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1st Session }

SENATE

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LEGISLATIVE AND OVERSIGHT ACTIVITIES
DURING THE 106TH CONGRESS BY THE
SENATE COMMITTEE ON
VETERANS' AFFAIRS

SPECIAL REPORT

OF THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
COMMITTEE ACTIVITIES



MAY 17, 2001.—Ordered to be printed

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[106TH CONGRESS]

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[107TH CONGRESS]

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106TH CONGRESS BY THE SENATE COMMITTEE ON VET-
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Mr. SPECTER, from the Committee on Veterans' Affairs,
submitted the following

REPORT

Pursuant to paragraph 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs ("Committee") hereby reports on its legislative and oversight activities during the 106th Congress.

I. HEARINGS AND MEETINGS

A. FIRST SESSION

During the First Session of the 106th Congress, the Committee held 12 days of hearings on legislative and oversight matters, on nominations to serve in the Department of Veterans Affairs ("VA"), and on the legislative recommendations of veterans service organizations ("VSOs").

The Committee held one day of hearings on the findings and legislative recommendations of the Commission on Servicemembers and Veterans Transition Assistance, and on Medicare subvention, third-party collections, and other non-appropriated VA funding sources (on January 29, 1999); one day of hearings on the personnel policies of VA's Veterans Health Administration (on April 13, 1999); one day of hearings on VA steps to ensure that its Information Technology assets would operate satisfactorily during the transition to Year 2000 (on April 20, 1999); one day of hearings on pending legislation relating to VA health care programs, compensation, pension, and vocational rehabilitation programs, and related matters (on May 20, 1999); one day of hearings on pending nominations (on June 8, 1999); and six days of hearings in 1999 on the legislative recommendations of the VSOs (on February 25, March 2, March 4, March 17, March 24, and September 28). Further, the Committee held one hearing jointly with the Appropriations Committee's Subcommittee on Labor, Health and Human Services, and

Education on threats of domestic terrorism and the role of VA and other agencies in preparations to meet such threats (on March 16, 1999). Finally, the Committee held one formal staff briefing on the record on VHA's budget and its reduction-in-force and retirement "buy-out" policies (on May 6, 1999).

During the First Session of the 106th Congress, the Committee held three business meetings, to adopt Committee rules for the 106th Congress (on March 1, 1999); to consider nominations and to mark up pending legislation (on June 23, 1999); and to approve the Committee's budget (on July 15, 1999). In addition, the Committee met two times as a Committee of Conference (on November 8 and November 10, 1999) with the House Committee on Veterans' Affairs.

B. SECOND SESSION

During the Second Session of the 106th Congress, the Committee held 10 days of hearings on legislative and oversight matters, and on VSOs' legislative recommendations.

The Committee held one day of hearings on women veterans' health issues and on birth defects borne by the children of women Vietnam veterans (on June 19, 2000); one day of hearings on pending nominations (on June 22, 2000); one day of hearings on VA adjudication issues and on pending legislation (on July 20, 2000); and six days of hearings in 2000 on the legislative recommendations of the VSOs (on March 1, March 2, March 7, March 15, March 22, and September 26). Further, the Committee held one hearing jointly with the Appropriations Committee's Subcommittee on Labor, Health and Human Services, and Education on methods for identifying lapses in medical quality and on remedying medical "mistakes" (on January 25, 2000).

During the Second Session of the 106th Congress, the Committee held one business meeting to consider nominations and to mark up pending legislation (on July 27, 2000).

II. LEGISLATION

A. FIRST SESSION

During the First Session of the 106th Congress, the Committee met in open session one time to consider legislation, and it reported four bills to the Senate. In addition, it met two times with the House Committee on Veterans' Affairs in a Committee on Conference to consider those bills and two bills which had been approved by the House of Representatives ("House") and referred to the Committee. The Committee on Conference approved two bills which were derived, with modifications, from these six bills, and which were enacted as three public laws. In addition, and separate from its conferencing action with the House, the Committee approved a House joint resolution which was enacted as a public law.

