

error, the result would have been manifestly different. The need for this legislation is illustrated by Precedent Opinion 2-97 recently issued by the Department of Veterans Affairs General Counsel. That opinion, which is binding on all levels of the administrative process, affirmed that if a BVA decision is rendered based upon an erroneous interpretation of the law, that decision is final and binding on all VA components unless the Board reconsiders the decision. Under present law, only the VA, and not the veteran has the right to obtain reconsideration of a Board decision. Unlike other actions of the Board, reconsideration decisions are not subject to judicial review.

The following cases brought by veterans who sought review of prior decisions illustrate the kinds of clear and unmistakable errors which would be subject to correction under this legislation.

A veteran with an above-the-knee amputation due to a service-connected condition was entitled to a 60 percent rating under existing law. If at the time of the original rating, the veteran's file showed that he had an above-the-knee amputation, but received only a 40 percent rating, clear and unmistakable error would exist. Under present law, if the Board of Appeals had previously found that there was no clear and unmistakable error in the rating, this veteran could seek, but not compel reconsideration and would have no remedy if the request was denied. Under this bill, the veteran would have the right to have the Board review his claim of clear and unmistakable error and, if dissatisfied with that decision, could seek review in the Court of Veterans Appeals.

A veteran was shot by a single bullet traveling through both the upper and lower leg while in combat. He was awarded service-connection for the injury to the lower leg, but not for the injury to the thigh. Since the record at the time of the original decision showed through and through wounds of both the upper and lower leg, both wounds should have been rated. The failure to rate both wounds would constitute clear and unmistakable error. Since a Regional Office of the VA had made the original clear and unmistakable error, present regulations allow it to be corrected. Under this bill, such a condition could be similarly revisited even if the clear and unmistakable error had been made at the Board of Veterans Appeals.

The bill also addresses those situations where evidence in the veteran's file at the time of the prior decision was ignored or wrongly evaluated under the law as it existed at the time of the original decision. For example, if a dependent's benefit had been wrongly denied because a legal and valid adoption was not recognized by the VA, the bill would allow for correction of the error.

This legislation would provide veterans an opportunity similar to that presently provided to Social Security beneficiaries under title 42 of the United States Code, sections 402(j)(5) and 1383(e)(5). Under those provisions an individual may receive retroactive benefits when a claim for benefits was not pursued due to misinformation provided by any officer or employee of the Social Security Administration. The standard for claims of clear and unmistakable error is similar to the standard currently contained in Social Security regulations at 42 Code of Federal Regulations, section 404.988, for revision of a claim at any time due to error that appears on the face of the evidence con-

sidered when the determination or decision was made. Veterans deserve the same right as Social Security beneficiaries to have manifest errors corrected.

The bill does not alter the standard for evaluation of claims of clear and unmistakable error. In order to sustain such a claim, the veteran must specifically identify the alleged error. The claim must assert either a basic error of law or fact in the prior decision or must give persuasive reasons as to why the outcome would be manifestly different had the error not been made. Once a claim of clear and unmistakable error has been raised and decided, the veteran may not raise the same claim again.

This legislation also provides for a limited expansion of the right to judicial review. This expansion is premised upon an understanding that the error in the original adjudication of the claim was so egregious that it should be revised to conform to the true state of the law and the facts as they existed at the time of the original decision. Veterans who initiate a claim of clear and unmistakable error in either a prior Regional Office decision or a prior Board of Veterans Appeals decision would be able to appeal that claim through the administrative process to the Court of Veterans Appeals. Once the court had ruled on the issue, no further claims of clear and unmistakable error could be pursued at the administrative level.

H.R. 1090 is identical to legislation approved by the House last Congress. It is not concerned with minor disputes or the weight given to evidence. Instead it provides an avenue of correction of only those serious and obvious errors about which there can be no doubt. The bill has strong support from the veterans service organizations.

This legislation is about justice for veterans. Veterans who have honorably served our country deserve no less. Where the prior adjudication of claims are found to contain egregious violations of law, veterans should have an opportunity for a full and fair consideration of the errors. Our Nation's veterans are entitled to this.

I thank my colleagues, including the 46 cosponsors of this bill, for their support of H.R. 1090.

Mr. QUINN. Mr. Speaker, H.R. 1090 will provide important new appeal rights to veterans whose claims have been denied by the Veterans Administration.

