

Calendar No. 221

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 106-113

REQUIRING THE SECRETARY OF VETERANS AFFAIRS TO ESTABLISH A NATIONAL CEMETERY FOR VETERANS IN THE ATLANTA, GEORGIA, METROPOLITAN AREA, IN SOUTHWESTERN PENNSYLVANIA, AND IN THE MIAMI, FLORIDA METROPOLITAN AREA

JULY 20, 1999.—Ordered to be printed

Mr. SPECTER, from the Committee on Veterans' Affairs,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 695]

The Committee on Veterans' Affairs, to which was referred the bill (S. 695) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

COMMITTEE BILL

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, the following:

(1) A national cemetery in the Atlanta, Georgia, metropolitan area to serve the needs of veterans and their families.

(2) A national cemetery in Southwestern Pennsylvania to serve the needs of veterans and their families.

(3) A national cemetery in the Miami, Florida, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITES.—Before selecting the sites for the national cemeteries to be established under subsection (a), the Secretary shall consult with—

(1) in the case of the national cemetery to be established under paragraph (1) of that subsection, appropriate officials of the State of Georgia and appropriate officials of local governments in the Atlanta, Georgia, metropolitan area;

(2) in the case of the national cemetery to be established under paragraph (2) of that subsection, appropriate officials of the State of Pennsylvania and appropriate officials of local governments in Southwestern Pennsylvania;

(3) in the case of the national cemetery to be established under paragraph (3) of that subsection, appropriate officials of the State of Florida and appropriate officials of local governments in the Miami, Florida, metropolitan area; and

(4) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States that would be suitable as a location for the establishment of each such national cemetery.

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries under subsection (a). The report shall set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery.

Amend the title to read as follows: “A Bill To require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area, in Southwestern Pennsylvania, and in the Miami, Florida, metropolitan area.”

INTRODUCTION

On March 24, 1999, Senator Max Cleland introduced S. 695, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area. Senator Paul Coverdell cosponsored the bill.

On May 20, 1999, the Committee held a hearing on a number of bills pending before the Committee, including S. 695. The Committee received testimony from Senator Kent Conrad; from representatives of the Department of Veterans Affairs (VA) and the Department of Army; and from representatives of The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed Veterans of America, AMVETS, and the Vietnam Veterans of America. In addition, the Committee received written statements for the record from the Chief Judge of the United States Court of Appeals for Veterans Claims; and from representatives of the American Federation of Government Employees, AFL–CIO, the National Association of Government Employees, the National Association of VA Physicians and Dentists, the Nurses Organization of Veterans Affairs, and National Coalition for Homeless Veterans.

COMMITTEE MEETING

On June 23, 1999, the Committee met in open session to consider S. 695, as amended, and other legislation pending before the Committee. The Committee voted by unanimous voice vote to report S. 695, as further amended, favorably to the Senate.

SUMMARY OF S. 695 AS REPORTED

S. 695, as reported, (hereinafter, the “Committee bill”) contains freestanding provisions that would: (a) direct the Secretary of Veterans Affairs (hereinafter, the “Secretary”), after consulting with appropriate State and local officials concerning potential sites, to establish national cemeteries in: (1) the Atlanta, Georgia, metropolitan area; (2) Southwestern Pennsylvania; and (3) the Miami, Florida, metropolitan area; and (b) require that the Secretary sub-

mit a report to Congress as soon as practicable after the date of enactment of S. 695 a schedule for and the costs of establishing each of the above national cemeteries.

DISCUSSION

Background

VA is authorized by chapter 24 of title 38, United States Code, to establish and operate a national cemetery system. In addition, the States operate their own veterans' cemeteries, and VA assists the States in establishing, expanding, and improving such cemeteries by offering grant assistance to the States. See 38 U.S.C. § 2408.

Prior to 1998, VA granted to the States up to 50% of the costs incurred by the States in acquiring and improving land for State veterans cemetery use. The grant formula was amended in 1998, however, to authorize VA to grant to the States no more than 100% of land *improvement* costs and, in addition, initial operating equipment costs. See section 404 of Public Law 105-368. This amendment was made in recognition of the fact that many States own lands suitable for potential cemetery use and that they, accordingly, may not need VA assistance in *acquiring* land.

VA has developed a "radius" system, as outlined in a February 1994 VA Report, to determine where it believes VA operated national cemeteries should be sited. As outlined in the 1994 report, VA identified, in 1987, a list of the 10 metropolitan areas of the United States which had the highest concentration of veterans and which were not then served by either an open national cemetery or State cemetery within a 100 mile radius. That list included the following locales: Chicago, San Francisco, Miami, Cleveland, Detroit, Pittsburgh, Dallas/Fort Worth, Seattle, Albany, and Oklahoma City. In 1994, VA created a new list, this time based on its analysis of the 10 metropolitan areas having the highest concentration of veterans not then served by either an open national cemetery or State cemetery within a 75 mile radius. That list included the following locales: Chicago, Detroit, Cleveland, Dallas/Fort Worth, Sacramento, Miami, Atlanta, Seattle, St. Louis, and Albany.