The public laws referred to above are itemized and summarized below:

1. The "Veterans Millennium Health Care and Benefits Act of 1999" (Public Law 106-117), signed November 30, 1999. Public Law 106-117 was derived from S. 695, as amended; from S. 1076, as amended; from two original bills which were derived from provisions of S. 1076, as introduced and as ordered reported by the Com-

mittee on June 23, 1999 (S. Rept. No. 106–122); from H.R. 2116, as passed by the House on September 21, 1999; and from H.R. 2280, as passed by the House on June 29, 1999. The “Veterans Millennium Health Care and Benefits Act of 1999” was ordered reported (H. Rept. No. 106–470) by a Committee on Conference which met in open session on November 8 and November 10, 1999. That report was approved by the House on November 16, 1999, and by the Senate on November 19, 1999.

The “Veterans Millennium Health Care and Benefits Act of 1999” specifies as follows:

Title I—Access to Care

A. That VA shall provide nursing home care services to enrolled veterans who need such care for service-connected disabilities and to veterans who have service-connected disabilities rated at 70 percent or more;

B. That VA shall provide extended care services and assisted living services to certain veterans;

C. That VA shall provide emergency care services to uninsured, enrolled veterans;

D. That VA shall provide enrollment priority to recipients of the Purple Heart;

E. That VA shall provide greater access to care to military retirees who are also eligible for care provided by the Department of Defense (“DOD”);

F. That VA shall enhance services for veterans who are suffering from drug and alcohol dependence;

G. That VA shall enhance services and outreach to veterans who were victims of sexual trauma in service; and

H. That VA shall expand and enhance services provided to veterans with post-traumatic stress disorder and substance use disorders.

Title II—Medical Program Administration

A. That VA will be authorized to establish, by regulation, the amounts of copayments to be paid by veterans receiving outpatient care services and prescription and non-prescription drugs from VA;

B. That VA shall establish a Health Services Improvements Fund into which copayment and insurance reimbursement collections, lease payments, and other VA funding inflows shall be deposited for use to fund VA medical care services;

C. That copayment and insurance reimbursement collections shall be retained by the collecting VA medical center;

D. That nonprofit corporations established at VA medical centers to accept research support will also be authorized to accept support in furtherance of educational objectives;

E. That the period within which Vietnam-era veterans may apply for and receive counseling shall be extended until December 30, 2003;

F. That VA authority to issue newsletters relating to services provided to Persian Gulf War veterans shall be extended;

G. That authority to provide medical evaluations to the spouses and children of Persian Gulf War veterans shall be extended;

H. That an advisory committee to consider issues relating to the treatment of post-traumatic stress disorder shall be reestablished;

I. That modifications be made in the prioritizing of grant applications of States seeking VA support in the establishment of State veterans homes;

J. That modifications be made in VA authority to enter into “enhanced use leases” of VA real property;

K. That health care providers who have lost their licenses to practice in any State shall be barred from VA employment;

L. That VA shall report to Congress on cooperation with DOD on the procurement of pharmaceuticals; and

M. That providers of medical services in Alaska shall continue to be reimbursed at rates in effect on the date of enactment.

Title III—Miscellaneous Medical Provisions

That VA shall report to Congress on bed closures;

A. That a limitation on canteen operations be eliminated;

B. That VA establish policies on the role of chiropractors in VHA; and

C. That a bed replacement building at the Ioannis A. Lougaris VA Medical Center in Reno, NV, be designated the “Jack Streeter Building”.

