

106TH CONGRESS
1ST SESSION

S. 1076

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 1999

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

A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Veterans Benefits Act of 1999”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

- Sec. 101. Short title.
Sec. 102. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 103. Publication of adjusted rates.

Subtitle B—Compensation Rate Amendments

- Sec. 111. Disability compensation.
Sec. 112. Additional compensation for dependents.
Sec. 113. Clothing allowance for certain disabled veterans.
Sec. 114. Dependency and indemnity compensation for surviving spouses.
Sec. 115. Dependency and indemnity compensation for children.
Sec. 116. Effective date.

TITLE II—EDUCATIONAL BENEFITS

- Sec. 201. Short title.
Sec. 202. Increase in basic benefit of active duty educational assistance.
Sec. 203. Increase in rates of survivors and dependents educational assistance.
Sec. 204. Eligibility of members of the Armed Forces to withdraw elections not to receive Montgomery GI Bill basic educational assistance.
Sec. 205. Accelerated payments of basic educational assistance.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

- Sec. 301. Adult day health care.
Sec. 302. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

- Sec. 311. Disposal of Department of Veterans Affairs real property.
Sec. 312. Extension of enhanced-use lease authority.

Subtitle C—Homeless Veterans

- Sec. 321. Extension of program of housing assistance for homeless veterans.
Sec. 322. Homeless veterans comprehensive service programs.
Sec. 323. Authorizations of appropriations for homeless veterans’ reintegration projects.

Sec. 324. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

- Sec. 331. Treatment and services for drug or alcohol dependency.
 Sec. 332. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
 Sec. 333. Extension of certain Persian Gulf War authorities.
 Sec. 334. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 341. Authorization of major medical facility projects.

TITLE IV—OTHER BENEFITS MATTERS

- Sec. 401. Payment rate of certain burial benefits for certain Filipino veterans.
 Sec. 402. Extension of authority to maintain a regional office in the Republic of the Philippines.
 Sec. 403. Extension of Advisory Committee on Minority Veterans.
 Sec. 404. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
 Sec. 405. Clarification of veterans employment opportunities.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

- Sec. 501. Short title.
 Sec. 502. Persons eligible for burial in Arlington National Cemetery.
 Sec. 503. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

- Sec. 511. Short title.
 Sec. 512. Fund raising by American Battle Monuments Commission for World War II memorial.
 Sec. 513. General authority of American Battle Monuments Commission to solicit and receive contributions.
 Sec. 514. Intellectual property and related items.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 601. Staggered retirement of judges.
 Sec. 602. Recall of retired judges.

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of title 38, United States Code.

4 **TITLE I—COMPENSATION COST-**
 5 **OF-LIVING ADJUSTMENT**

6 **Subtitle A—Compensation Cost-of-**
 7 **Living-Adjustment**

8 **SEC. 101. SHORT TITLE.**

9 This subtitle may be cited as the “Veterans’ Com-
 10 pensation Cost-of-Living Adjustment Act of 1999”.

11 **SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSA-**
 12 **TION AND DEPENDENCY AND INDEMNITY**
 13 **COMPENSATION.**

14 (a) **RATE ADJUSTMENT.**—The Secretary of Veterans
 15 Affairs shall, effective on December 1, 1999, increase the
 16 dollar amounts in effect for the payment of disability com-
 17 pensation and dependency and indemnity compensation by
 18 the Secretary, as specified in subsection (b).

19 (b) **AMOUNTS TO BE INCREASED.**—The dollar
 20 amounts to be increased pursuant to subsection (a) are
 21 the following:

22 (1) **COMPENSATION.**—Each of the dollar
 23 amounts in effect under section 1114 of title 38,
 24 United States Code.

1 (2) ADDITIONAL COMPENSATION FOR DEPEND-
2 ENTS.—Each of the dollar amounts in effect under
3 sections 1115(1) of such title.

4 (3) CLOTHING ALLOWANCE.—The dollar
5 amount in effect under section 1162 of such title.

6 (4) NEW DIC RATES.—The dollar amounts in
7 effect under paragraphs (1) and (2) of section
8 1311(a) of such title.

9 (5) OLD DIC RATES.—Each of the dollar
10 amounts in effect under section 1311(a)(3) of such
11 title.

12 (6) ADDITIONAL DIC FOR SURVIVING SPOUSES
13 WITH MINOR CHILDREN.—The dollar amount in ef-
14 fect under section 1311(b) of such title.

15 (7) ADDITIONAL DIC FOR DISABILITY.—The
16 dollar amounts in effect under sections 1311(c) and
17 1311(d) of such title.

18 (8) DIC FOR DEPENDENT CHILDREN.—The
19 dollar amounts in effect under sections 1313(a) and
20 1314 of such title.

21 (c) DETERMINATION OF INCREASE.—(1) The in-
22 crease under subsection (a) shall be made in the dollar
23 amounts specified in subsection (b) as in effect on Novem-
24 ber 30, 1999.

1 (2) Except as provided in paragraph (3), each such
2 amount shall be increased by the same percentage as the
3 percentage by which benefit amounts payable under title
4 II of the Social Security Act (42 U.S.C. 401 et seq.) are
5 increased effective December 1, 1999, as a result of a de-
6 termination under section 215(i) of such Act (42 U.S.C.
7 415(i)).

8 (3) Each dollar amount increased pursuant to para-
9 graph (2) shall, if not a whole dollar amount, be rounded
10 down to the next lower whole dollar amount.

11 (d) SPECIAL RULE.—The Secretary may adjust ad-
12 ministratively, consistent with the increases made under
13 subsection (a), the rates of disability compensation pay-
14 able to persons within the purview of section 10 of Public
15 Law 85–857 (72 Stat. 1263) who are not in receipt of
16 compensation payable pursuant to chapter 11 of title 38,
17 United States Code.

18 **SEC. 103. PUBLICATION OF ADJUSTED RATES.**

19 At the same time as the matters specified in section
20 215(i)(2)(D) of the Social Security Act (42 U.S.C.
21 415(i)(2)(D)) are required to be published by reason of
22 a determination made under section 215(i) of such Act
23 during fiscal year 2000, the Secretary of Veterans Affairs
24 shall publish in the Federal Register the amounts specified

1 in subsection (b) of section 102, as increased pursuant to
2 that section.

3 **Subtitle B—Compensation Rate**
4 **Amendments**

5 **SEC. 111. DISABILITY COMPENSATION.**

6 (a) INCREASE IN RATES.—Section 1114 is
7 amended—

8 (1) by striking “\$95” in subsection (a) and in-
9 serting “\$96”;

10 (2) by striking “\$182” in subsection (b) and in-
11 serting “\$184”;

12 (3) by striking “\$279” in subsection (c) and in-
13 serting “\$282”;

14 (4) by striking “\$399” in subsection (d) and in-
15 serting “\$404”;

16 (5) by striking “\$569” in subsection (e) and in-
17 serting “\$576”;

18 (6) by striking “\$717” in subsection (f) and in-
19 serting “\$726”;

20 (7) by striking “\$905” in subsection (g) and in-
21 serting “\$916”;

22 (8) by striking “\$1,049” in subsection (h) and
23 inserting “\$1,062”;

24 (9) by striking “\$1,181” in subsection (i) and
25 inserting “\$1,196”;

1 (10) by striking “\$1,964” in subsection (j) and
2 inserting “\$1,989”;

3 (11) by striking “\$2,443” and “\$3,426” in sub-
4 section (k) and inserting “\$2,474” and “\$3,470”,
5 respectively;

6 (12) by striking “\$2,443” in subsection (l) and
7 inserting “\$2,474”;

8 (13) by striking “\$2,694” in subsection (m)
9 and inserting “\$2,729”;

10 (14) by striking “\$3,066” in subsection (n) and
11 inserting “\$3,105”;

12 (15) by striking “\$3,426” each place it appears
13 in subsections (o) and (p) and inserting “\$3,470”;

14 (16) by striking “\$1,471” and “\$2,190” in sub-
15 section (r) and inserting “\$1,490” and “\$2,218”,
16 respectively; and

17 (17) by striking “\$2,199” in subsection (s) and
18 inserting “\$2,227”.

19 (b) SPECIAL RULE.—The Secretary of Veterans Af-
20 fairs may authorize administratively, consistent with the
21 increases specified in this section, the rates of disability
22 compensation payable to persons within the purview of
23 section 10 of Public Law 85–857 who are not in receipt
24 of compensation payable pursuant to chapter 11 of title
25 38, United States Code.

