

## Calendar No. 307

108TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
108-164

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### NATIONAL CEMETERY EXPANSION ACT OF 2003

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OCTOBER 14, 2003.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 1516]

The Committee on Veterans' Affairs (hereinafter, "Committee"), to which was referred the bill (H.R. 1516) to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery Administration, having considered the same, reports favorably thereon with an amendment, and an amendment to the title, and recommends that the bill, as amended, do pass.

#### INTRODUCTION

On March 31, 2003, Representative Jim Gerlach introduced H.R. 1516, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery in southeastern Pennsylvania. H.R. 1516 was amended and ordered reported from the House Committee on Veterans' Affairs on July 10, 2003. It subsequently was passed by the House of Representatives on July 21, 2003, by a vote of 408-0. On July 22, 2003, H.R. 1516 was received in the Senate and referred to the Senate Committee on Veterans' Affairs.

On June 18, 2003, Committee Ranking Member Graham introduced S. 1282, a bill to require the Secretary of Veterans Affairs to establish national cemeteries for geographically underserved populations of veterans, and for other purposes. Senators Bill Nelson and Jeff Sessions were original cosponsors of S. 1282. The bill was referred to the Committee on Veteran's Affairs.

#### COMMITTEE HEARING

On July 10, 2003, the Committee held a hearing to receive testimony on, among other things, S. 1282. Testimony was heard from:

The Honorable Daniel L. Cooper, Under Secretary for Benefits, Department of Veterans Affairs (hereinafter, "VA"); Mr. Craig W. Duehring, Principal Deputy Assistant Secretary of Defense for Reserve Affairs, Department of Defense; Mr. Phillip R. Wilkerson, Deputy Manager of Operations and Training, Veterans Affairs and Rehabilitation Division, The American Legion; Mr. Dennis Cullinan, Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. Rick Surratt, Deputy National Legislative Director, Disabled American Veterans; Mr. Carl Blake, Associate Legislative Director, Paralyzed Veterans of America; and Mr. Richard Jones, National Legislative Director, AMVETS.

#### COMMITTEE MEETING

After carefully reviewing the testimony from the foregoing hearing, the Committee met in open session on September 30, 2003, and voted by unanimous voice vote to report favorably H.R. 1516, as amended, to include an original provision. Present were Senators Specter, Campbell, Lindsey Graham, Ensign, Rockefeller, Akaka, Jeffords, and Miller.

#### SUMMARY OF THE COMMITTEE BILL AS REPORTED

1. Section 2(a) of H.R. 1516 as Reported (hereinafter, "Committee bill") would direct the Secretary of Veterans Affairs to establish, within four years of enactment, six national cemeteries. The cemeteries to be established are to be located in Southeastern Pennsylvania; the Birmingham, Alabama, area; the Jacksonville, Florida, area; the Bakersfield, California, area; the Greenville/Columbia, South Carolina area; and the Sarasota County, Florida, area.

2. Section 2(b) of the Committee Bill would make available advanced planning funds appropriated after fiscal year 2003 for the establishment of the six cemeteries.

3. Section 2(c) of the Committee Bill would require the Secretary to solicit the advice and views of representatives of State and local veterans service organizations, and other appropriate individuals, in determining the specific sites where the six cemeteries will be located.

4. Section 2(d) of the Committee Bill would require the Secretary, within 120 days after enactment, to submit a report to Congress setting forth the schedule for the establishment of each cemetery, and the amount of advance planning funding obligated for each cemetery.

5. Section 2(e) of the Committee Bill would require the Secretary to submit an annual status report to Congress on the establishment of each cemetery and until each cemetery has been completed.

6. Section 2(f) of the Committee Bill would specify which counties comprise the "Southeastern Pennsylvania" area.

#### DISCUSSION

Chapter 24 of title 38, United States Code, establishes within VA a National Cemetery Administration (hereinafter, "NCA") which is responsible for the interment of deceased service members and veterans, as well as their spouses and dependent children. Section 2404 of title 38 authorizes the Secretary to make all rules and reg-

ulations necessary to carry out the provisions of chapter 24, title 38, including the development of national cemeteries.