Title IV—Construction and Facilities Matters

A. That major medical facility projects be authorized in Lebanon, PA; Fargo, ND; Kansas City, MO; Atlanta, GA; Leavenworth, KS; and Orlando, FL; and

B. That major medical facility leases be authorized in Lubbock, TX; and San Diego, CA.

Title V—Benefits and Employment Matters

A. That dependency and indemnity compensation (“DIC”) paid to the survivors of certain servicemembers and veterans shall be extended to the survivors of certain former prisoners of war;

B. That DIC benefits, which are suspended when an eligible survivor remarries, shall be reinstated if the marriage of the remarried surviving spouse is terminated by death or divorce;

C. That bronchiolo-alveolar cancer shall be added to the list of diseases presumed to be associated with exposure to radiation in service; and

D. That technical corrections and clarifications be made with respect to veterans’ civil service employment opportunity programs.

Title VI—Memorial Affairs Matters

A. That the American Battle Monuments Commission shall be authorized to raise and borrow funds to build a World War II Memorial in Washington, DC;

B. That VA shall establish national cemeteries in the six areas most in need of such cemeteries;

C. That VA shall be authorized to use flat, ground-level grave markers at the national cemetery in Santa Fe, NM; and

D. That VA commission an independent study on improvements needed by the national cemeteries.

Title VII—Education and Housing Matters

A. That VA shall provide educational assistance benefits to students taking preparatory courses for college and graduate school entrance examinations;

B. That VA shall continue eligibility for educational assistance benefits despite the interruption of the applicant's initial enlistment in cases where that enlistment is interrupted so that the servicemember may accept a commission;

C. That VA shall report on education benefits provided to veterans by the States;

D. That eligibility for VA housing loan benefits shall be extended to members of the Selected Reserves; and

E. That technical amendments relating to the VA transitional housing loan guarantee program be made.

Title VIII—Department of Veterans Affairs Administrative Matters

A. That VA shall enhance quality assurance programs relating to the adjudication of veterans' claims;

B. That VA authority to operate a regional office in the Republic of the Philippines be extended;

C. That VA authority to establish an Advisory Committee on Minority Veterans be extended; and

D. That a technical amendment be made to VA's automobile assistance training program.

Title IX—Homeless Veterans Programs

A. That appropriations be authorized for homeless veterans' reintegration programs;

B. That VA authority to operate certain homeless veterans' assistance programs be extended; and

C. That VA shall submit to Congress a plan to evaluate the performance of programs designed to assist homeless veterans.

Title X—United States Court of Appeals for Veterans Claims

A. That judges on the United States Court of Appeals for Veterans Claims ("CAVC") be authorized to take early retirement;

B. That the terms of the next two appointed judges to CAVC be modified (so that the expiration of future terms of appointment shall be "staggered");

C. That CAVC be authorized to recall retired judges;

D. That modifications be made to CAVC judges' survivor annuity benefits;

E. That the post-retirement activities of CAVC judges relating to the legal representation of clients be limited; and

F. That the senior CAVC judge be designated the Chief Judge of the Court.

Title XI—Voluntary Separation Incentive Program

That VA authority to operate a voluntary separation incentive program be extended.

2. The "Veterans' Compensation Cost-of-Living Adjustment Act of 1999" (Public Law 106-118), signed November 30, 1999. Public Law 106-118 was derived from H.R. 2280, as passed by the House on June 29, 1999; as amended and passed by the Senate on July 26, 1999; as further amended by the House on November 9, 1999;

and as agreed to by the Senate on November 19, 1999. The “Veterans’ Compensation Cost-of-Living Adjustment Act of 1999” specifies cost-of-living adjustments in the rates of disability compensation for veterans with service-connected disabilities and the rates of DIC paid to survivors of certain veterans, effective December 1, 1999.

3. A resolution conferring upon Zachary Fisher the status of an honorary veteran of the United States Armed Forces (Public Law 106–161), signed December 9, 1999. Public Law 106–161 was derived from H. J. Res. 46, as passed by the House on November 2, 1999, and as approved by the Senate on November 19, 1999.

In addition, provisions derived from S. 1076, and from an original measure, S. 1402, reported by the Committee on June 23, 1999, were enacted, with modifications, during the Second Session of the 106th Congress as part of Public Law 106–419.