1 **SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.**

2 Section 1115(1) is amended—

3 (1) by striking “\$114” in clause (A) and insert-
4 ing “\$115”;

5 (2) by striking “\$195” in clause (B) and insert-
6 ing “\$197”;

7 (3) by striking “\$78” in clause (C) and insert-
8 ing “\$79”;

9 (4) by striking “\$92” in clause (D) and insert-
10 ing “\$93”;

11 (5) by striking “\$215” in clause (E) and insert-
12 ing “\$217”; and

13 (6) by striking “\$180” in clause (F) and insert-
14 ing “\$182”.

15 **SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**
16 **VETERANS.**

17 Section 1162 is amended by striking “\$528” and in-
18 serting “\$534”.

19 **SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION**
20 **FOR SURVIVING SPOUSES.**

21 (a) **NEW LAW RATES.**—Section 1311(a) is
22 amended—

23 (1) by striking “\$850” in paragraph (1) and in-
24 serting “\$861”; and

25 (2) by striking “\$185” in paragraph (2) and in-
26 serting “\$187”.

1 (b) OLD LAW RATES.—The table in subsection (a)(3)
 2 is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$861	W-4	\$1,030
E-2	861	O-1	909
E-3	861	O-2	940
E-4	861	O-3	1,004
E-5	861	O-4	1,062
E-6	861	O-5	1,170
E-7	890	O-6	1,318
E-8	940	O-7	1,424
E-9	1980	O-8	1,561
W-1	909	O-9	1,672
W-2	946	O-10	² 1,834
W-3	974		

“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 402 of this title, the surviving spouse’s rate shall be \$1,057.

“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 402 of this title, the surviving spouse’s rate shall be \$1,966.”.

3 (c) ADDITIONAL DIC FOR CHILDREN.—Section
 4 1311(b) is amended by striking “\$215” and inserting
 5 “\$217”.

6 (d) AID AND ATTENDANCE ALLOWANCE.—Section
 7 1311(c) is amended by striking “\$215” and inserting
 8 “\$217”.

9 (e) HOUSEBOUND RATE.—Section 1311(d) is amend-
 10 ed by striking “\$104” and inserting “\$105”.

11 **SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION**
 12 **FOR CHILDREN.**

13 (a) DIC FOR ORPHAN CHILDREN.—Section 1313(a)
 14 is amended—

1 (1) by striking “\$361” in paragraph (1) and in-
2 serting “\$365”;

3 (2) by striking “\$520” in paragraph (2) and in-
4 serting “\$526”;

5 (3) by striking “\$675” in paragraph (3) and in-
6 serting “\$683”; and

7 (4) by striking “\$675” and “\$132” in para-
8 graph (4) and inserting “\$683” and “\$133”, respec-
9 tively.

10 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT
11 CHILDREN.—Section 1314 is amended—

12 (1) by striking “\$215” in subsection (a) and in-
13 serting “\$217”;

14 (2) by striking “\$361” in subsection (b) and in-
15 serting “\$365”; and

16 (3) by striking “\$182” in subsection (c) and in-
17 serting “\$184”.

18 **SEC. 116. EFFECTIVE DATE.**

19 The amendments made by this subtitle shall take ef-
20 fect on November 30, 1999.

1 **TITLE II—EDUCATIONAL**
2 **BENEFITS**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “All-Volunteer Force
5 Educational Assistance Programs Improvements Act of
6 1999”.

7 **SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY**
8 **EDUCATIONAL ASSISTANCE.**

9 (a) INCREASE IN BASIC BENEFIT.—Section 3015 is
10 amended—

11 (1) in subsection (a)(1), by striking “\$528” and
12 inserting “\$600”; and

13 (2) in subsection (b)(1), by striking “\$429”
14 and inserting “\$488”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on October 1, 1999, and
17 shall apply with respect to educational assistance allow-
18 ances paid for months after September 1999. However,
19 no adjustment in rates of educational assistance shall be
20 made under section 3015(g) of title 38, United States
21 Code, for fiscal year 2000.

22 **SEC. 203. INCREASE IN RATES OF SURVIVORS AND DE-**
23 **PENDENTS EDUCATIONAL ASSISTANCE.**

24 (a) SURVIVORS AND DEPENDENTS EDUCATIONAL
25 ASSISTANCE.—Section 3532 is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “\$485” and inserting
3 “\$550”;

4 (B) by striking “\$365” and inserting
5 “\$414”; and

6 (C) by striking “\$242” and inserting
7 “\$274”;

8 (2) in subsection (a)(2), by striking “\$485” and
9 inserting “\$550”;

10 (3) in subsection (b), by striking “\$485” and
11 inserting “\$550”; and

12 (4) in subsection (c)(2)—

13 (A) by striking “\$392” and inserting
14 “\$445”;

15 (B) by striking “\$294” and inserting
16 “\$333”; and

17 (C) by striking “\$196” and inserting
18 “\$222”.

19 (b) CORRESPONDENCE COURSE.—Section 3534(b) is
20 amended by striking “\$485” and inserting “\$550”.

21 (c) SPECIAL RESTORATIVE TRAINING.—Section
22 3542(a) is amended—

23 (1) by striking “\$485” and inserting “\$550”;

24 (2) by striking “\$152” each place it appears
25 and inserting “\$172”; and

1 (3) by striking “\$16.16” and inserting
2 “\$18.35”.

3 (d) APPRENTICESHIP TRAINING.—Section
4 3687(b)(2) is amended—

5 (1) by striking “\$353” and inserting “\$401”;

6 (2) by striking “\$264” and inserting “\$299”;

7 (3) by striking “\$175” and inserting “\$198”;

8 and

9 (4) by striking “\$88” and inserting “\$99”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 1999, and shall
12 apply with respect to educational assistance paid for
13 months after September 1999.

14 **SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED**
15 **FORCES TO WITHDRAW ELECTIONS NOT TO**
16 **RECEIVE MONTGOMERY GI BILL BASIC EDU-**
17 **CATIONAL ASSISTANCE.**

18 (a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is
19 amended by adding at the end the following:

20 “(4)(A) An individual who makes an election under
21 paragraph (1) may withdraw the election at any time be-
22 fore the discharge or release of the individual from active
23 duty in the Armed Forces. An individual who withdraws
24 such an election shall be entitled to basic educational as-
25 sistance under this chapter.

1 “(B) The withdrawal of an election under this para-
2 graph shall be made in accordance with regulations pre-
3 scribed by the Secretary of Defense or by the Secretary
4 of Transportation with respect to the Coast Guard when
5 it is not operating as a service in the Navy.

6 “(C)(i) In the case of an individual who withdraws
7 an election under this paragraph—

8 “(I) the basic pay of the individual shall be re-
9 duced by \$100 for each month after the month in
10 which the election is made until the total amount of
11 such reductions equals \$1,500; or

12 “(II) to the extent that basic pay is not so re-
13 duced before the individual’s discharge or release
14 from active duty in the Armed Forces, the Secretary
15 shall collect from the individual an amount equal to
16 the difference between \$1,500 and the total amount
17 of reductions under subclause (I).

18 “(ii) An individual described in clause (i) may pay
19 the Secretary at any time an amount equal to the total
20 amount of the reduction in basic pay otherwise required
21 with respect to the individual under that clause minus the
22 total amount of reductions of basic pay of the individual
23 under that clause at the time of the payment under this
24 clause.

1 “(iii) The second sentence of subsection (b) shall
2 apply to any reductions in basic pay under clause (i)(I).

3 “(iv) Amounts collected under clause (i)(II) and
4 amounts paid under clause (ii) shall be deposited into the
5 Treasury as miscellaneous receipts.

6 “(D) The withdrawal of an election under this para-
7 graph is irrevocable.”.

8 (b) MEMBERS OF SELECTED RESERVE.—Section
9 3012(d) is amended by adding at the end the following:

10 “(4)(A) An individual who makes an election under
11 paragraph (1) may withdraw the election at any time be-
12 fore the discharge or release of the individual from the
13 Armed Forces. An individual who withdraws such an elec-
14 tion shall be entitled to basic educational assistance under
15 this chapter.

16 “(B) The withdrawal of an election under this para-
17 graph shall be made in accordance with regulations pre-
18 scribed by the Secretary of Defense or by the Secretary
19 of Transportation with respect to the Coast Guard when
20 it is not operating as a service in the Navy.

21 “(C)(i) In the case of an individual who withdraws
22 an election under this paragraph—

23 “(I) the basic pay or compensation of the indi-
24 vidual shall be reduced by \$100 for each month
25 after the month in which the election is made until

1 the total amount of such reductions equals \$1,500;
2 or

3 “(II) to the extent that basic pay or compensa-
4 tion is not so reduced before the individual’s dis-
5 charge or release from the Armed Forces, the Sec-
6 retary shall collect from the individual an amount
7 equal to the difference between \$1,500 and the total
8 amount of reductions under subclause (I).