VA either has built, is building, or has announced plans to build, cemeteries in Chicago, Cleveland, Dallas/Fort Worth, Seattle, and Albany. In addition, VA has acquired additional land for use in expanding the national cemetery in St. Louis. VA has not yet announced plans to open cemeteries in the following cities (listed alphabetically) which are identified as areas of need by either the 1987 or 1994 analyses: Atlanta, Detroit, Miami, Oklahoma City, Pittsburgh, and Sacramento.

Committee bill

The Committee bill would direct VA to establish national cemeteries in 3 of the 7 areas where VA has determined that there is a need for such cemeteries: Atlanta, Southwestern Pennsylvania (Pittsburgh), and Miami. The Committee does not intend to foreclose the establishment of cemeteries in the other 3 sites where there is a need.

COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee, based on information supplied by CBO, estimates that enactment of the bill would result in costs of \$4 million in fiscal year 2000 and \$55 million over the fiscal year 2000–2006 period, assuming the appropriation of the necessary amounts. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The cost estimate provided by CBO follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 30, 1999.

Hon. ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for S. 695, a bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area, in Southwestern Pennsylvania, and in the Miami, Florida, metropolitan area.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Michael A. Miller.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 695—A bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area, in Southwestern Pennsylvania, and in the Miami, Florida, metropolitan area

Summary: S. 695 would direct the Secretary of Veterans Affairs (VA) to establish additional national cemeteries for veterans in the Atlanta, Georgia, metropolitan area, in southwestern Pennsylvania, and in the Miami, Florida, metropolitan area. CBO estimates that implementing the bill would cost \$4 million in 2000 and \$55 million over the 2000–2006 period, assuming appropriation of the necessary amounts. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 695 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in Table 1. The costs of this legislation fall within budget function 700 (veterans affairs).

Basis of estimate: Based on the costs of cemeteries currently under construction, CBO estimates that the planning and construction of the three national cemeteries would cost \$55 million over the 2000–2006 period, assuming appropriation of the necessary amounts. In 2000, costs of about \$4 million would stem from environmental impact studies and the acquisition of land for the three

cemeteries. CBO estimates that the design and planning of the cemeteries, which would take about two years to complete, would cost about \$6 million. The estimate assumes that construction would begin in the fifth year and would take about three years to complete. Depending on the size of the cemeteries, costs would range from about \$30 million to \$60 million to construct the three cemeteries. CBO estimates that appropriations of about \$45 million would be necessary in 2004, and that the resulting outlays would occur over a three-year period.

TABLE 1.—ESTIMATED CHANGES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 695, AS ORDERED REPORTED BY THE SENATE VETERANS' AFFAIRS COMMITTEE

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003	2004
Estimated Authorization Level	0	4	0	6	0	45
Estimated Outlays	0	1	3	3	3	15

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact: S. 695 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill could result in a loss of tax revenues to local governments if private lands were to be acquired for this public use. Because sites for these cemeteries have not been chosen, CBO has no basis for estimating the loss of revenues, if any.

Estimate prepared by: Federal Costs: Charles Riemann and Michael A. Miller. Impact on State, Local, and Tribal Governments: Susan Sieg. Impact on the Private Sector: Rachel Schmidt.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the regulatory impact that would be incurred in carrying out the Committee bill. The Committee finds that the Committee bill would not entail any regulation of individuals or businesses or result in any impact on the personal privacy of any individuals and that the paperwork resulting from enactment would be minimal.

TABULATION OF VOTES CAST IN COMMITTEE

In compliance with paragraph 7 of rule XXVI of the Standing Rules of the Senate, the following is a tabulation of votes cast in person or by proxy by members of the Committee on Veterans' Affairs at its June 23, 1999, meeting. On that date, the Committee, by unanimous voice vote, ordered S. 695, as amended, reported favorably to the Senate.

AGENCY REPORT

On May 20, 1999, the Honorable Togo D. West, Jr., Secretary of Veterans Affairs, appeared before the Committee and submitted testimony on, among other things, certain provisions of S. 1076. Excerpts from these statements are reprinted below:

STATEMENT OF TOGO D. WEST, JR., SECRETARY OF VETERANS
AFFAIRS

Good afternoon, Mr. Chairman and Members of the Committee. It is a pleasure for me to appear before you to provide our Department's views on the various proposals that comprise today's agenda. These include S. 555 and S. 695, which deal with education and burial benefits, respectively, and S. 940, an Administration bill you introduced on our behalf which we view as critical to our having an organizational structure needed to accomplish VA's mission as we enter the next millennium. You also asked that we testify on the provisions of a draft omnibus Committee bill you plan to introduce.