Finally, five public laws were enacted during the First Session without formal Committee action which contain provisions relating to matters within the Committee’s jurisdiction. They are:

1. The “Veterans Entrepreneurship and Small Business Development Act of 1999” (Public Law 106–50), signed August 17, 1999. Public Law 106–50 was derived from H. R. 1568, as passed by the House on June 29, 1999; as reported by the Senate Committee on Small Business (S. Rept. No. 106–136), with an amendment in the nature of a substitute, on August 4, 1999; as passed by the Senate, as amended, on August 5, 1999; and as approved by the House on August 5, 1999.

2. A resolution congratulating and commending the Veterans of Foreign Wars of the United States on the occasion of that organization’s 100th anniversary (Public Law 106–61), signed September 29, 1999. Public Law 106–61 was derived from H. J. Res. 34, as passed by the House on June 29, 1999, and as approved by the Senate on September 28, 1999.

3. The “Department of Defense Authorizations Act of 1999” (Public Law 106–65), signed October 5, 1999. Public Law 106–65 was derived from S. 1059 as reported as an original bill by the Senate Committee on Armed Services on May 17, 1999 (S. Rept. No. 106–50); as passed by the Senate, as amended, on May 27, 1999; as passed by the House, as modified by an amendment in the nature of a substitute, on June 14, 1999; as agreed to and ordered reported (H. Rept. No. 106–301) by a Committee on Conference on August 5, 1999; and as agreed to by the House on September 15, 1999, and by the Senate on September 22, 1999. With respect to programs within the Committee’s jurisdiction, Public Law 106–65 specifies as follows:

A. That two persons (rather than, as previously specified, three persons) may perform honor guard duties at veterans’ funerals, and that honor guard duty requirements shall be revised (section 578);

B. That military retirees who have service-connected disabilities rated at 70 percent or more shall be paid additional allowances not subject to offset despite the receipt of VA compensation (section 658);

C. That DOD and VA shall be authorized to carry out joint “telemedicine” demonstration projects (section 724);

D. That the transferring of veterans' memorial objects to foreign countries shall be prohibited without specific statutory authorization (section 1051);

E. That 152 acres of land at Fort Sam Houston, TX, shall be transferred to VA for use as a national cemetery (section 2831); and

F. That lands known as the "Navy Annex" in Arlington, VA, and lands within Ft. Myer, VA, shall be transferred to Arlington National Cemetery (sections 2881–2882).

4. An act commending World War II veterans who fought in the Battle of the Bulge (Public Law 106–142), signed December 7, 1999. Public Law 106–142 was derived from H. J. Res. 65, as passed by the House on October 5, 1999, and as agreed to by the Senate on November 19, 1999.

5. An act designating a portion of the Gateway National Recreation Area in New York as the "World War II Veterans Park at Miller Field" (Public Law 106–132), signed December 7, 1999. Public Law 106–132 was derived from H.R. 592, as passed by the House on June 30, 1999, and as agreed to by the Senate on November 19, 1999.

B. SECOND SESSION

During the Second Session of the 106th Congress, the Committee met in open session one time to consider legislation, and reported two bills to the Senate. Those bills incorporated provisions derived from one bill which had been reported during the First Session, and from five additional bills and from two original provisions. These measures, and provisions derived from four bills which had been approved by the House, were enacted into three public laws during the Second Session. These three public laws are itemized and summarized below:

1. The "Veterans' Compensation Cost-of-Living Adjustment Act of 2000" (Public Law 106–413), signed November 1, 2000. Public Law 106–413 was derived from provisions contained in H.R. 4850 as passed by the House on July 25, 2000, and from S. 3011 as reported by the Committee on September 6, 2000 (S. Rept. No. 106–398). The "Veterans' Compensation Cost-of-Living Adjustment Act of 2000" authorizes VA to establish by administrative action cost-of-living adjustments in the rates of disability compensation for veterans with service-connected disabilities and the rates DIC paid to certain survivors of veterans, effective December 1, 2000.