9 “(ii) An individual described in clause (i) may pay
10 the Secretary at any time an amount equal to the total
11 amount of the reduction in basic pay or compensation oth-
12 erwise required with respect to the individual under that
13 clause minus the total amount of reductions of basic pay
14 or compensation of the individual under that clause at the
15 time of the payment under this clause.

16 “(iii) The second sentence of subsection (c) shall
17 apply to any reductions in basic pay or compensation
18 under clause (i)(I).

19 “(iv) Amounts collected under clause (i)(II) and
20 amounts paid under clause (ii) shall be deposited into the
21 Treasury as miscellaneous receipts.

22 “(D) The withdrawal of an election under this para-
23 graph is irrevocable.”.

1 **SEC. 205. ACCELERATED PAYMENTS OF BASIC EDU-**
2 **CATIONAL ASSISTANCE.**

3 Section 3014 is amended—

4 (1) by inserting “(a)” before “The Secretary”;

5 and

6 (2) by adding at the end the following new sub-
7 section:

8 “(b)(1) The Secretary may make payments of basic
9 educational assistance under this subchapter on an accel-
10 erated basis.

11 “(2) The Secretary may pay basic educational assist-
12 ance on an accelerated basis under this subsection only
13 to an individual entitled to payment of such assistance
14 under this subchapter who has made a request for pay-
15 ment of such assistance on an accelerated basis.

16 “(3) In the event an adjustment under section
17 3015(g) of this title in the monthly rate of basic edu-
18 cational assistance will occur during a period for which
19 a payment of such assistance is made on an accelerated
20 basis under this subsection, the Secretary shall pay on an
21 accelerated basis the amount of such assistance otherwise
22 payable under this subchapter for the period without re-
23 gard to the adjustment under that section.

24 “(4) The entitlement to basic educational assistance
25 under this subchapter of an individual who is paid such
26 assistance on an accelerated basis under this subsection

1 shall be charged at a rate equal to one month for each
2 month of the period covered by the accelerated payment
3 of such assistance.

4 “(5) Basic educational assistance shall be paid on an
5 accelerated basis under this subsection as follows:

6 “(A) In the case of assistance for a course lead-
7 ing to a standard college degree, at the beginning of
8 the quarter, semester, or term of the course in a
9 lump-sum amount equivalent to the aggregate
10 amount of monthly assistance otherwise payable
11 under this subchapter for the quarter, semester, or
12 term, as the case may be, of the course.

13 “(B) In the case of assistance for a course
14 other than a course referred to in subparagraph
15 (A)—

16 “(i) at the later of (I) the beginning of the
17 course, or (II) a reasonable time after the re-
18 quest for payment by the individual concerned;
19 and

20 “(ii) in any amount requested by the indi-
21 vidual concerned within the limit, if any, speci-
22 fied in the regulations prescribed by the Sec-
23 retary under paragraph (6), with such limit not
24 to exceed the aggregate amount of monthly as-

1 sistance otherwise payable under this sub-
2 chapter for the period of the course.

3 “(6) The Secretary shall prescribe regulations for
4 purposes of making payments of basic educational assist-
5 ance on an accelerated basis under this subsection. Such
6 regulations shall include requirements relating to the re-
7 quest for, making and delivery of, and receipt and use of
8 such payments and may include a limit on the amount
9 payable for a course under paragraph (5)(B)(ii).”.

10 **TITLE III—MEDICAL CARE**

11 **Subtitle A—Long-Term Care**

12 **SEC. 301. ADULT DAY HEALTH CARE.**

13 Section 1720(f)(1)(A)(i) is amended by striking
14 “subsections (a) through (d) of this section” and inserting
15 “subsections (b) through (d) of this section”.

16 **SEC. 302. IN-HOME RESPITE CARE SERVICES.**

17 Section 1720B(b) is amended—

18 (1) in the matter preceding paragraph (1), by
19 striking “or nursing home care” and inserting
20 “, nursing home care, or home-based care”; and

21 (2) in paragraph (2), by inserting “or in the
22 home of a veteran” after “in a Department facility”.

1 **Subtitle B—Management of**
2 **Medical Facilities and Property**

3 **SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AF-**
4 **FAIRS REAL PROPERTY.**

5 (a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1)
6 Chapter 81 is amended by inserting after section 8122 the
7 following new section:

8 **“§ 8122A. Disposal of real property: temporary flexi-**
9 **bility in disposal**

10 “(a)(1) The Secretary may, in accordance with this
11 section, dispose of property owned by the United States
12 that is administered by the Secretary (including improve-
13 ments and equipment associated with the property) by
14 transfer, sale, or exchange to a Federal agency, a State
15 or political subdivision thereof, or any public or private
16 entity.

17 “(2) The Secretary may exercise the authority pro-
18 vided by this section without regard to the following provi-
19 sions of law:

20 “(A) Sections 202 and 203 of the Federal
21 Property and Administrative Services Act of 1949
22 (40 U.S.C. 483, 484).

23 “(B) Section 501 of the Stewart B. McKinney
24 Homeless Assistance Act (42 U.S.C. 11411).

1 “(3) The Secretary may not undertake more than 30
2 transactions for the disposal of real property under this
3 section.

4 “(b)(1) The Secretary shall obtain compensation in
5 connection with a disposal of real property under this sec-
6 tion, other than by transfer or exchange with another Fed-
7 eral entity, in an amount equal to the fair market value
8 of the property disposed of. Such compensation may in-
9 clude in-kind compensation.

10 “(2) The Secretary may use amounts of cash com-
11 pensation received in connection with a disposal of real
12 property under this section to cover costs incurred by the
13 Secretary for administrative expenses associated with the
14 disposal.

15 “(c)(1) There is in the Treasury a revolving fund to
16 be known as the Department of Veterans Affairs Capital
17 Asset Fund (in this section referred to as the ‘Fund’).

18 “(2) The Secretary shall deposit in the Fund the fol-
19 lowing:

20 “(A) Any amounts appropriated pursuant to an
21 authorization of appropriations for the Fund.

22 “(B) Any cash compensation from the disposal
23 of real property under this section, less amounts
24 used to cover administrative expenses associated
25 with such disposal under subsection (b)(2).

1 “(3)(A) To the extent provided in advance in appro-
2 priations Acts and subject to subsection (e)(2), amounts
3 in the Fund at the beginning of a fiscal year shall be avail-
4 able during the fiscal year as follows:

5 “(i) For costs associated with the disposal of
6 real property under this section, including—

7 “(I) costs of demolition of facilities and
8 improvements;

9 “(II) costs of environmental restoration;
10 and

11 “(III) costs of maintenance and repair of
12 property, facilities, and improvements to facili-
13 tate disposal;

14 “(ii) To the extent not utilized under clause (i)
15 and subject to subparagraph (B)—

16 “(I) for construction projects and facility
17 leases (other than projects or leases within the
18 scope of section 8104(a) of this title) and non-
19 recurring maintenance and operation activities
20 (including the procurement and maintenance of
21 equipment);

22 “(II) for transfer to the Department of
23 Veterans Affairs Medical Care Collections Fund
24 established in section 1729A of this title for use
25 in accordance with that section;

1 “(III) for activities and grants under pro-
2 grams for providing grants for homeless assist-
3 ance; and

4 “(IV) for transfer to the Department of
5 Housing and Urban Development for homeless
6 assistance grants.

7 “(iii) To the extent not utilized under clauses
8 (i) and (ii), for the establishment and maintenance
9 of the database required under subsection (d).

10 “(B) Of the amounts available under subparagraph
11 (A)(ii) for a fiscal year—

12 “(i) an amount equal to 90 percent of such
13 amounts shall be available under subclauses (I), (II)
14 and (III) of that subparagraph; and

15 “(ii) an amount equal to 10 percent of such
16 amounts shall be available under subclause (IV) of
17 that subparagraph.

18 “(4) Amounts in the Fund shall be available for the
19 purposes specified in paragraph (3) without fiscal year
20 limitation.

21 “(d) The Secretary shall, in consultation with the Ad-
22 ministrators of General Services, establish and maintain a
23 database of information on the real property of the De-
24 partment. The database shall provide information that fa-

1 facilitates the management of such real property, including
 2 the disposal of real property under this section.

3 “(e)(1) The authority of the Secretary to dispose of
 4 real property under this section shall expire 5 years after
 5 the date of the enactment of the Veterans Benefits Act
 6 of 1999.

7 “(2)(A) The Fund shall be available for not more
 8 than 2 years after the expiration of the authority under
 9 paragraph (1) for authorized uses of the Fund under this
 10 section.

