

108TH CONGRESS  
1ST SESSION

# S. 1074

To amend title 38, United States Code, to enhance burial benefits for veterans, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 15, 2003

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to enhance burial benefits for veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Burial Bene-  
5 fits Enhancement Act of 2003”.

6 **SEC. 2. MODIFICATION OF ELIGIBILITY OF STATES FOR**  
7 **BURIAL PLOT ALLOWANCE.**

8 (a) IN GENERAL.—Section 2303(b) of title 38,  
9 United States Code, is amended—

1           (1) in the matter preceding paragraph (1), by  
2 striking “a burial allowance under such section  
3 2302, or under such subsection, who was discharged  
4 from the active military, naval, or air service for a  
5 disability incurred or aggravated in line of duty, or  
6 who is a veteran of any war” and inserting “burial  
7 in a national cemetery under section 2402 of this  
8 title”; and

9           (2) in paragraph (2), by striking “(other than  
10 a veteran whose eligibility for benefits under this  
11 subsection is based on being a veteran of any war)”  
12 and inserting “is eligible for a burial allowance  
13 under section 2302 of this title or under subsection  
14 (a) of this section, or was discharged from the active  
15 military, naval, or air service for a disability in-  
16 curred or aggravated in line of duty, and such vet-  
17 eran”.

18           (b) APPLICABILITY.—The amendments made by sub-  
19 section (a) shall apply with respect to the burial of persons  
20 dying on or after the date of the enactment of this Act.

1 **SEC. 3. LEASE OF UNUTILIZED OR UNDERUTILIZED PROP-**  
2 **ERTY OR FACILITIES OF NATIONAL CEME-**  
3 **TERY ADMINISTRATION.**

4 (a) IN GENERAL.—Chapter 24 of title 38, United  
5 States Code, is amended by inserting after section 2406  
6 the following new section:

7 **“§ 2406A. Lease of unutilized or underutilized land or**  
8 **facilities**

9 “(a) Subject to the provisions of this section, the Sec-  
10 retary may lease to such lessee, and upon such terms and  
11 conditions as the Secretary considers will be in the public  
12 interest, any unutilized or underutilized land or facilities  
13 of the United States that are part of the National Ceme-  
14 tery Administration as the Secretary considers appro-  
15 priate.

16 “(b) The term of any lease of land or facilities under  
17 subsection (a) may not exceed three years.

18 “(c)(1) A lease under subsection (a) to any public or  
19 nonprofit organization may be made without regard to the  
20 provisions of section 3709 of the Revised Statutes (41  
21 U.S.C. 5).

22 “(2) Notwithstanding section 1302 of title 40 or any  
23 other provision of law, a lease under subsection (a) to any  
24 public or nonprofit organization may provide for the main-  
25 tenance, protection, or restoration by the lessee of the land

1 or facilities covered by the lease as a part or all of the  
2 consideration for the lease.

3 “(3) Before entering into a lease of land or facilities  
4 under subsection (a) to a public or nonprofit organization,  
5 the Secretary shall publish in a newspaper of general cir-  
6 culation in the community in which such land or facilities  
7 are located appropriate public notice of the intention of  
8 the Secretary to enter into the lease.

9 “(d) Notwithstanding any other provision of law, pro-  
10 ceeds from the lease of land or facilities under subsection  
11 (a) shall be deposited in the National Cemetery Adminis-  
12 tration account. Amounts so deposited shall be merged  
13 with amounts in such account, and shall be available for  
14 the same purposes, and subject to the same conditions and  
15 limitations, as the amounts with which merged.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of that chapter is amended by inserting  
18 after the item relating to section 2406 the following new  
19 item:

“2406A. Lease of unutilized or underutilized land or facilities.”.

20 **SEC. 4. ESTABLISHMENT OF NATIONAL CEMETERIES FOR**  
21 **GEOGRAPHICALLY UNDERSERVED POPU-**  
22 **LATIONS OF VETERANS.**

23 (a) IN GENERAL.—Chapter 24 of title 38, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new section:

1 **“§2412. Establishment of national cemeteries: geo-**  
2 **graphically underserved populations of**  
3 **veterans**

4 “(a) Except as provided in subsection (c), the Sec-  
5 retary shall establish a national cemetery in each geo-  
6 graphic area identified by the Secretary under subsection  
7 (b) in order to ensure that the veterans who reside in such  
8 geographic area reside not more than 50 miles from an  
9 open national cemetery.

10 “(b) The Secretary shall identify each geographic  
11 area in the United States in which—

12 “(1) the number of veterans who reside more  
13 than 50 miles from an open national cemetery or  
14 State cemetery for veterans exceeds 170,000 vet-  
15 erans; or

16 “(2) the number of veterans who reside more  
17 than 50 miles from an open national cemetery or  
18 State cemetery for veterans, when combined with the  
19 number of veterans who reside within 50 miles of a  
20 State cemetery for veterans but are ineligible for  
21 burial in such State cemetery due to residency re-  
22 quirements, exceeds 170,000 veterans.

23 “(c) If the Secretary determines that the expansion  
24 of one or more national cemeteries in a geographic area  
25 identified under subsection (b) is adequate and appro-  
26 priate to meet the needs of veterans and their families in

1 such geographic area, the Secretary shall expand such na-  
 2 tional cemetery or cemeteries in lieu of meeting the re-  
 3 quirement for such geographic area under subsection (a).

4 “(d) A national cemetery established under this sec-  
 5 tion shall be treated as a national cemetery of the National  
 6 Cemetery Administration under this chapter.

7 “(e) In this section, the term ‘open’, with respect to  
 8 a national cemetery or State cemetery for veterans, means  
 9 that the national cemetery or State cemetery for veterans  
 10 has the capacity for each of the following:

11 “(1) First interment, in-ground casket burials.

12 “(2) Burial or inurnment of cremated re-  
 13 mains.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of that chapter is amended by adding  
 16 at the end the following new item:

“2412. Establishment of national cemeteries: geographically underserved popu-  
 lations of veterans.”.