2. The "Veterans Benefits and Health Care Improvement Act of 2000" (Public Law 106–419), signed November 1, 2000. Public Law 106–419 was derived from S. 1810, as amended and as further amended to incorporate provisions, as amended, from four bills (S. 2264, S. 2544, S. 2637, and S. 2827), three original measures proposed by Chairman Specter, an amendment adopted at the Committee's markup on July 27, 2000, and as ordered reported by the Committee on that date (S. Rept. No. 106–397); from provisions derived from S. 1076, and from an original measure, S. 1402, reported by the Committee during the First Session, on June 23, 1999 (S. Rept. No. 106–114); and from three House bills, H.R. 4850, as passed by the House on July 25, 2000; H.R. 5109, as passed by the House on September 21, 2000; and H.R. 4268, as ordered re-

ported by the House Committee on Veterans' Affairs on May 19, 2000.

The "Veterans Benefits and Health Care Improvement Act of 2000" specifies as follows:

Title I—Educational Assistance Provisions

A. That the rates in basic educational assistance benefits under the so-called "Montgomery GI Bill" ("MGIB") shall be increased;

B. That uniform requirements for eligibility for MGIB benefits (relating to the prior receipt of a high school diploma or an equivalency certificate) shall be established;

C. That the requirement that a servicemember's initial obligated period of service be completed as a condition for MGIB eligibility shall be repealed;

D. That veterans who waived eligibility for Veterans Educational Assistance Program ("VEAP") benefits shall be allowed to gain eligibility for MGIB benefits;

E. That servicemembers shall be permitted to secure additional education assistance benefits with additional contributions during service;

F. That the rates of survivors' and dependents' educational assistance benefits shall be increased;

G. That persons eligible for survivors' and dependents' educational assistance benefits shall be permitted flexibility in selecting the commencement date of the period during which they will be eligible for such benefits, and that such commencement date shall otherwise be adjusted;

H. That survivors' and dependents' educational assistance benefits shall be provided to eligible students taking preparatory courses for college and graduate school entrance examinations;

I. That MGIB benefits shall be paid in certain circumstances between school semesters or terms;

J. That educational assistance benefits shall be paid for courses in preparation for licensing and certification examinations; and

K. That appropriations would be authorized for State Approving Agencies.

Title II—Health Provisions

A. That annual pay adjustment procedures applicable to VA nurses shall be modified;

B. That the "special pay" schedules applicable to VA dentists shall be modified;

C. That VA pharmacists shall be exempted from otherwise applicable ceilings on special salary rates;

D. That employment limitations applicable to physician assistants and medical support personnel shall be modified;

E. That licensure qualifications applicable to newly hired VA social workers shall be modified;

F. That VA shall be required to establish in the Office of the Under Secretary for Health a Physician Assistant Adviser;

G. That VA's voluntary separation incentive program shall be extended;

H. That it is the sense of Congress that VA medical records should reflect information relating to veterans' military histories;

I. That VA shall commission a study on post-traumatic stress disorder;

J. That VA shall be authorized to establish “Fisher houses” to provide temporary lodging facilities to patients’ family members at VA medical facilities;

K. That VA funds granted to States by VA for the establishment of State home facilities shall not be recovered by VA despite the State’s agreement to provide domiciliary care, nursing home care, or hospital care services at such sites if the State establishes an outpatient clinic at such a site;

L. That it is the sense of Congress that VA and DOD shall cooperate in the procurement of medical supplies;

M. That major medical facility projects shall be authorized in Palo Alto, CA; Beckley, WV; Long Beach, CA; Miami, FL; and Murfreesboro, TN; and additional funding shall be authorized for a major medical facility project in Lebanon, PA;

N. That VA shall not enter into an enhanced use lease unless it has provided 90-day notice of the proposed lease to Congress;

