

TO PERMIT THE SECRETARY OF VETERANS AFFAIRS TO ESTABLISH A  
 GRANT PROGRAM TO CONDUCT CEMETERY RESEARCH AND PRODUCE  
 EDUCATIONAL MATERIALS FOR THE VETERANS LEGACY PROGRAM

JULY 24, 2019.—Committed to the Committee of the Whole House on the State of  
 the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 2385) to permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. GRANTS FOR CEMETERY RESEARCH AND THE PRODUCTION OF EDUCATIONAL MATERIALS.**

- (a) GRANTS AUTHORIZED.—
- (1) IN GENERAL.—The Secretary of Veterans Affairs may establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.
- (2) ELIGIBLE RECIPIENTS.—The Secretary may award a grant under this section to any of the following entities:
- (A) An institution of higher learning.
- (B) A local education agency.
- (C) A non-profit entity that the Secretary determines has a demonstrated history of community engagement.
- (D) Another recipient the Secretary determines to be appropriate.
- (3) USE OF FUNDS.—A recipient of a grant under this section may use the grant amount to—
- (A) conduct research related to national, State, or Tribal veterans’ cemeteries;
- (B) produce education materials that teach about the history of veterans interred in national, State, or Tribal veterans’ cemeteries; and
- (C) promote community engagement with the histories of veterans interred in national, State, or Tribal veterans’ cemeteries.
- (4) MAXIMUM AMOUNT.—A grant awarded under this section may not exceed \$500,000.
- (b) REGULATIONS.—If the Secretary establishes a grant program under this section, the Secretary shall prescribe regulations regarding—
- (1) the evaluation of applications for grants under the program; and
- (2) administration of the program.
- (c) REPORT REQUIRED.—Not later than two years after the Secretary establishes a grant program under this section, the Secretary shall submit to the committees on Veterans Affairs of the House of Representatives and the Senate a report regarding the determination of the Secretary whether the grant program is a financially effective means to promote the purposes in subsection (a)(3).
- (d) DEFINITIONS.—In this section:
- (1) The term “Veterans Legacy Program” means the program of the National Cemetery Administration that is responsible for providing engagement and educational tools and opportunities to the public regarding the service and sacrifice of veterans interred in national, State, or Tribal veterans’ cemeteries.
- (2) The term “institution of higher learning” has the meaning given that term in section 3452(f) of title 38, United States Code.
- (3) The term “local educational agency” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

**PURPOSE AND SUMMARY**

H.R. 2385, was introduced by Representative Conor Lamb, Vice Chairman of the Committee on Veterans Affairs, on April 29, 2019. H.R. 2385, as amended, would permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

**BACKGROUND AND NEED FOR LEGISLATION**

The National Cemetery Administration’s (NCA’s) mission is to honor veterans and their eligible family members with final resting places and to memorialize and commemorate their service and sacrifice to our nation. The Veterans Legacy Program (VLP) within NCA supports this mission by creating educational materials area teachers may use to teach their students and others about the veterans buried or inurned in the National Veterans Cemeteries in their communities.

The VLP awards contracts to colleges, universities and other institutions to develop these curricula. To date, 16 separate contracts have been awarded and an impressive array of digital and non-dig-

ital resources have been produced. Cemetery directors say they are delighted to see school children visiting the cemeteries as part of their studies because it brings in so much interest in veterans' lives by the very young.

NCA, as well as contract awardees, have told Congress that grants rather than contracts allow an awards cycle that more closely aligns with the academic calendar of higher education institutions. VLP administrators have said this vehicle would increase the reach of the program beyond large universities to smaller groups that wish to engage with VA in memorializing veterans. Contract awardees described how under a contract arrangement, a one-time payment for the work is not sent until the end of the project. A grant configuration would allow for more fluid and regular payments throughout the course of the work, which in turn would allow for payment by grantees to consultants or other vendors for goods and services required for the final product.

NCA specifically requested the statutory authority provided in H.R. 2385, as amended, to establish a grant program in lieu of the current contract program.

#### HEARINGS

On May 1, 2019, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 116th Congress, including H.R. 2385.

The following witnesses testified:

The Honorable Mark Takano, U.S. House of Representatives, 41st Congressional District of California; The Honorable David P. Roe, U.S. House of Representatives, 1st Congressional District of Tennessee; The Honorable Conor Lamb, U.S. House of Representatives, 17th Congressional District of Pennsylvania; The Honorable Greg Steube, U.S. House of Representatives, 17th District of Florida; The Honorable Julia Brownley, U.S. House of Representatives, 26th Congressional District of Florida; Mr. Matthew Sullivan, Deputy Under Secretary for Finance and Planning, National Cemetery Administration; accompanied by Mr. Kevin Friel, Deputy Director for Pension and Fiduciary, Veterans Benefits Administration; Dr. Patricia Hastings, Deputy Chief Consultant, Post Deployment Health Service, Veterans Health; Mr. Derrick Curtis, Director, Software Testing & 508, Enterprise Portfolio Management Division, Office of Information Technology; Ms. Melanie Brunson, Government Relations Officer, Blinded Veterans Association; Mr. Karl R. Horst, Major General, U.S. Army (Ret), President and Chief Executive Officer, Congressional Medal of Honor Foundation; Ms. Allison Adelle Hedge Coke, Distinguished Professor of Creative Writing, University of California, Riverside; Mr. Carlos Fuentes, Director, National Legislative Service, Veterans of Foreign Wars; Mr. Rick Weidman, Executive Director, Policy and Government Affairs, Vietnam Veterans of America; Mr. Chanin Nuntavong, Veterans Affairs and Rehabilitation Division Director, The American Legion; Mr. Shane L. Liermann, Assistant National Legislative Director, Disabled American Veterans; and Dr. David A. Butler, Director, Office of Military and Veterans Health, Health and Medicine Division, The National Academies of Sciences, Engineering, and

Medicine; accompanied by Dr. Ourania Kosti, Senior Program Officer, Principal Investigator, Radiation Effects Research Foundation, The National Academies of Sciences, Engineering, and Medicine.

Statements for the record were submitted by:

The Honorable Doug LaMalfa, U.S. House of Representatives, 1st Congressional District of California; Mr. John Wells, Executive Director, The Military-Veterans Advocacy; Mr. Keith Kiefer, National Commander, National Association of Atomic Veterans; Mr. Robert Celestial, SGT, U.S. Army Retired (D.A.V.), Veteran who participated in Enewetak Cleanup; Mr. Ken Brownell, Veteran who participated in Enewetak Cleanup; and The American Federation of Government Employees, AFL-CIO.

#### SUBCOMMITTEE CONSIDERATION

There was no Subcommittee consideration of H.R. 2385.

#### COMMITTEE CONSIDERATION

On May 8, 2019, the Full Committee met in an open markup session, a quorum being present. An amendment in the nature of a substitute was passed by voice vote. The ANS, offered by Representative Mark Takano of California added a mandate to the original bill requiring that not later than two years after the Secretary establishes the grant program required under the provisions of the bill, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report regarding the determination of the Secretary whether the grant program is a financially effective means to promote the purposes of the Act. The Full Committee ordered H.R. 2385, as amended, to be reported favorably to the House of Representatives by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 2385, as amended, reported to the House. A motion by Ranking Member David P. Roe of Tennessee to report H.R. 2385, as amended, favorably to the House of Representatives was agreed to by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance goals and objectives for this legislation: the establish-

ment a grant program by the Secretary of Veterans Affairs which will conduct cemetery research and produce educational materials for the Veterans Legacy Program.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,  
AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 2385, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 2385, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 2385, as amended, provided by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 20, 2019.*

Hon. MARK TAKANO,  
*Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2385, a bill to permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

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

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

<b>H.R. 2385, a bill to permit the Secretary of Veterans Affairs to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program</b>			
<b>As ordered reported by the House Committee on Veterans' Affairs on May 8, 2019</b>			
Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
Pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2385 would permit the Department of Veterans Affairs (VA) to provide grants to conduct research related to veterans' cemeteries and to produce educational materials to memorialize veterans for the Veterans Legacy Program (VLP). Under the VLP, VA currently enters into contracts with educational institutions and nonprofit institutions to memorialize veterans interred in national cemeteries. In 2019, VA obligated about \$2 million for that purpose.

H.R. 2385 would allow VA to provide funding to those institutions through grants as well as through contracts. On the basis of information from VA, CBO expects that the department would use grants rather than contract in most cases, and would not increase the amount of funding it would otherwise provide for the purpose of memorializing veterans. Thus, CBO expects that providing the grant authority would not affect the federal budget. The bill would require VA to submit a report on whether grants are a financially effective means to promote the VLP. Satisfying that reporting requirement would cost less than \$500,000, subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Logan Smith. The estimate was reviewed by Theresa Gullo, Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own, the estimate of Federal mandates regarding H.R. 2385, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 2385, as amended.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 2385 is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2385, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the legislative branch.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2385, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec.1(a) (1) Allows the Secretary to establish a grant program to conduct cemetery research and produce educational materials for the Veterans Legacy Program.

(2) Eligible recipients could include: An institution of higher learning; A local education agency; A non-profit entity the Secretary determines has a demonstrated history of community engagement; Another recipient the Secretary deems appropriate.

(3) The grant funds can be used to: Research related to national, State or Tribal veterans' cemeteries; Produce educational materials about or promote community engagement with the history of the veterans interred at those cemeteries.

(4) The maximum grant amount is \$500,000.

(b) Any grant awarded by the Secretary must be accompanied with regulations regarding grant application evaluation and program administration.

(c) Not later than 2 years after the Secretary establishes a grant program, a report to the Committees on Veterans Affairs shall be submitted regarding whether the grant program is a financially effective means to promote the purposes of the program.

(d) Definitions