Mr. Speaker, this bill will put current VBA regulations on clear and unmistakable error into law. Those regulations now apply only to VA Regional Offices. It will also allow veterans to appeal on the basis of clear and unmistakable error at the Board of Veterans Appeals. Currently, veterans may file a motion for reconsideration at the Board on the grounds of obvious error, which the Court of Veterans Appeals has determined to be the same as clear and unmistakable error. Unfortunately, that motion for reconsideration falls short of a right of appeal and is allowable only at the discretion of the Chairman of the Board of Veterans Appeals.

Mr. Speaker, this bill sets a high standard for appeal. The grounds on which such an appeal may be made must be so obvious that a reasonable person would allow the appeal. The error must also materially contribute to a faulty decision by the VA. The court has stated that a mere allegation of such error is not sufficient to automatically grant the appeal.

Mr. Speaker, this right of appeal is long overdue and I urge my colleagues to support H.R. 1090.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1090.

The question was taken; and (two-thirds of those present having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXTENDING AUTHORITY TO ENTER INTO ENHANCED-USE LEASES, AND RENAMING U.S. COURT OF VETERANS APPEALS AND NATIONAL CEMETERY SYSTEM

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1092) to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the U.S. Court of Veterans Appeals and the National Cemetery System, and for other purposes.

The Clerk read as follows:

H.R. 1092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY

##### SEC. 101. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) FIVE-YEAR EXTENSION OF AUTHORITY.—Section 8169 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 2002".

(b) REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.—(1) Section 8168 is repealed.

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

#### TITLE II—RENAMING PROVISIONS

##### SEC. 201. RENAMING OF THE COURT OF VETERANS APPEALS.

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

(2) Section 7251 is amended by striking out "United States Court of Veterans Appeals" and inserting in lieu thereof "United States Court of Appeals for Veterans Claims".

(b) CONFORMING AMENDMENTS.—

(1) The following sections are amended by striking out "Court of Veterans Appeals"

each place it appears and inserting in lieu thereof "Court of Appeals for Veterans Claims": sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a) (1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

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

**"§ 7286. Judicial Conference of the Court of Appeals for Veterans Claims".**

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

"7286. Judicial Conference of the Court of Appeals for Veterans Claims."

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

**"§ 7291. Date when United States Court of Appeals for Veterans Claims decision becomes final".**

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

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

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

**"§ 7298. Court of Appeals for Veterans Claims Retirement Fund".**

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

"7298. Court of Appeals for Veterans Claims Retirement Fund."

(3) The item relating to chapter 72 in the table of chapters at the beginning of title 38 and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

"72. United States Court of Appeals for Veterans Claims ..... 7251".

(c) CONFORMING AMENDMENTS TO OTHER LAWS.—

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

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

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

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

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

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

**"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".**

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

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

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

**SEC. 202. REDESIGNATION OF NATIONAL CEMETERY SYSTEM.**

(a) REDESIGNATION AS NATIONAL CEMETERY ADMINISTRATION.—(1) The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the Na-

tional Cemetery System is hereby redesignated as Assistant Secretary of Veterans Affairs for Memorial Affairs.

(2) Section 301(c)(4) is amended by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration".

(3) Section 307 of such title is amended—

(A) in the first sentence, by striking out "a Director of the National Cemetery System" and inserting in lieu thereof "an Assistant Secretary for Memorial Affairs"; and

(B) in the second sentence, by striking out "The Director" and all that follows through "National Cemetery System" and inserting in lieu thereof "The Assistant Secretary is the head of the National Cemetery Administration".

(b) CONFORMING AMENDMENTS.—

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

**"§ 307. Assistant Secretary for Memorial Affairs".**

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

"307. Assistant Secretary for Memorial Affairs."

(2) Section 308 is amended—

(A) in subsection (a), by inserting before the period at the end of the first sentence ", in addition to the Assistant Secretary for Memorial Affairs";

(B) in subsection (b), by inserting "other than the Assistant Secretary for Memorial Affairs" after "Assistant Secretaries"; and

(C) in subsection (c), by inserting "pursuant to subsection (b)" after "Assistant Secretary".

(3) Section 2306(d) is amended by striking out "within the National Cemetery System" each place such term appears and inserting in lieu thereof "under the control of the National Cemetery Administration".