In response to section 613 of the Veterans Millennium Health Care and Benefits Act, Public Law 106–117, VA contracted for an independent study to assess the number of additional national cemeteries required to meet the future burial needs of veterans to ensure that 90 percent of veterans resided within 75 miles of an open state or national cemetery. The report identified 31 locations as areas where cemeteries would need to be established to achieve the 90 percent goal.

Recognizing that it would not be practicable to establish national cemeteries in all 31 locations, especially in areas where state cemeteries would more appropriately meet the needs of smaller veteran’s populations, VA established a threshold of 170,000 veterans which, if residing more than 75 miles from an open state or national cemetery, would justify the VA’s establishment or expansion of national cemeteries. Based on revised population estimates transmitted to the Committee on June 4, 2003, and applying the threshold criteria it established, VA identified 11 locations that required either a new national cemetery or an expansion of an existing national cemetery. One of those locations, Chesapeake, Virginia, will be served by an already planned state cemetery funded through VA’s State Cemetery Grants Program. Four of those locations can be served by expanding existing national cemeteries. Six locations will require the construction of new national cemeteries. They are: Bakersfield, California; Birmingham, Alabama; Greenville/Columbia, South Carolina; Jacksonville, Florida; Philadelphia, Pennsylvania; and Sarasota County, Florida. The Committee bill directs VA to establish national cemeteries at those six locations.

#### 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 the Congressional Budget Office (hereinafter, “CBO”) estimates that enactment of the Committee bill would cost \$11 million in 2004 and \$93 million over the 2004–2008 period, assuming appropriation of the necessary amounts, and would not affect direct spending or receipts. Enactment of the committee bill would not affect the budget of state, local, or tribal governments.

The cost estimate provided by CBO, setting forth a detailed breakdown of costs, follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 6, 2003.*

Hon. ARLEN SPECTER,  
*Chairman, Committee on Veteran’s Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for H.R. 1516, the National Cemetery Expansion Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 1516—National Cemetery Expansion Act of 2003*

H.R. 1516 would direct the Secretary of Veterans Affairs (VA) to establish new national cemeteries for deceased veterans in southeastern Pennsylvania, the Birmingham, Alabama area, the Jacksonville, Florida area, the Bakersfield, California area, the Greenville/Columbia, South Carolina area, and the Sarasota County, Florida area. CBO estimates that implementing the act would cost \$11 million in 2004 and \$93 million over the 2004–2008 period, assuming appropriation of the necessary amounts. The act would not affect direct spending or receipts.

H.R. 1516 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1516 is shown in the following table. The costs of this legislation fall within budget function 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	42	0	21	0	90
Estimated Outlays .....	11	31	10	11	30

Basis of estimate: Based on information from VA about the costs of cemeteries currently under construction, CBO estimates that the planning and construction of these six new national cemeteries would require the appropriation of \$153 million over the 2004–2008 period. According to VA, it takes about five years, on average, to establish a new national cemetery. In 2004, costs of about \$42 million would stem from environmental impact studies and the acquisition of the needed land. Absent information from VA, CBO assumes that all of the land for these cemeteries would have to be purchased (land donations would decrease the cost of acquisition). The subsequent planning, design, and preparation of specifications for the six cemeteries would take about two years and would cost about \$21 million. CBO estimates that appropriations of about \$90 million would be necessary in 2008 for cemetery construction, and that the resulting outlays would occur over a three-year period. Thus, CBO estimates that implementing the act would cost \$11 million in 2004 and \$93 million over the 2004–2008 period, assuming appropriation of the necessary amounts.

Intergovernmental and private-sector impact: H.R. 1516 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On July 1, 2003, CBO transmitted a cost estimate for H.R. 1516 as ordered reported by the House Com-

mittee on Veterans' Affairs on June 26, 2003. The Senate version of H.R. 1516 would authorize the establishment of one additional national cemetery; therefore, the estimated costs of this version of the act are higher.