11 “(B) Any unobligated funds in the Fund at the expi-
 12 ration of the availability of the Fund under subparagraph
 13 (A) shall be transferred to and merged with amounts in
 14 the Construction, Minor Projects Account.

15 “(f) The Secretary shall include with the materials
 16 that accompany the budget of the President for a fiscal
 17 year under section 1105 of title 31 a description, for the
 18 year preceding the year in which the budget is submitted,
 19 of each transaction for the disposal of real property car-
 20 ried out under this section.”.

21 (2) The table of sections at the beginning of chapter
 22 81 is amended by inserting after the item relating to sec-
 23 tion 8122 the following new item:

“8122A. Disposal of real property: temporary flexibility in disposal.”.

24 (b) INITIAL CAPITALIZATION OF FUND.—(1) There
 25 is hereby authorized to be appropriated for the Depart-

1 ment of Veterans Affairs for fiscal year 2000,
2 \$10,000,000 for deposit in the Department of Veterans
3 Affairs Capital Asset Fund established by section
4 8122A(c) of title 38, United States Code (as added by
5 subsection (a)).

6 (2) The Secretary may, for purposes of providing ad-
7 ditional amounts in the Fund, transfer to the Fund in fis-
8 cal year 2000 amounts in the following accounts, in the
9 order specified:

10 (A) Amounts in the Construction, Major
11 Projects Account.

12 (B) Amounts in the Construction, Minor
13 Projects Account.

14 (3) The Secretary shall reimburse an account re-
15 ferred to in paragraph (2) for any amounts transferred
16 from the account to the Fund under that paragraph.
17 Amounts for such reimbursements shall be derived from
18 amounts in the Fund.

19 (c) MODIFICATIONS OF GENERAL REAL PROPERTY
20 DISPOSAL AUTHORITY.—Paragraph (2) of section
21 8122(a) is amended to read as follows:

22 “(2)(A) Except as provided in paragraph (3) of this
23 subsection, the Secretary may not during any fiscal year
24 dispose of any real property that is owned by the United
25 States and administered by the Secretary unless—

1 “(i) the disposal is described in the budget sub-
2 mitted to Congress pursuant to section 1105 of title
3 31 for that fiscal year; and

4 “(ii) the Department receives compensation for
5 the disposal equal to fair market value of the real
6 property.

7 “(B) The use of amounts received by the Secretary
8 as a result of the disposal of real property under this para-
9 graph shall be governed by the provisions of section 8122A
10 of this title.”.

11 **SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHOR-**
12 **ITY.**

13 Section 8169 is amended by striking “December 31,
14 2001” and inserting “December 31, 2004”.

15 **Subtitle C—Homeless Veterans**

16 **SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSIST-**
17 **ANCE FOR HOMELESS VETERANS.**

18 Section 3735(c) is amended by striking “December
19 31, 1999” and inserting “December 31, 2001”.

20 **SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE**
21 **PROGRAMS.**

22 (a) PURPOSES OF GRANTS.—Section 3(a) of the
23 Homeless Veterans Comprehensive Service Programs Act
24 of 1992 (38 U.S.C. 7721 note) is amended by inserting

1 “, and expanding existing programs for furnishing,” after
2 “new programs to furnish”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
4 12 of that Act (38 U.S.C. 7721 note) is amended in the
5 first sentence by inserting “and \$50,000,000 for each of
6 fiscal years 2000 and 2001” after “for fiscal years 1993
7 through 1997”.

8 **SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR**
9 **HOMELESS VETERANS’ REINTEGRATION**
10 **PROJECTS.**

11 Section 738(e)(1) of the Stewart B. McKinney Home-
12 less Assistance Act (42 U.S.C. 11448(e)(1)) is amended
13 by adding at the end the following:

14 “(H) \$10,000,000 for fiscal year 2000.

15 “(I) \$10,000,000 for fiscal year 2001.”.

16 **SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL AC-**
17 **COUNTING OFFICE RECOMMENDATIONS RE-**
18 **GARDING PERFORMANCE MEASURES.**

19 (a) REPORT.—Not later than three months after the
20 date of the enactment of this Act, the Secretary of Vet-
21 erans Affairs shall submit to the Committees on Veterans’
22 Affairs of the Senate and the House of Representatives
23 a report containing a detailed plan for the evaluation by
24 the Department of Veterans Affairs of the effectiveness
25 of programs to assist homeless veterans.

1 (b) OUTCOME MEASURES.—The plan shall include
 2 outcome measures which determine whether veterans are
 3 housed and employed within six months after housing and
 4 employment are secured for veterans under such pro-
 5 grams.

6 **Subtitle D—Other Health Care** 7 **Provisions**

8 **SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCO-** 9 **HOL DEPENDENCY.**

10 Section 1720A(c) is amended—

11 (1) in the first sentence of paragraph (1)—

12 (A) by striking “may not be transferred”
 13 and inserting “may be transferred”; and

14 (B) by striking “unless such transfer is
 15 during the last thirty days of such member’s
 16 enlistment or tour of duty”; and

17 (2) in the first sentence of paragraph (2), by
 18 striking “during the last thirty days of such person’s
 19 enlistment period or tour of duty”.

20 **SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AF-** 21 **FAIRS HEALTH CARE FACILITIES OF** 22 **AMOUNTS IN MEDICAL CARE COLLECTIONS** 23 **FUND.**

24 Section 1729A(d) is amended—

25 (1) by striking “(1)”;

1 (2) by striking “each designated health care re-
2 gion” and inserting “each Department health care
3 facility”;

4 (3) by striking “each region” and inserting
5 “each facility”;

6 (4) by striking “such region” both places it ap-
7 pears and inserting “such facility”; and

8 (4) by striking paragraph (2).

9 **SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AU-**
10 **THORITIES.**

11 (a) **THREE-YEAR EXTENSION OF NEWSLETTER ON**
12 **MEDICAL CARE.**—Section 105(b)(2) of the Persian Gulf
13 War Veterans’ Benefits Act (title I of Public Law 103–
14 446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended
15 by striking “December 31, 1999” and inserting “Decem-
16 ber 31, 2002”.

17 (b) **THREE-YEAR EXTENSION OF PROGRAM FOR**
18 **EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.**—
19 Section 107(b) of Persian Gulf War Veterans’ Benefits
20 Act (title I of Public Law 103–446; 38 U.S.C. 1117 note)
21 is amended by striking “December 31, 1999” and insert-
22 ing “December 31, 2002”.

1 **SEC. 334. REPORT ON COORDINATION OF PROCUREMENT**
2 **OF PHARMACEUTICALS AND MEDICAL SUP-**
3 **PLIES BY THE DEPARTMENT OF VETERANS**
4 **AFFAIRS AND THE DEPARTMENT OF DE-**
5 **FENSE.**

6 (a) REQUIREMENT.—Not later than March 31, 2000,
7 the Secretary of Veterans Affairs and the Secretary of De-
8 fense shall jointly submit to the Committees on Veterans’
9 Affairs and Armed Services of the Senate and the Com-
10 mittees on Veterans’ Affairs and Armed Services of the
11 House of Representatives a report on the cooperation be-
12 tween the Department of Veterans Affairs and the De-
13 partment of Defense in the procurement of pharma-
14 ceuticals and medical supplies.

15 (b) REPORT ELEMENTS.—The report under sub-
16 section (a) shall include the following:

17 (1) A description of the current cooperation be-
18 tween the Department of Veterans Affairs and the
19 Department of Defense in the procurement of phar-
20 maceuticals and medical supplies.

21 (2) An assessment of the means by which co-
22 operation between the departments in such procure-
23 ment could be enhanced or improved.

24 (3) A description of any existing memoranda of
25 agreement between the Department of Veterans Af-

1 fairs and the Department of Defense that provide
2 for the cooperation referred to in subsection (a).

3 (4) A description of the effects, if any, such
4 agreements will have on current staffing levels at the
5 Defense Supply Center in Philadelphia, Pennsyl-
6 vania, and the Department of Veterans Affairs Na-
7 tional Acquisition Center in Hines, Illinois.

8 (5) A description of the effects, if any, of such
9 cooperation on military readiness.

10 (6) A comprehensive assessment of cost savings
11 realized and projected over the five fiscal year period
12 beginning in fiscal year 1999 for the Department of
13 Veterans Affairs and the Department of Defense as
14 a result of such cooperation, and the overall savings
15 to the Treasury of the United States as a result of
16 such cooperation.

17 (7) A list of the types of medical supplies and
18 pharmaceuticals for which cooperative agreements
19 would not be appropriate and the reason or reasons
20 therefor.

21 (8) An assessment of the extent to which coop-
22 erative agreements could be expanded to include
23 medical equipment, major systems, and durable
24 goods used in the delivery of health care by the De-

1 partment of Veterans Affairs and the Department of
2 Defense.