* * * * *

S. 695

S. 695, legislation introduced by Senator Cleland, would direct the Secretary of Veterans Affairs to establish a national cemetery in the Atlanta, Georgia metropolitan area.

The findings in two reports to Congress, one completed in 1987 and a follow-up completed in 1994, have been, and will continue to be, the basis for planning new national cemeteries. Each report identified the ten geographic areas in the United States in which the need for burial space for veterans is greatest based on concentrations of the veteran population. The listings, however, do not commit VA to build national cemeteries in each location, nor do they establish an order in which cemeteries in particular locations may be built.

VA's strategic goal is to provide all veterans with reasonable access to a national or state veterans cemetery within 75 miles of their residences. In meeting that goal, VA is currently constructing four new national cemeteries in geographic areas that were identified in the 1987 and 1994 reports to Congress. These new cemeteries will be located in the Albany, New York; Chicago, Illinois; Dallas/Ft. Worth, Texas; and Cleveland, Ohio vicinities.

After these four new cemeteries open, VA will continue to evaluate the potential establishment of additional new national cemeteries in the remaining geographic areas, including Atlanta. This will be done within the framework of the Department's strategic planning and budgeting processes.

* * * * *

ADDITIONAL VIEWS

I support this authorization for construction of three new national cemeteries. The Committee report correctly—but incompletely—sets out the status of and need for national cemetery construction.

I strongly support continued and expedited construction of additional national cemeteries. America's veteran population is aging rapidly. In 1997, 537,000 veterans died. Projections of the veteran death rate show an increase through the year 2008, when the death rate of the WWII and Korea-era veterans will peak at 620,000 veterans. Unless expanded, 21 national cemeteries are scheduled to close to inground burial or close completely by FY 2005. Construction of new national cemeteries takes an average of 7 years. That is why it is critical to begin the process now of expanding burial sites for our Nation's veterans.

In order to respond to this critical issue, VA put in place a process to evaluate veteran population centers that were not already served by an open national or state veterans cemetery. VA conducted two studies—one in 1987 and one in 1994—and based upon the locations identified in these evaluations, VA has decided where to construct national cemeteries.

VA's 1987 study identified the top 10 veteran population areas not served by a national or state cemetery, using a 100-mile radius formula. The areas identified were: Chicago, IL; Northern California (San Francisco Area); Miami, FL; Cleveland, OH; Detroit, MI; Pittsburgh, PA; Dallas, TX; Seattle, WA; Albany, NY; and Oklahoma City, OK.

Subsequent to this survey, a national cemetery was constructed in Northern California (San Joaquin).

In 1994, VA again did a survey that identified the top 10 veteran population areas not served by a national or state cemetery, but modified their formula to utilize a 75-mile radius. Newer VA data revealed that usage outside of a 75-mile radius from a cemetery drops off dramatically. A new method called the "zip code centroid" method was used in 1994 and is considered by VA to be more accurate, as it accounts for both the size and population distribution of each county, rather than the old method that counted all veterans within a county even if they actually resided further from the 100-mile geographic center.

The areas of greatest need identified in the 1994 report were: Chicago, IL; Detroit, MI; Cleveland, OH; Dallas, TX; Sacramento, CA; Miami, FL; Atlanta, GA; Seattle, WA; St. Louis, MO; and Albany, NY.

Subsequent to the 1994 report, VA has begun, and in some cases, completed construction of five additional cemeteries in: Cleveland, OH; Chicago, IL; Seattle, WA; Dallas, TX; and Saratoga, NY. Also, additional land was acquired to expand the current St. Louis ceme-

tery, which had been thought would close due to depletion of casket sites in 1998.

The areas, from both the 1987 and 1994 reports, that remain unserved, and their current veteran population within a 75-mile radius are:

Locations:

	<i>Veteran Population</i>
Detroit, MI	460,000
Sacramento, CA	418,600
Atlanta, GA	396,800
Miami, FL	389,300
Pittsburgh, PA	210,300
Oklahoma City, OK	116,600

I strongly support the expansion of the national cemetery system in those areas that have been properly identified by the VA as in need. An unfortunate consequence of the fact that America's veterans population is aging is that it means that more veterans are dying. Some statistics show that 1,000 WWII veterans are dying each day. VA should be commended on the hard work that it has done to open six new national cemeteries in this decade, in addition to its ongoing work to expand current national cemeteries. Nonetheless, we—this Senator, this Committee, Congress as a whole, and VA—should waste no time in beginning new construction in areas that will reach the most veterans.

JOHN D. ROCKEFELLER IV.

CHANGES IN EXISTING LAW MADE BY THE COMMITTEE BILL, AS
REPORTED

Since the Committee bill would not repeal or amend any provision of current law, this report does not contain the material described in clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

