 Section 1311 is amended—

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

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

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

“Pay grade	Monthly rate
E-7	\$861
E-8	909
E-9	¹ 949
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	² 1,774

¹If 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.

²If 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.”;

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

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

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

3 **SEC. 305. DEPENDENCY AND INDEMNITY COMPENSATION**
4 **FOR CHILDREN.**

5 (a) DIC FOR ORPHAN CHILDREN.—Section 1313(a)
6 is amended—

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

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

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

13 (4) by striking out “\$610” and “\$120” in
14 clause (4) and inserting in lieu thereof “\$662” and
15 “\$130”, respectively.

16 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT
17 CHILDREN.—Section 1314 is amended—

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

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

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

1 **SEC. 306. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect

3 as of December 1, 1996.