3 (9) A description of the effects such agreements
4 might have on distribution of items purchased coop-
5 eratively by the Department of Veterans Affairs and
6 the Department of Defense, particularly outside the
7 continental United States.

8 (10) An assessment of the potential to establish
9 common pharmaceutical formularies between the De-
10 partment of Veterans Affairs and the Department of
11 Defense.

12 (11) An explanation of the current Uniform
13 Product Number (UPN) requirements of each De-
14 partment and of any planned standardization of
15 such requirements between the Departments for
16 medical equipment and durable goods manufactur-
17 ers.

18 **Subtitle E—Major Medical Facility**
19 **Projects Construction Author-**
20 **ization**

21 **SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
22 **PROJECTS.**

23 (a) IN GENERAL.—The Secretary of Veterans Affairs
24 may carry out the following major medical facility

1 projects, with each project to be carried out in the amount
2 specified for that project:

3 (1) Construction of a long term care facility at
4 the Department of Veterans Affairs Medical Center,
5 Lebanon, Pennsylvania, in an amount not to exceed
6 \$14,500,000.

7 (2) Renovations and environmental improve-
8 ments at the Department of Veterans Affairs Med-
9 ical Center, Fargo, North Dakota, in an amount not
10 to exceed \$12,000,000.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to the Secretary of Veterans Affairs for
14 fiscal year 2000 for the Construction, Major
15 Projects, Account \$200,100,000 for the projects au-
16 thorized in subsection (a) and for the continuation
17 of projects authorized in section 701(a) of the Vet-
18 erans Programs Enhancement Act of 1998 (Public
19 Law 105–368; 112 Stat. 3348).

20 (2) LIMITATION ON FISCAL YEAR 2000
21 PROJECTS.—The projects authorized in subsection
22 (a) may only be carried out using—

23 (A) funds appropriated for fiscal year 2000
24 pursuant to the authorizations of appropria-
25 tions in subsection (a);

1 (B) funds appropriated for Construction,
 2 Major Projects, for a fiscal year before fiscal
 3 year 2000 that remain available for obligation;
 4 and

5 (C) funds appropriated for Construction,
 6 Major Projects, for fiscal year 2000 for a cat-
 7 egory of activity not specific to a project.

8 (c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999
 9 PROJECTS.—Section 703(b)(1) of the Veterans Programs
 10 Enhancement Act of 1998 (112 Stat. 3349) is amended—

11 (1) by redesignating subparagraphs (B) and
 12 (C) as subparagraphs (C) and (D), respectively; and

13 (2) by inserting after subparagraph (A) the fol-
 14 lowing new subparagraph (B):

15 “(B) funds appropriated for fiscal year 2000
 16 pursuant to the authorization of appropriations in
 17 section 341(b)(1) of the Veterans Benefits Act of
 18 1999;”.

19 **TITLE IV—OTHER BENEFITS**
 20 **MATTERS**

21 **SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS**
 22 **FOR CERTAIN FILIPINO VETERANS.**

23 (a) PAYMENT RATE.—Section 107 is amended—

1 (1) in subsection (a), by striking “Payments”
2 and inserting “Subject to subsection (c), payments”;
3 and

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

5 “(c)(1) In the case of an individual described in para-
6 graph (2), payments under section 2302 or 2303 of this
7 title by reason of subsection (a)(3) shall be made at the
8 rate of \$1 for each dollar authorized.

9 “(2) Paragraph (1) applies to any individual whose
10 service is described in subsection (a) if the individual, on
11 the individual’s date of death—

12 “(A) is a citizen of the United States;

13 “(B) is residing in the United States; and

14 “(C) either—

15 “(i) is receiving compensation under chap-
16 ter 11 of this title; or

17 “(ii) if such service had been deemed to be
18 active military, naval, or air service, would have
19 been paid pension under section 1521 of this
20 title without denial or discontinuance by reason
21 of section 1522 of this title.”.

22 (b) APPLICABILITY.—No benefits shall accrue to any
23 person for any period before the effective date of this Act
24 by reason of the amendments made by subsection (a).

1 “(2) If selected, a preference eligible or veteran de-
 2 scribed in paragraph (1) shall acquire competitive status
 3 and shall receive a career or career-conditional appoint-
 4 ment, as appropriate.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect as if included in the
 7 amendment made to section 3304 of title 5, United States
 8 Code, by section 2 of the Veterans Employment Opportu-
 9 nities Act of 1998 (Public Law 105–339; 112 Stat. 3182),
 10 to which such amendments relate.

11 **TITLE V—MEMORIAL AFFAIRS**
 12 **Subtitle A—Arlington National**
 13 **Cemetery**

14 **SEC. 501. SHORT TITLE.**

15 This subtitle may be cited as the “Arlington National
 16 Cemetery Burial and Inurnment Eligibility Act of 1999”.

17 **SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON**
 18 **NATIONAL CEMETERY.**

19 (a) IN GENERAL.—(1) Chapter 24 is amended by
 20 adding at the end the following new section:

21 **“§ 2412. Arlington National Cemetery: persons eligi-**
 22 **ble for burial**

23 “(a) PRIMARY ELIGIBILITY.—The remains of the fol-
 24 lowing individuals may be buried in Arlington National
 25 Cemetery:

1 “(1) Any member of the Armed Forces who
2 dies while on active duty.

3 “(2) Any retired member of the Armed Forces
4 and any person who served on active duty and at the
5 time of death was entitled (or but for age would
6 have been entitled) to retired pay under chapter
7 1223 of title 10.

8 “(3) Any former member of the Armed Forces
9 separated for physical disability before October 1,
10 1949, who—

11 “(A) served on active duty; and

12 “(B) would have been eligible for retire-
13 ment under the provisions of section 1201 of
14 title 10 (relating to retirement for disability)
15 had that section been in effect on the date of
16 separation of the member.

17 “(4) Any former member of the Armed Forces
18 whose last active duty military service terminated
19 honorably and who has been awarded one of the fol-
20 lowing decorations:

21 “(A) Medal of Honor.

22 “(B) Distinguished Service Cross, Air
23 Force Cross, or Navy Cross.

24 “(C) Distinguished Service Medal.

25 “(D) Silver Star.

1 “(E) Purple Heart.

2 “(5) Any former prisoner of war who dies on or
3 after November 30, 1993.

4 “(6) The President or any former President.

5 “(7) Any former member of the Armed Forces
6 whose last discharge or separation from active duty
7 was under honorable conditions and who is or was
8 one of the following:

9 “(A) Vice President.

10 “(B) Member of Congress.

11 “(C) Chief Justice or Associate Justice of
12 the Supreme Court.

13 “(D) The head of an Executive department
14 (as such departments are listed in section 101
15 of title 5).

16 “(E) An individual who served in the for-
17 eign or national security services, if such indi-
18 vidual died as a result of a hostile action out-
19 side the United States in the course of such
20 service.

21 “(8) Any individual whose eligibility is author-
22 ized in accordance with subsection (b).

23 “(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—

24 (1) Subject to paragraph (4), in the case of a former mem-
25 ber of the Armed Forces not otherwise covered by sub-

1 section (a) whose last discharge or separation from active
2 duty was under honorable conditions, if the Secretary of
3 Defense makes a determination referred to in paragraph
4 (3) with respect to such member, the Secretary of Defense
5 may authorize the burial of the remains of such former
6 member in Arlington National Cemetery under subsection
7 (a)(8).

8 “(2) Subject to paragraph (4), in the case of any indi-
9 vidual not otherwise covered by subsection (a) or para-
10 graph (1), if the President makes a determination referred
11 to in paragraph (3) with respect to such individual, the
12 President may authorize the burial of the remains of such
13 individual in Arlington National Cemetery under sub-
14 section (a)(8).

15 “(3) A determination referred to in paragraph (1) or
16 (2) is a determination that the acts, service, or other con-
17 tributions to the Nation of the former member or indi-
18 vidual concerned are of equal or similar merit to the acts,
19 service, or other contributions to the Nation of any of the
20 persons listed in subsection (a).

21 “(4) A burial may be authorized under paragraph (1)
22 or (2) only after consultation with respect to the burial
23 by the Secretary of Defense with the Chairmen and Rank-
24 ing Members of the Committees on Veterans’ Affairs of
25 the Senate and the House of Representatives.

1 “(5)(A) In the case of an authorization for burial
2 under this subsection, the President or the Secretary of
3 Defense, as the case may be, shall submit to the Commit-
4 tees on Veterans’ Affairs of the Senate and the House of
5 Representatives a report on the authorization not later
6 than 72 hours after the authorization.