(4) Section 2400 is amended—

(A) in subsection (a)—

(i) by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration responsible"; and

(ii) in the second sentence, by striking out "Such system" and all that follows through "National Cemetery System" and inserting in lieu thereof "The National Cemetery Administration shall be headed by the Assistant Secretary for Memorial Affairs";

(B) in subsection (b), by striking out "National Cemetery System" and inserting in lieu thereof "national cemeteries and other facilities under the control of the National Cemetery Administration"; and

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

**"§ 2400. Establishment of National Cemetery Administration; composition of Administration".**

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

"2400. Establishment of National Cemetery Administration; composition of Administration."

(6) Section 2402 is amended in the matter preceding paragraph (1) by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

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

(8) Section 2405(c) is amended—

(A) by striking out "within the National Cemetery System" and inserting in lieu

thereof "under the control of the National Cemetery Administration"; and

(B) by striking out "within such System" and inserting in lieu thereof "under the control of such Administration".

(9) Section 2408(c)(1) is amended by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

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

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

(B) by striking out "Director of the National Cemetery System".

(c) SAVINGS PROVISIONS.—

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

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Assistant Secretary of Veterans Affairs for Memorial Affairs.

(d) INITIAL APPOINTMENT.—The initial appointment of an individual to the position of Assistant Secretary of Veterans Affairs for Memorial Affairs may be made by the President alone if the individual appointed is the individual who was serving as the Director of the National Cemetery System on the day before the date of the enactment of this Act.

**TITLE III—CODIFICATION OF PRIOR COMPENSATION RATE INCREASES**

**SEC. 301. DISABILITY COMPENSATION.**

Section 1114 is amended—

(1) by striking out "\$87" in subsection (a) and inserting in lieu thereof "\$94";

(2) by striking out "\$166" in subsection (b) and inserting in lieu thereof "\$179";

(3) by striking out "\$253" in subsection (c) and inserting in lieu thereof "\$274";

(4) by striking out "\$361" in subsection (d) and inserting in lieu thereof "\$391";

(5) by striking out "\$515" in subsection (e) and inserting in lieu thereof "\$558";

(6) by striking out "\$648" in subsection (f) and inserting in lieu thereof "\$703";

(7) by striking out "\$819" in subsection (g) and inserting in lieu thereof "\$887";

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

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

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

(11) in subsection (k)—

(A) by striking out "\$70" each place it appears and inserting in lieu thereof "\$74"; and

(B) by striking out "\$2,207" and "\$3,093" and inserting in lieu thereof "\$2,393" and "\$3,356", respectively;

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

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

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

(15) by striking out "\$3,093" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$3,356";

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

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

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

Section 1115(1) is amended—

(1) by striking out "\$105" in clause (A) and inserting in lieu thereof "\$112";

(2) by striking out “\$178” and “\$55” in clause (B) and inserting in lieu thereof “\$769” and “\$59”, respectively;

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

(4) by striking out “\$84” in clause (D) and inserting in lieu thereof “\$91”;

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

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

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

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

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

Section 1311 is amended—

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

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

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

“Pay grade	Monthly rate
E-7 .....	\$861
E-8 .....	909
E-9 .....	1,949
W-1 .....	880
W-2 .....	915
W-3 .....	943
W-4 .....	997
O-1 .....	880
O-2 .....	909
O-3 .....	972
O-4 .....	1,028
O-5 .....	1,132
O-6 .....	1,276
O-7 .....	1,378
O-8 .....	1,510
O-9 .....	1,618
O-10 .....	<sup>2</sup> 1,774

“If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,023.

“If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,902.”

(4) in subsection (b), by striking out “\$100 for each such child” and all that follows through “thereafter” and inserting in lieu thereof “\$211 for each such child”;

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

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

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

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

(1) by striking out “\$327” in clause (1) and inserting in lieu thereof “\$354”;

(2) by striking out “\$471” in clause (2) and inserting in lieu thereof “\$510”;

(3) by striking out “\$610” in clause (3) and inserting in lieu thereof “\$662”; and

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

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

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

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

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

**SEC. 306. EFFECTIVE DATE.**

The amendments made by this title shall take effect as of December 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1092.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1092 has several provisions which, one, extends the authority of the VA to enter into enhanced-use leases for VA property, renames the U.S. Court of Veterans Appeals, renames the National Cemetery System, codifies the increased compensation rates authorized in last year’s COLA bill.

Enhanced-use leasing is a tool with which the VA can work with the private sector to develop VA property for mutual beneficial uses. This authority has proven effective in developing child care centers, parking facilities, and regional offices on VA campuses. We want to encourage the Department to continue and expand these efforts.