Estimated prepared by: Federal Costs: Dwayne M. Wright; Impact on State, Local, and Tribal Governments: Melissa Merrell; and Impact on the Private Sector: Allison Percy.

Estimate approved by: Peter H. Fontaine, 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 September 30, 2003, meeting. On that date, the Committee, by unanimous voice vote, ordered H.R. 1516, a bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System, as amended, reported favorably to the Senate.

#### AGENCY REPORT

On July 10, 2003, VA Under Secretary for Benefits, Daniel L. Cooper, appeared before the Committee on Veterans' Affairs and submitted testimony on, among other things, S. 1282, a bill similar to that reported by the Committee. Excerpts from these statements are reprinted below:

#### STATEMENT OF DANIEL L. COOPER, UNDER SECRETARY FOR BENEFITS, DEPARTMENT OF VETERANS AFFAIRS

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today on several bills of great interest to veterans

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#### *S. 1282*

S. 1282 would direct the Secretary of Veterans Affairs to establish national cemeteries for geographically underserved populations of veterans. It would direct the Secretary to identify the ten burial service areas in the United States, as determined by the Secretary, most in need of a new national cemetery to ensure that 90 percent of the veterans who reside in each service area live within 75 miles of a national cemetery. The bill would defined "bur-

ial service area” as having a radius of approximately 75 miles, containing a minimum population of approximately 170,000 veterans, and not being served by a national or state veterans cemetery. In addition, the bill would direct the Secretary to submit to Congress a report setting forth each burial service area identified by the Secretary as needing a cemetery and a schedule and cost estimate for the establishment of each new national cemetery. The first report would be due within 120 days after the date of enactment, and annual status reports would be required until the ten cemeteries were completed.

Not all of America’s veterans and their families have easy and convenient access to a national cemetery. In the Veterans Millennium Health Care and Benefits Act, Pub. L. No. 106–117 (1999), Congress directed VA to identify areas of the country with the greatest concentrations of veterans who do not have reasonable access to a burial option in a national or state veterans cemetery. Substantial documentation demonstrates that 80 percent of burials in national cemeteries involve individuals who resided within 75 miles of the cemetery. VA has determined that a veteran population threshold of 170,000 within a 75-mile service radius is an appropriate threshold for the establishment of a new national cemetery.

In response to the Veterans Millennium Health Care and Benefits Act, on May 15, 2002, VA transmitted to Congress a report entitled, Study on Improvements to Veterans Cemeteries—Volume 1: Future Burial Needs. An independent contractor, Logistics Management Institute (LMI), prepared the report. It assesses the number of additional cemeteries needed to ensure that 90 percent of veterans live within 75 miles of a national or state veterans cemetery between 2005 and 2020. The report identified 31 locations recommended by LMI as areas of greatest need. Six sites had over 170,000 veterans who currently were not being served by a burial option by a state or national cemetery within 75 miles of their residences. On June 4, 2003, VA transmitted revised veteran population estimates, based on 2000 United States Census data. From the two listings, eleven locations were identified as meeting VA’s population threshold. VA plans to meet the identified unmet burial needs in each location by either establishing a new national cemetery or expanding an existing national cemetery.

Several steps are involved in establishing a new national cemetery. Depending on the size of the project, the cost of these steps can range from \$100,000 to \$250,000 for environmental compliance requirements; \$3 million to \$6 million for land acquisition, if required; \$1 million to \$2 million for master planning and design; and \$15 million to \$25 million for construction. Even with an aggressive schedule, it generally takes 4½ to 5 years to open a cemetery to initial burials. A new national cemetery’s average annual operating costs range between \$1 million and \$2

million, without consideration of headstones and grave liners, which are purchased through mandatory funds.

Because the Future Burial Needs report released last year and the updated demographic data transmitted to Congress earlier this year satisfy the intent behind S. 1282, enactment of this bill is unnecessary. However, VA is committed to begin addressing those identified locations with unmet burial needs within the annual budgetary process.

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CHANGES IN EXISTING LAW MADE BY H.R. 1516 AS REPORTED

Since the Committee bill would not repeal or amend any provisions 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.

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