7 “(B) Each report under subparagraph (A) shall—

8 “(i) identify the individual authorized for bur-
9 ial; and

10 “(ii) provide a justification for the authorization
11 for burial.

12 “(c) ELIGIBILITY OF FAMILY MEMBERS.—The re-
13 mains of the following individuals may be buried in Arling-
14 ton National Cemetery:

15 “(1) The spouse, surviving spouse, minor child,
16 and, at the discretion of the Superintendent, unmar-
17 ried adult child of a person listed in subsection (a),
18 but only if buried in the same gravesite as that per-
19 son.

20 “(2)(A) The spouse, minor child, and, at the
21 discretion of the Superintendent, unmarried adult
22 child of a member of the Armed Forces on active
23 duty if such spouse, minor child, or unmarried adult
24 child dies while such member is on active duty.

1 “(B) The individual whose spouse, minor child,
2 and unmarried adult child is eligible under subpara-
3 graph (A), but only if buried in the same gravesite
4 as the spouse, minor child, or unmarried adult child.

5 “(3) The parents of a minor child or unmarried
6 adult child whose remains, based on the eligibility of
7 a parent, are already buried in Arlington National
8 Cemetery, but only if buried in the same gravesite
9 as that minor child or unmarried adult child.

10 “(4)(A) Subject to subparagraph (B), the sur-
11 viving spouse, minor child, and, at the discretion of
12 the Superintendent, unmarried adult child of a
13 member of the Armed Forces who was lost, buried
14 at sea, or officially determined to be permanently ab-
15 sent in a status of missing or missing in action.

16 “(B) A person is not eligible under subpara-
17 graph (A) if a memorial to honor the memory of the
18 member is placed in a cemetery in the national cem-
19 etery system, unless the memorial is removed. A me-
20 morial removed under this subparagraph may be
21 placed, at the discretion of the Superintendent, in
22 Arlington National Cemetery.

23 “(5) The surviving spouse, minor child, and, at
24 the discretion of the Superintendent, unmarried
25 adult child of a member of the Armed Forces buried

1 in a cemetery under the jurisdiction of the American
2 Battle Monuments Commission.

3 “(d) SPOUSES.—For purposes of subsection (c)(1), a
4 surviving spouse of a person whose remains are buried in
5 Arlington National Cemetery by reason of eligibility under
6 subsection (a) who has remarried is eligible for burial in
7 the same gravesite of that person. The spouse of the sur-
8 viving spouse is not eligible for burial in such gravesite.

9 “(e) DISABLED ADULT UNMARRIED CHILDREN.—In
10 the case of an unmarried adult child who is incapable of
11 self-support up to the time of death because of a physical
12 or mental condition, the child may be buried under sub-
13 section (c) without requirement for approval by the Super-
14 intendent under that subsection if the burial is in the same
15 gravesite as the gravesite in which the parent, who is eligi-
16 ble for burial under subsection (a), has been or will be
17 buried.

18 “(f) FAMILY MEMBERS OF PERSONS BURIED IN A
19 GROUP GRAVESITE.—In the case of a person eligible for
20 burial under subsection (a) who is buried in Arlington Na-
21 tional Cemetery as part of a group burial, the surviving
22 spouse, minor child, or unmarried adult child of the mem-
23 ber may not be buried in the group gravesite.

24 “(g) EXCLUSIVE AUTHORITY FOR BURIAL IN AR-
25 LINGTON NATIONAL CEMETERY.—Eligibility for burial of

1 remains in Arlington National Cemetery prescribed under
2 this section is the exclusive eligibility for such burial.

3 “(h) APPLICATION FOR BURIAL.—A request for bur-
4 ial of remains of an individual in Arlington National Cem-
5 etery made before the death of the individual may not be
6 considered by the Secretary of the Army, the Secretary
7 of Defense, or any other responsible official.

8 “(i) REGISTER OF BURIED INDIVIDUALS.—(1) The
9 Secretary of the Army shall maintain a register of each
10 individual buried in Arlington National Cemetery and
11 shall make such register available to the public.

12 “(2) With respect to each such individual buried on
13 or after January 1, 1998, the register shall include a brief
14 description of the basis of eligibility of the individual for
15 burial in Arlington National Cemetery.

16 “(j) DEFINITIONS.—For purposes of this section:

17 “(1) The term ‘retired member of the Armed
18 Forces’ means—

19 “(A) any member of the Armed Forces on
20 a retired list who served on active duty and who
21 is entitled to retired pay;

22 “(B) any member of the Fleet Reserve or
23 Fleet Marine Corps Reserve who served on ac-
24 tive duty and who is entitled to retainer pay;
25 and

1 “(C) any member of a reserve component
2 of the Armed Forces who has served on active
3 duty and who has received notice from the Sec-
4 retary concerned under section 12731(d) of title
5 10 of eligibility for retired pay under chapter
6 1223 of title 10.

7 “(2) The term ‘former member of the Armed
8 Forces’ includes a person whose service is considered
9 active duty service pursuant to a determination of
10 the Secretary of Defense under section 401 of Public
11 Law 95–202 (38 U.S.C. 106 note).

12 “(3) The term ‘Superintendent’ means the Su-
13 perintendent of Arlington National Cemetery.”.

14 (2) The table of sections at the beginning of chapter
15 24 is amended by adding at the end the following new
16 item:

“2412. Arlington National Cemetery: persons eligible for burial.”.

17 (b) PUBLICATION OF UPDATED PAMPHLET.—Not
18 later than 180 days after the date of enactment of this
19 Act, the Secretary of the Army shall publish an updated
20 pamphlet describing eligibility for burial in Arlington Na-
21 tional Cemetery. The pamphlet shall reflect the provisions
22 of section 2412 of title 38, United States Code, as added
23 by subsection (a).

24 (c) TECHNICAL AMENDMENTS.—Section 2402(7) is
25 amended—

1 (1) by inserting “(or but for age would have
2 been entitled)” after “was entitled”;

3 (2) by striking “chapter 67” and inserting
4 “chapter 1223”; and

5 (3) by striking “or would have been entitled to”
6 and all that follows and inserting a period.

7 (d) EFFECTIVE DATE.—Section 2412 of title 38,
8 United States Code, as added by subsection (a), shall
9 apply with respect to individuals dying on or after the date
10 of enactment of this Act.

11 **SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE**
12 **COLUMBARIUM IN ARLINGTON NATIONAL**
13 **CEMETERY.**

14 (a) IN GENERAL.—(1) Chapter 24 is amended by
15 adding after section 2412, as added by section 501(a)(1)
16 of this Act, the following new section:

17 **“§ 2413. Arlington National Cemetery: persons eligi-**
18 **ble for placement in columbarium**

19 “(a) ELIGIBILITY.—The cremated remains of the fol-
20 lowing individuals may be placed in the columbarium in
21 Arlington National Cemetery:

22 “(1) A person eligible for burial in Arlington
23 National Cemetery under section 2412 of this title.

1 “(2)(A) A veteran whose last period of active
2 duty service (other than active duty for training)
3 ended honorably.

4 “(B) The spouse, surviving spouse, minor child,
5 and, at the discretion of the Superintendent of Ar-
6 lington National Cemetery, unmarried adult child of
7 such a veteran.

8 “(b) SPOUSE.—Section 2412(d) of this title shall
9 apply to a spouse under this section in the same manner
10 as it applies to a spouse under section 2412 of this title.”.

11 (2) The table of sections at the beginning of chapter
12 24 is amended by adding after section 2412, as added by
13 section 501(a)(2) of this Act, the following new item:

 “2413. Arlington National Cemetery: persons eligible for placement in columbarium.”.

14 (b) EFFECTIVE DATE.—Section 2413 of title 38,
15 United States Code, as added by subsection (a), shall
16 apply with respect to individuals dying on or after the date
17 of enactment of this Act.

18 **Subtitle B—World War II Memorial**

19 **SEC. 511. SHORT TITLE.**

20 This subtitle may be cited as the “World War II Me-
21 morial Completion Act”.

1 **SEC. 512. FUND RAISING BY AMERICAN BATTLE MONU-**
2 **MENTS COMMISSION FOR WORLD WAR II ME-**
3 **MORIAL.**

4 (a) CODIFICATION OF EXISTING AUTHORITY; EX-
5 PANSION OF AUTHORITY.—(1) Chapter 21 of title 36,
6 United States Code, is amended by adding at the end the
7 following new section:

8 **“§ 2113. World War II memorial in the District of Co-**
9 **lumbia**

10 “(a) DEFINITIONS.—In this section:

11 “(1) The term ‘World War II memorial’ means
12 the memorial authorized by Public Law 103–32
13 (107 Stat. 90) to be established by the American
14 Battle Monuments Commission on Federal land in
15 the District of Columbia or its environs to honor
16 members of the Armed Forces who served in World
17 War II and to commemorate the participation of the
18 United States in that war.