The bill also changes the name of the U.S. Court of Veterans Appeals to the U.S. Court of Appeals for Veterans Claims. According to Chief Judge Nebeker, this will clarify that the court is independent of the Department of Veterans Affairs.

Changing the name of the National Cemetery System to the National Cemetery Administration would make it consistent with other administrations within the VA.

Finally, the bill codifies the compensation and D-I-C increase we enacted in last year’s COLA bill. This will make the correct rates available to more people, and has no effect on the amounts actually paid.

I would like to thank all the members of the Committee on Veterans’ Affairs, and in particular the gentleman from Illinois [Mr. EVANS], the ranking member, for their willingness to move these provisions through the committee very expeditiously.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

This legislation is an important measure for our Nation’s veterans. I encourage all of our colleagues to support its approval today by the House.

In the interests of time, Mr. Speaker, I would limit my comments on H.R. 1092 to title II of the bill. Title II of this bill renames the Court of Veterans Appeals. This title of the bill incorporates the provisions of H.R. 1089, which I introduced on March 18, 1997.

Too often veterans and others have been confused with the Court of Veterans Appeals and with the Board of Veterans Appeals. I understand this confusion has caused the court to record a message advising callers that they had reached the Court of Veterans Appeals. The caller is then instructed to dial a different number if he or she is inquiring about the status of a case before the Board of Veterans Appeals.

This change was requested and recommended by the chief judge of the court, Judge Nebeker, in recent testimony before the committee. The new name, the U.S. Court of Appeals for Veterans Claims, is consistent with the name of other similar appellate courts and should help end this widespread confusion.

Title II also changes the name of the National Cemetery System to the National Cemetery Administration, and designates the head of the National Cemetery Administration as the Assistant Secretary for Memorial Affairs. The reference to Memorial Affairs reflects the broader functions assigned to the Office of the Assistant Secretary.

Title III of this bill will simply codify the fiscal year 1997 compensation rate increase previously adopted. Mr. Speaker, I am pleased to have joined with Chairman STUMP in the introduction of this legislation, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS], chairman of the Subcommittee on Hospitals and Health Care.

Mr. STEARNS. Mr. Speaker, I thank the chairman of the full committee for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1092, and commend my chairman for bringing this bill to the floor for consideration early in this session. I believe we are sending the VA an important signal today in taking early action on this legislation.

With this bill, we are not only extending a good program but expanding it to encourage highly productive public-private partnerships. This bill would extend for 5 years the VA’s authority to enter into long-term leases of underutilized VA property in order to foster development of projects which will benefit the VA as well as the lessee.

This authority has been effective in encouraging development of construction projects that have proven both directly and monetarily beneficial to the Department. Mr. Speaker, existing law imposes certain limits on this authority, which I believe have outlived their usefulness. It limits to 10 the number

of enhanced-use leases that the VA may execute in any year, and caps at 20 the total number of such projects under this authority. In lifting these limitations, H.R. 1092 should help spark an expansion of an important partnership concept.

Mr. Speaker, I urge all of the Members to support H.R. 1092.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me, and the chairman of the full committee, the gentleman from Arizona [Mr. STUMP] for his leadership, and the chairman of the subcommittee, the gentleman from Florida [Mr. STEARNS] for helping bring this to the floor.

Mr. Speaker, I, too, support H.R. 1092. As we have heard from the chairman, it will expand the ability of the Veterans Administration to enter into what is called enhanced-use leases. These leases, with both private and public entities, require that underused VA property be improved to contribute to the VA mission. The leases that have been established in the past under this authority have, without any exception, helped the VA to better serve our Nation's veterans.

So not only are we leasing for revenue, but we are improving the ability of the VA to serve our veterans in the future. I am looking forward to an expansion of this important and very successful program.

As the ranking member, the gentleman from Illinois [Mr. EVANS] said, H.R. 1092 would rename the Court of Veterans Appeals as the U.S. Court of Appeals for Veterans Claims.

The committee has been told by veterans and attorneys representing them that the court, an independent judicial body, is frequently confused with the Board of Veterans Appeals, which is an administrative arm of the VA. We expect this name change to eliminate the widespread confusion. This renaming would also be consistent with recent changes in the names of other courts.

Last, Mr. Speaker, the National Cemetery System would be redesignated as the National Cemetery Administration under this legislation. The cemetery system would thus have the same organizational status within the VA as the other VA major components responsible for delivering benefits; that is, the Veterans Benefit Administration and the Veterans Health Administration.