O. That a VA reversionary interest in a parcel of land in Johnson City, TN, shall be released; and

P. That VA shall convey lands in Allen Park, MI; Dublin, GA; Miles City, MT; and Fort Lyon, CO.

Title III—Compensation, Insurance, Housing, Employment, and Memorial Affairs Provisions

A. That members of the Reserves who suffer strokes or heart attacks in the performance of Reserve duty shall be eligible for VA compensation;

B. That special compensation shall be paid to women veterans who lose a breast due to a service-connected disability;

C. That veterans who are injured while participating in compensated work therapy programs shall be eligible for compensation for disabilities incurred as a result of those injuries;

D. That the limit on veterans’ estates above which compensation will be suspended in certain circumstances shall be modified;

E. That DOD shall review and report to Congress on its program of reconstructing the dosage of radiation to which veterans were exposed in service;

F. That premiums paid for service-disabled veterans’ life insurance policies by veterans over the age of 70 shall be frozen;

G. That the maximum amount of Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance policies shall be increased from \$200,000 to \$250,000;

H. That members of the individual Ready Reserves shall be eligible for Servicemembers’ Group Life Insurance benefits;

I. That the VA policy of reducing grants for adapted housing modifications when the home to be adapted is co-owned by another person shall be repealed;

J. That veterans’ employment programs shall place increased emphasis on the needs of recently separated veterans;

K. That employers shall be required to grant leave status to persons who serve as honor guards at veterans’ funerals;

L. That veterans of the Commonwealth Army of the Philippines shall be eligible for interment in the national cemeteries and for in-

creased burial allowances if they are citizens or permanent residents of the United States; and

M. That plot allowances shall be granted by VA in the case of veterans buried in State cemeteries.

Title IV—Other Matters

A. That health care, vocational training, and monetary allowance benefits shall be granted to children with birth defects of women Vietnam veterans;

B. That provisions of law relating to loan asset sales, fees for VA home loan program participation, procedures applicable to sales by VA of defaulted residential properties, VA authority to verify income levels of pension applicants, limitations on pension for veterans receiving long-term nursing home care services, and establishing research corporations at VA medical centers shall be extended; and

C. That VA shall be required to submit certain reports to Congress.

3. The “Veterans Claims Assistance Act of 2000” (Public Law 106–475), signed November 9, 2000. Public Law 106–475 was derived from H.R. 4864 as passed by the House on July 25, 2000; as amended to incorporate provisions derived from S. 1810, as ordered reported by the Committee, as amended, on July 27, 2000 (S. Rept. No. 106–397), and as passed by the Senate on September 25, 2000; and as agreed to by the House on October 17, 2000.

The “Veterans Claims Assistance Act of 2000” specifies as follows:

A. That the statutory definition of the term “claimant” shall be clarified;

B. That VA shall be required to offer assistance to persons who file claims for VA benefits in obtaining relevant records; and

C. That VA shall be required to offer medical examinations to veterans seeking compensation benefits from VA.

Finally, seven public laws were enacted during the Second Session without formal Committee action which contain provisions relating to matters within the Committee’s jurisdiction. They are:

1. A resolution declaring a day to honor minority veterans of World War II (Public Law 106–205), signed May 26, 2000. Public Law 106–205 was derived from S.J. Res. 44, as passed by the Senate on May 18, 2000, and as approved by the House on May 23, 2000.

2. An act authorizing the placement within the site of the Vietnam Veterans Memorial a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service (Public Law 106–214), signed June 15, 2000. Public Law 106–214 was derived from H.R. 3293, as passed by the House on May 9, 2000, and as approved by the Senate on May 25, 2000.

3. An act designating the VA outpatient clinic in Rome, NY, the “Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic” (Public Law 106–262), signed August 18, 2000. Public Law 106–262 was derived from H.R. 1982, as passed by the House on July 25, 2000, and as approved by the Senate on July 27, 2000.

4. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for

Fiscal Year 2001 (Public Law 106-377), signed October 27, 2000. Public Law 106-377 was derived from H.R. 4635, as passed by the House on June 21, 2000; as agreed to, as amended, by the Senate on October 12, 2000; as agreed to in modified form and ordered reported (H. Rept. No. 106-988) by a Committee on Conference on October 18, 2000; and as agreed to by the House on October 19, 2000, and by the Senate on October 19, 2000. In addition to specifying VA appropriations for fiscal year 2001, Public Law 106-377 specifies (at section 501) that veterans of the Commonwealth Army of the Philippines in World War II shall be eligible to receive health care in VA facilities and will qualify for compensation at the full rate paid to veterans of the United States Armed Forces, if they are citizens or permanent residents of the United States.

5. The “Veterans’ Oral History Act” (Public Law 106-380), signed October 27, 2000. Public Law 106-380, an act directing the American Folklife Center of the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, was derived from H.R. 5212, as passed by the House on October 4, 2000, and as approved by the Senate on October 17, 2000.

6. The “Department of Defense Authorizations Act of 2000” (Public Law 106-398), signed October 30, 2000. Public Law 106-398 was derived from H.R. 4205 as passed by the House on May 18, 2000; as passed, with an amendment in the form of a substitute, by the Senate on July 13, 2000; as agreed to and ordered reported (H. Rept. No. 106-945) by a Committee on Conference on October 6, 2000; and as agreed to by the House on October 11, 2000, and by the Senate on October 12, 2000. With respect to programs within the Committee’s jurisdiction, Public Law 106-398 specifies as follows:

A. That information relating to unknowns who were killed aboard the U.S.S. Arizona in 1941 and whose remains are interred at the National Memorial Cemetery of the Pacific in Hawaii shall be added to grave markers containing those remains (section 544);

B. That certain military retirees who have service-connected disabilities rated at 70 percent or more shall be paid additional allowances not subject to offset despite the receipt of VA compensation (section 657);

C. That military retirees and other persons eligible for DOD-provided care shall remain eligible for such care past the age of 64 (section 712);

D. That DOD and VA fully implement arrangements for the provision of care by VA to military retirees eligible for DOD-provided care and for the DOD reimbursement for such care (section 741);

E. That DOD implement a patient safety program modeled after VA’s (section 742);

F. That DOD and VA cooperate in developing a uniform pharmaceutical barcoding system (section 743);

G. That veterans who had been eligible for participation in the Veterans Educational Assistance Program (“VEAP”) shall be allowed to enroll in the MGIB program upon payment of \$2,700 (section 1601);

H. That DOD shall provide modified benefits to active duty service personnel engaged in off-duty education or training programs (section 1602); and

I. That VA shall provide assistance to persons who have applied for VA benefits (section 1611).

7. The “National Moment of Remembrance Act” (Public Law 106–579), signed December 28, 2000. Public Law 106–579, an act establishing a White House Commission on the National Moment of Remembrance, and to encourage national, State, local, and tribal participation in the commemoration of a National Moment of Remembrance on Memorial Day, was derived from S. 3181, as passed by the Senate on October 27, 2000, and as approved by the House on December 15, 2000.

III. NOMINATIONS

A. FIRST SESSION

During the First Session of the 106th Congress, the Committee met in open session one time to consider one nomination. It reported one nomination to the Senate with a favorable recommendation. The following table portrays the Committee’s and the Senate’s actions regarding this nomination.

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS NOMINATIONS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
John T. Hanson, Assistant Secretary for Public and Intergovernmental Affairs.	April 12, 1999	June 8, 1999	June 23, 1999	July 1, 1999

The Committee received two additional VA nominations during the First Session: the nomination of Kenneth M. Kizer, M.D., to serve a second 4-year term as Under Secretary for Health; and the nomination of Robert M. Walker to be Under Secretary for Memorial Affairs. The former nomination was withdrawn by the President on July 14, 1999. The latter nomination was approved by the Senate during the Second Session of the 106th Congress.