19 “(2) The term ‘Commission’ means the Amer-
20 ican Battle Monuments Commission.

21 “(3) The term ‘memorial fund’ means the fund
22 created by subsection (c).

23 “(b) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
24 TIONS.—Consistent with the authority of the Commission
25 under section 2103(e) of this title, the Commission shall

1 solicit and accept contributions for the World War II me-
2 morial.

3 “(c) CREATION OF MEMORIAL FUND.—(1) There is
4 hereby created in the Treasury a fund for the World War
5 II memorial, which shall consist of the following:

6 “(A) Amounts deposited, and interest and pro-
7 ceeds credited, under paragraph (2).

8 “(B) Obligations obtained under paragraph (3).

9 “(C) The amount of surcharges paid to the
10 Commission for the World War II memorial under
11 the World War II 50th Anniversary Commemorative
12 Coins Act.

13 “(D) Amounts borrowed using the authority
14 provided under subsection (e).

15 “(E) Any funds received by the Commission
16 under section 2103(l) of this title in exchange for
17 use of, or the right to use, any mark, copyright or
18 patent.

19 “(2) The Chairman of the Commission shall deposit
20 in the memorial fund the amounts accepted as contribu-
21 tions under subsection (b). The Secretary of the Treasury
22 shall credit to the memorial fund the interest on, and the
23 proceeds from sale or redemption of, obligations held in
24 the memorial fund.

1 “(3) The Secretary of the Treasury shall invest any
2 portion of the memorial fund that, as determined by the
3 Chairman of the Commission, is not required to meet cur-
4 rent expenses. Each investment shall be made in an inter-
5 est bearing obligation of the United States or an obligation
6 guaranteed as to principal and interest by the United
7 States that, as determined by the Chairman of the Com-
8 mission, has a maturity suitable for the memorial fund.

9 “(d) USE OF MEMORIAL FUND.—The memorial fund
10 shall be available to the Commission for—

11 “(1) the expenses of establishing the World
12 War II memorial, including the maintenance and
13 preservation amount provided for in section 8(b) of
14 the Commemorative Works Act (40 U.S.C. 1008(b));

15 “(2) such other expenses, other than routine
16 maintenance, with respect to the World War II me-
17 morial as the Commission considers warranted; and

18 “(3) to secure, obtain, register, enforce, protect,
19 and license any mark, copyright or patent that is
20 owned by, assigned to, or licensed to the Commission
21 under section 2103(l) of this title to aid or facilitate
22 the construction of the World War II memorial.

23 “(e) SPECIAL BORROWING AUTHORITY.—(1) To as-
24 sure that groundbreaking, construction, and dedication of
25 the World War II memorial are completed on a timely

1 basis, the Commission may borrow money from the Treas-
2 ury of the United States in such amounts as the Commis-
3 sion considers necessary, but not to exceed a total of
4 \$65,000,000. Borrowed amounts shall bear interest at a
5 rate determined by the Secretary of the Treasury, taking
6 into consideration the average market yield on outstanding
7 marketable obligations of the United States of comparable
8 maturities during the month preceding the month in which
9 the obligations of the Commission are issued. The interest
10 payments on such obligations may be deferred with the
11 approval of the Secretary of the Treasury, but any interest
12 payment so deferred shall also bear interest.

13 “(2) The borrowing of money by the Commission
14 under paragraph (1) shall be subject to such maturities,
15 terms, and conditions as may be agreed upon by the Com-
16 mission and the Secretary of the Treasury, except that
17 the maturities may not exceed 20 years and such bor-
18 rowings may be redeemable at the option of the Commis-
19 sion before maturity.

20 “(3) The obligations of the Commission shall be
21 issued in amounts and at prices approved by the Secretary
22 of the Treasury. The authority of the Commission to issue
23 obligations under this subsection shall remain available
24 without fiscal year limitation. The Secretary of the Treas-
25 ury shall purchase any obligations of the Commission to

1 be issued under this subsection, and for such purpose the
2 Secretary of the Treasury may use as a public debt trans-
3 action of the United States the proceeds from the sale of
4 any securities issued under chapter 31 of title 31. The
5 purposes for which securities may be issued under such
6 chapter are extended to include any purchase of the Com-
7 mission's obligations under this subsection.

8 “(4) Repayment of the interest and principal on any
9 funds borrowed by the Commission under paragraph (1)
10 shall be made from amounts in the memorial fund. The
11 Commission may not use for such purpose any funds ap-
12 propriated for any other activities of the Commission.

13 “(f) TREATMENT OF BORROWING AUTHORITY.—In
14 determining whether the Commission has sufficient funds
15 to complete construction of the World War II memorial,
16 as required by section 8 of the Commemorative Works Act
17 (40 U.S.C. 1008), the Secretary of the Interior shall con-
18 sider the funds that the Commission may borrow from the
19 Treasury under subsection (e) as funds available to com-
20 plete construction of the memorial, whether or not the
21 Commission has actually exercised the authority to borrow
22 such funds.

23 “(g) VOLUNTARY SERVICES.—(1) Notwithstanding
24 section 1342 of title 31, the Commission may accept from
25 any person voluntary services to be provided in further-

1 ance of the fund-raising activities of the Commission relat-
2 ing to the World War II memorial.

3 “(2) A person providing voluntary services under this
4 subsection shall be considered to be a Federal employee
5 for purposes of chapter 81 of title 5, relating to compensa-
6 tion for work-related injuries, and chapter 171 of title 28,
7 relating to tort claims. A volunteer who is not otherwise
8 employed by the Federal Government shall not be consid-
9 ered to be a Federal employee for any other purpose by
10 reason of the provision of such voluntary service, except
11 that any volunteers given responsibility for the handling
12 of funds or the carrying out of a Federal function are sub-
13 ject to the conflict of interest laws contained in chapter
14 11 of title 18, and the administrative standards of conduct
15 contained in part 2635 of title 5, Code of Federal Regula-
16 tions.

17 “(3) The Commission may provide for reimbursement
18 of incidental expenses which are incurred by a person pro-
19 viding voluntary services under this subsection. The Com-
20 mission shall determine which expenses are eligible for re-
21 imbursement under this paragraph.

22 “(4) Nothing in this subsection shall be construed to
23 require Federal employees to work without compensation
24 or to allow the use of volunteer services to displace or re-
25 place Federal employees.

1 “(h) TREATMENT OF CERTAIN CONTRACTS.—A con-
2 tract entered into by the Commission for the design or
3 construction of the World War II memorial is not a fund-
4 ing agreement as that term is defined in section 201 of
5 title 35.

6 “(i) EXTENSION OF AUTHORITY TO ESTABLISH ME-
7 MORIAL.—Notwithstanding section 10 of the Commemora-
8 tive Works Act (40 U.S.C. 1010), the legislative author-
9 ization for the construction of the World War II memorial
10 contained in Public Law 103–32 (107 Stat. 90) shall not
11 expire until December 31, 2005.”.

12 (2) The table of sections at the beginning of chapter
13 21 of title 36, United States Code, is amended by adding
14 at the end the following new item:

“2113. World War II memorial in the District of Columbia.”.

15 (b) CONFORMING AMENDMENTS.—Public Law 103–
16 32 (107 Stat. 90) is amended by striking sections 3, 4,
17 and 5.

18 (c) EFFECT OF REPEAL OF CURRENT MEMORIAL
19 FUND.—Upon the date of the enactment of this Act, the
20 Secretary of the Treasury shall transfer amounts in the
21 fund created by section 4(a) of Public Law 103–32 (107
22 Stat. 91) to the fund created by section 2113 of title 36,
23 United States Code, as added by subsection (a).

1 **SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE**
2 **MONUMENTS COMMISSION TO SOLICIT AND**
3 **RECEIVE CONTRIBUTIONS.**

4 Subsection (e) of section 2103 of title 36, United
5 States Code, is amended to read as follows:

6 “(e) SOLICITATION AND RECEIPT OF CONTRIBU-
7 TIONS.—(1) The Commission may solicit and receive
8 funds and in-kind donations and gifts from any State, mu-
9 nicipal, or private source to carry out the purposes of this
10 chapter. The Commission shall deposit such funds in a
11 separate account in the Treasury. Funds from this ac-
12 count shall be disbursed upon vouchers approved by the
13 Chairman of the Commission as well as by a Federal offi-
14 cial authorized to sign payment vouchers.