The bill would also redesignate the director of the National Cemetery System as the assistant secretary for memorial affairs, thus assuring that this position has the status which reflects its responsibilities.

There is a provision also in H.R. 1092 that would protect our veterans by putting into law the increase in veterans compensation benefits that took effect December 1, 1996. H.R. 1092 is supported by the entire Committee on Veterans

Affairs, under the leadership of the gentleman from Arizona [Mr. STUMP], as well as the major veterans service organizations. I, too, urge my colleagues to approve this measure.

Mr. BISHOP. Mr. Speaker, I rise today in support of H.R. 1092, a bill to extend the VA's authority to enter into enhanced use leases; rename the U.S. Court of Veterans' Appeals the U.S. Court of Appeals for Veterans Claims; and codify the fiscal year 1997 VA compensation rates to reflect cost-of-living adjustments effective December 1, 1996. Additionally, I support H.R. 1090, a bill to allow veterans to appeal certain claims which may have been erroneously denied by the VA. Both of these bills will assist us with our efforts to provide a suitable quality of life for our Nation's veterans. I want to commend Chairman STUMP, Congressman EVANS, and the Veterans Committee for continued leadership and hard work on these measures and others affecting the veterans community.

America owes its freedom and prosperity to its veterans. So many of them put their lives on the line so that the guiding principles we hold so dear remain protected. Just as they fought on the front lines protecting the security of our great Nation, we must be on the front lines fighting for their well-being and security.

The two veterans bills on the floor today will assist us in this endeavor. H.R. 1092 will extend the authority of the Secretary of Veterans Affairs to enter into enhanced use leases for underutilized VA property. The public-private partnerships created as a result of these leases has proven to be worthwhile. Enhanced use leasing authority has led to the development of a number of beneficial projects: child care centers, parking facilities, and VA office space. These projects and others currently in the development stage greatly contribute to the strength of the VA and its mission. Also, additional revenue received from these leases is used for critical medical care services and nursing homes.

I also support provisions of the bill renaming the U.S. Court of Veterans Appeals. Because of its name, many veterans and attorneys have been highly confused about the jurisdiction and authority of this body. The name change established by the bill will prove beneficial by clarifying that this is an independent judicial body and not an administrative tribunal within the Department of Veterans Affairs.

Additionally, the bill codifies fiscal year 1997 VA compensation rates to reflect cost-of-living adjustments effective December 1, 1996. This is important so that we can protect veterans compensation by locking in rates established by the adjustment.

Again, I want to commend the committee for passing H.R. 1090. This bill would make an important change by allowing veterans to appeal decisions by the Board of Veterans Appeals for clear and unmistakable errors. The veterans' community has been pointing out for some time that the restrictions against appealing VA decisions for clear and unmistakable error are grossly unfair. This bill is very important because it gives veterans an adequate recourse when there has been grave error by the VA. More importantly, it ensures that if the VA makes an error, veterans will not be denied compensation benefits.

H.R. 1092 and H.R. 1090 are tools to be used in the tireless fight on behalf of the veterans community. Again, I express my support

and thank the Veterans Committee for its work. I urge my colleagues to support these bills.

Mr. QUINN. Mr. Speaker, H.R. 1092 eliminates the current cap on enhanced use leases for the VA. These leases are models of how Federal agencies may enter into agreements with developers and other entities to get the most out of VA-owned real property. These leases allow developers to build on VA property to provide space to both the VA and private concerns. The result is a lower cost VA infrastructure for the taxpayers and quality commercial space for local businesses.

The bill also changes the name of the National Cemetery System to the National Cemetery Administration and the title of the Director to the Assistant Secretary for Memorial Affairs to more accurately describe the scope of the position's responsibilities.

Additionally, the bill changes the name of the Court of Veterans Appeals to the U.S. Court of Appeals for Veterans Claims.

Finally, the bill codifies the increased rates of veterans service-connected compensation resulting from the cost-of-living allowance effective last December.

Mr. Speaker, I urge my colleagues to support H.R. 1092.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1092.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TRAVEL AND TRANSPORTATION REFORM ACT OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 930) to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses, as amended.

The Clerk read the bill, as follows:

H.R. 930

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Travel and Transportation Reform Act of 1997".

#### SEC. 2. REQUIRING USE OF THE TRAVEL CHARGE CARD.

(a) IN GENERAL.—Under regulations issued by the Administrator of General Services