B. SECOND SESSION

During the Second Session of the 106th Congress, the Committee met in open session one time to consider two nominations. It reported two nominations to the Senate with favorable recommendations. The following table portrays the Committee’s and the Senate’s actions regarding these nominations.

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS NOMINATIONS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
Robert M. Walker, Under Secretary for Memorial Affairs.	November 10, 1999 ...	June 22, 2000 ...	July 27, 2000	September 8, 2000
Thomas L. Garthwaite, M.D., Under Secretary for Health.	May 15, 2000	June 22, 2000 ...	July 27, 2000	September 8, 2000

IV. BUDGET FOR VETERANS’ PROGRAMS

A. FIRST SESSION

On March 15, 1999, pursuant to the requirements of section 301(d) of the Congressional Budget Act of 1974, the Chairman and

the Ranking Minority Member of the Committee submitted a letter to the Budget Committee reflecting the Committee's views and estimates on the Administration's proposed fiscal year 2000 budget for veterans' programs.

With respect to discretionary account spending, the "views and estimates" letter expressed opposition to the Administration's proposal that VA medical care appropriations be frozen at \$17.3 billion, the level of appropriations for fiscal year 1999, and requested that fiscal year 2000 appropriations for VA medical care be increased by \$1.7 billion to \$19.0 billion. In addition, the letter expressed support for relatively modest increases in funding for VA medical facility construction and for General Operating Expenses funding earmarked for the operations of the Veterans Benefits Administration ("VBA"), recommending that overall discretionary account funding be increased to \$20.8 billion.

With respect to mandatory account spending, the "views and estimates" letter expressed the Committee's support for legislation increasing VA educational assistance benefits. Increases in such benefits—which would have increased mandatory account spending by \$3.8 billion in fiscal years 2000–2004, and by \$13 billion in fiscal years 2000–2009—had already been approved by the Senate, prior to issuance of the "views and estimates" letter, as part of S. 4, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999", without mandatory account spending offsets. The "views and estimates" letter requested that, in the event that these provisions of S. 4 were not to be enacted—as ultimately they were not—the Budget Committee again withhold objection if the Committee were to report similar legislation containing MGIB increases without mandatory account offsets.

On April 14, 1999, the Senate and House Committees on the Budget issued a conference report (H. Rept. No. 106–91) approving a budget resolution (H. Con. Res. 68). On April 14, 1999, the House approved the conference report, and on April 15, 1999, the Senate approved the conference report. The resolution did not direct the Committee to report changes in laws within the Committee's jurisdiction reducing outlays for veterans' programs. Later in the First Session, the Committee reported legislation, S. 1402, that contained increases in MGIB benefits without mandatory account offsets (S. Rept. No. 106–114), and the Senate approved such legislation, on July 26, 1999. The House, however, did not act on that legislation during the First Session.

B. SECOND SESSION

On March 16, 2000, pursuant to the requirements of section 301(d) of the Congressional Budget Act of 1974, the Chairman of the Committee submitted a letter to the Budget Committee reflecting the views and estimates of Republican members of the Committee on the Administration's proposed fiscal year 2001 veterans' programs budget. The Ranking Minority Member of the Committee submitted a separate letter, dated February 29, 2000, to the Budget Committee.

With respect to discretionary account spending, the Chairman's "views and estimates" letter expressed opposition to the Administration's proposal that VA medical care appropriations be increased by \$1.355 billion to \$20.3 billion, but that \$350 million in anti-

pated medical care cost recovery fund (“MCCF”) receipts be remitted to the United States Treasury. The letter requested that fiscal year 2000 appropriations for VA medical care be increased by \$1.85 billion to \$20.8 billion, and that VA continue to retain all MCCF receipts that it might recover. In addition to this proposed increase in medical care appropriations, the Chairman’s letter expressed support for increases in funding for VA medical research and VA medical facility and cemetery construction. Finally, it noted the Chairman’s concerns with respect to the pace and quality of VBA adjudication, but did not oppose the Administration’s request for additional VBA funding.