15 “(2) The Commission shall establish written guide-
16 lines setting forth the criteria to be used in determining
17 whether the acceptance of funds and in-kind donations
18 and gifts under paragraph (1) would—

19 “(A) reflect unfavorably on the ability of the
20 Commission, or any employee of the Commission, to
21 carry out the responsibilities or official duties of the
22 Commission in a fair and objective manner; or

23 “(B) compromise the integrity or the appear-
24 ance of the integrity of the programs of the Commis-
25 sion or any official involved in those programs.”.

1 **SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

2 Section 2103 of title 36, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(1) INTELLECTUAL PROPERTY AND RELATED
6 ITEMS.—(1) The Commission may—

7 “(A) adopt, use, register, and license trade-
8 marks, service marks, and other marks;

9 “(B) obtain, use, register, and license the use
10 of copyrights consistent with section 105 of title 17;

11 “(C) obtain, use, and license patents; and

12 “(D) accept gifts of marks, copyrights, patents
13 and licenses for use by the Commission.

14 “(2) The Commission may grant exclusive and non-
15 exclusive licenses in connection with any mark, copyright,
16 patent, or license for the use of such mark, copyright or
17 patent, except to extent the grant of such license by the
18 Commission would be contrary to any contract or license
19 by which the use of such mark, copyright or patent was
20 obtained.

21 “(3) The Commission may enforce any mark, copy-
22 right, or patent by an action in the district courts under
23 any law providing for the protection of such marks, copy-
24 rights, or patents.

25 “(4) The Attorney General shall furnish the Commis-
26 sion with such legal representation as the Commission

1 may require under paragraph (3). The Secretary of De-
 2 fense shall provide representation for the Commission in
 3 administrative proceedings before the Patent and Trade-
 4 mark Office and Copyright Office.

5 “(5) Section 203 of title 17 shall not apply to any
 6 copyright transferred in any manner to the Commission.”.

7 **TITLE VI—UNITED STATES**
 8 **COURT OF APPEALS FOR VET-**
 9 **ERANS CLAIMS**

10 **SEC. 601. STAGGERED RETIREMENT OF JUDGES.**

11 (a) STAGGERED ELIGIBILITY FOR EARLY RETIRE-
 12 MENT.—Notwithstanding section 7296 of title 38, United
 13 States Code, judges of the United States Court of Appeals
 14 for Veterans Claims described in subsection (b) shall be
 15 eligible to retire from the Court without regard to the ac-
 16 tual date of expiration of their terms as judges of the
 17 Court, as follows:

18 (1) One individual in 2001.

19 (2) Two individuals in each of 2002 and 2003.

20 (b) COVERED JUDGES.—A judge of the United
 21 States Court of Appeals for Veterans Claims is eligible to
 22 retire under this section if at the time of retirement the
 23 judge—

1 (1) is an associate judge of the Court who has
2 at least 10 years of service on the Court creditable
3 under section 7296 of title 38, United States Code;

4 (2) has made an election to receive retired pay
5 under section 7296 of such title;

6 (3) has at least 20 years of service allowable
7 under section 7297(*l*) of such title;

8 (4) is at least fifty-five years of age;

9 (5) has years of age, years of service creditable
10 under section 7296 of such title, and years of service
11 allowable under section 7297(*l*) of such title not
12 creditable under section 7296 of such title that total
13 at least 80; and

14 (6) either—

15 (A) is the most senior associate judge of
16 the Court to submit notice of an election to re-
17 tire under subsection (c) in 2001; or

18 (B) is one of the two most senior associate
19 judges of the Court to submit notice of an elec-
20 tion to retire under that subsection in 2002 or
21 2003, as applicable.

22 (c) ELECTION OF INTENT TO RETIRE.—(1) A judge
23 seeking to retire under this section shall submit to the
24 President and the chief judge of the United States Court
25 of Appeals for Veterans Claims written notice of an elec-

1 tion to so retire not later than April 1 of the year in which
2 the judge seeks to so retire.

3 (2) A notice of election to retire under this subsection
4 for a judge shall specify the retirement date of the judge.
5 That date shall meet the requirements for a retirement
6 date set forth in subsection (d)(1).

7 (3) An election to retire under this section, if accept-
8 ed by the President, is irrevocable.

9 (d) RETIREMENT.—(1) A judge whose election to re-
10 tire under this section is accepted shall retire in the year
11 in which notice of the judge's election to retire is sub-
12 mitted under subsection (c)(1). The retirement date shall
13 be not later than 90 days after the date of the submittal
14 of the election to retire under that subsection.

15 (2)(A) Notwithstanding any other provision of law
16 and except as provided in subparagraph (B), a judge retir-
17 ing under this section shall be deemed to have retired
18 under section 7296(b)(1) of title 38, United States Code.

19 (B) The rate of retired pay for a judge retiring under
20 this section shall, as of the date of such judge's retirement,
21 be equal to the rate of retired pay otherwise applicable
22 to the judge under section 7296(c)(1) of such title as of
23 such date multiplied by the fraction in which—

24 (i) the numerator is the sum of the number of
25 the judge's years of service as a judge of the United

1 States Court of Appeals for Veterans Claims cred-
 2 itable under section 7296 of such title and the age
 3 of such judge; and

4 (ii) the denominator is 80.

5 (e) DUTY OF ACTUARY.—Section 7298(e)(2) is
 6 amended—

7 (1) by redesignating subparagraph (C) as sub-
 8 paragraph (D); and

9 (2) by inserting after subparagraph (B) the fol-
 10 lowing new subparagraph (C):

11 “(C) For purposes of subparagraph (B) of this para-
 12 graph, the term ‘present value’ includes a value deter-
 13 mined by an actuary with respect to a payment that may
 14 be made under subsection (b) from the retirement fund
 15 within the contemplation of law.”.

16 **SEC. 602. RECALL OF RETIRED JUDGES.**

17 (a) IN GENERAL.—Subchapter I of chapter 72 is
 18 amended by inserting after section 7254 the following new
 19 section:

20 **“§ 7254a. Recall of retired judges**

21 “(a) The chief judge of the United States Court of
 22 Appeals for Veterans Claims may recall to the Court any
 23 individual described in subsection (b) if—

24 “(1) a vacancy exists in a position of associate
 25 judge of the Court; or

1 “(2) the chief judge determines that the recall
2 is necessary to meet the anticipated case work of the
3 Court.

4 “(b) An individual eligible for recall to the Court
5 under this section is any individual who—

6 “(1) has retired as a judge of the Court under
7 the provisions of section 7296 of this title or the
8 provisions of chapter 83 or 84 of title 5, as applica-
9 ble; and

10 “(2) has submitted to the chief judge of the
11 Court a notice of election to be so recalled.

12 “(c)(1) Upon determining to recall an individual to
13 the Court under this section, the chief judge shall certify
14 in writing to the President that—

15 “(A) the individual to be recalled is needed to
16 perform substantial service for the Court; and

17 “(B) such service is required for a specified pe-
18 riod of time.

19 “(2) The chief judge shall provide a copy of any cer-
20 tification submitted to the President under paragraph (1)
21 to the Committees on Veterans’ Affairs of the Senate and
22 House of Representatives.

23 “(3)(A) An individual may be recalled to the Court
24 under this section only with the written consent of the in-
25 dividual.

1 “(B) The individual shall be recalled only for the pe-
2 riod of time specified in the certification with respect to
3 the individual under paragraph (1).

4 “(d) An individual recalled to the Court under this
5 section may exercise all of the powers and duties of office
6 of a judge of the Court in active service on the Court.

7 “(e)(1) An individual recalled to the Court under this
8 section shall, during the period for which the individual
9 serves in recall status under this section, be paid pay at
10 a rate equivalent to the rate of pay in effect under section
11 7253(e)(2) of this title for a judge serving on the Court
12 minus the amount of retired pay paid to the individual
13 under section 7296 of this title or of an annuity under
14 the provisions of chapter 83 or 84 of title 5, as applicable.

15 “(2) Amounts paid an individual under this sub-
16 section shall not be treated as compensation for employ-
17 ment with the United States for purposes of section
18 7296(e) of this title or any provision of title 5 relating
19 to the receipt or forfeiture of retired pay or retirement
20 annuities by a person accepting compensation for employ-
21 ment with the United States.

22 “(f)(1) Except as provided in subsection (e), an indi-
23 vidual recalled to the Court under this section who retired
24 under the applicable provisions of title 5 shall be consid-

1 ered to be a reemployed annuitant under chapter 83 or
2 84 of title 5, as applicable.

3 “(2) Nothing in this section shall affect the right of
4 an individual who retired under the provisions of chapter
5 83 or 84 of title 5 to serve otherwise as a reemployed an-
6 nuitant in accordance with the provisions of title 5.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 72 is amended by inserting
9 after the item relating to section 7254 the following new
10 item:

“7254a. Recall of retired judges.”.

